



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: June 7, 2022**

**AGENDA TITLE**

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8523, amending Title 9, "Land Use Code," B.R.C. 1981, to update and simplify the use table and use standards and setting forth related details.

**REQUESTING DEPARTMENT / PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
David Gehr, Interim Director of Planning & Development Services  
Charles Ferro, Development Review Manager  
Karl Guiler, Senior Planner  
Lisa Houde, Planner II

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider an ordinance that would amend the Land Use Code with updates to improve the structure and user-friendliness of the use table and standards.

The Use Table and Standards project was initiated in 2018. Phase One of the project was completed in 2019 and Phase Two kicked off in Spring 2020, with City Council's last briefing on the project taking place in August 2020. The project was paused in Fall 2020 due to staffing challenges during the pandemic.

The project has now been re-initiated and the remaining work for Phase Two has been organized into three modules for analysis and adoption.

- Module One: Functional Fixes (Spring 2022)
- Module Two: Industrial/East Boulder Subcommunity Plan Implementation (Summer/Fall 2022)

- Module Three: 15-Minute Neighborhoods/Neighborhood Centers (Winter 2022/2023)

The proposed ordinance represents the Module One changes to clean up and reorganize this important chapter of the Land Use Code to improve the structure and usability of the use table and standards. Use tables are a valuable tool for municipalities and a best practice for modern zoning codes. However, after years of amendments, Boulder’s use table is now lengthy, complex, and challenging for almost all users to navigate, as was confirmed in a questionnaire that was available on Be Heard Boulder over the last month.

The proposed ordinance implements several changes to simplify the use table and standards and improve user-friendliness, predictability, and consistency. While these functional changes will reorganize the table and standards and some uses may be consolidated, substantive regulatory changes to the allowances of uses within districts and their standards will not be considered until later modules.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

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

Introduction, first reading and consideration of a motion to order published by title only Ordinance 8523, amending Title 9, “Land Use Code,” B.R.C. 1981, to update and simplify the use table and use standards and setting forth related details.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – Ordinance 8523 is focused on technical updates to the use table and standards in the Land Use Code. Improving the usability of this important part of the Land Use Code will make it easier for all users to understand and will support the needs of a diverse and sustainable economy.
- **Environmental** – These technical updates do not have direct environmental impacts but will improve the structure of the use standards chapter of the Land Use Code.
- **Social** – The updates are intended to greatly improve the user-friendliness of the use table and standards for all members of the community.

**OTHER IMPACTS**

- **Fiscal** – This project is being completed using existing resources.
- **Staff time** - This project is being completed using existing staff resources.

**BOARD AND COMMISSION FEEDBACK**

**Planning Board** – Ordinances changing the Land Use Code require Planning Board recommendation to City Council. Planning Board is scheduled to review the proposed

ordinance at their June 2, 2022 meeting, after the publication of this memo. Staff will include the board's feedback and recommendation in the second reading memorandum.

## **PUBLIC FEEDBACK**

A detailed summary of previous feedback received in 2018-2020 regarding the Use Table and Standards project can be found in the attached project charter in **Attachment C**.

Staff developed a short online questionnaire related to the Module One changes to the use table and standards. The questionnaire was integrated into the existing Use Table and Standards project page on Be Heard Boulder. The questionnaire was promoted through the City's social media, on the City's website, and was sent directly to frequent code users and stakeholders to solicit input. It was also promoted in the April 25 Planning & Development Services Newsletter, a monthly email that reaches over 5,000 subscribers on a mailing list, and the May 4 City of Boulder Newsletter, which is sent bimonthly to over 5,000 people as well. Staff also developed this short informational [video](#) to use to promote public engagement opportunities for the project.

The questionnaire was open for input from April 14 through May 16 and 21 people responded. The questions aimed to understand the most important areas of improvement for the use table and standards.

About three-quarters of the respondents reported that they have applied for a building permit, conditional use, or use review in the past. Of the respondents who said they have difficulty finding standards related to land uses in the code, the majority noted that it is most difficult for them to find standards related to the type of review that is required and any limits on size or location.

Respondents were provided a list of possible strategies to improve the usability of the use table. The three strategies that received the most support were:

- Eliminating outdated or uncommon uses from the table.
- Relocating specifics from the rows of the table or other use limitations into one consolidated spot for all standards and limitations related to uses.
- Updating definitions and names of uses to be more concise and use common language.

Respondents provided additional helpful details regarding their experience using the use table and standards in a few open-ended questions as well. The detailed results from the questionnaire are attached to this memo in **Attachment E**.

## **BACKGROUND**

The Use Table and Standards project began in 2018 as one of the Planning Board's priority items for land use code updates. The initial goals of the revisions included:

- Simplifying the [Use Table](#) and streamlining the regulations where possible, making the use standards and table more understandable and legible.
- Creating more predictability and certainty in [Chapter 9-6, "Use Standards,"](#) of the Land Use Code.
- Aligning the use table and permitted uses with the BVCP goals, policies, and land use designations.

- Identifying community-desired land use gaps in the use standards and table, and better enabling the desired land uses in identified neighborhoods as well as in commercial and industrial districts.

Phase One of the project was completed in Q4 2019, with a focus on updating the types of uses and use standards for the zoning districts within the federally designated Opportunity Zone, though most of the changes applied citywide. More details about the Phase One work can be found in the [City Council memo](#) and in the project charter which can be found in **Attachment A**.

Phase Two kicked off in Spring 2020. Community engagement efforts to inform the project took place in Summer 2020, and the [Planning Board](#) and [City Council](#) were last briefed on the project in August 2020. A summary of City Council feedback at that time is available [here](#). The project was paused in Fall 2020 due to staffing challenges during the pandemic. However, the initial feedback received for Phase Two continues to inform the project.

The project was re-initiated in early 2022 and the remaining work for Phase Two has been organized into three modules for analysis and adoption.

- Module One: Functional Fixes (Spring 2022)
- Module Two: Industrial/East Boulder Subcommunity Plan Implementation (Summer/Fall 2022)
- Module Three: 15-Minute Neighborhoods/Neighborhood Centers (Winter 2022/2023)

A comprehensive background of the overall Use Table and Standards project can be found in the updated project charter in **Attachment C**.

The proposed ordinance reflects the Module One changes related to functional fixes to restructure and improve the user-friendliness of the use table and standards. While the format of the table and standards may be modified and some uses may be consolidated, substantive regulatory changes to the allowances of uses within districts and their standards will not be considered until later modules.

## **SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8523**

Use tables are a valuable tool for municipalities. They minimize the need to repeat the same uses within separate district regulations, ensure consistent terminology, reduce document length, and allow readers to easily compare where a particular use is permitted across various districts. They also reduce the potential for inconsistencies over time as uses are updated. However, after years of amendments, Boulder’s use table is now lengthy and complex and there are many opportunities for simplification.

The changes reflected in the attached Ordinance 8523 (**Attachment A**) implement Module One updates that focus on undertaking a variety of improvements to the way that land uses are identified and organized. These changes are intended to improve the functionality of the use table and increase its clarity and user-friendliness for the public, applicants, and staff. While the format of the table and standards may be modified and some uses may be consolidated, substantive regulatory changes to the allowances of uses within districts and their standards will not be considered until later modules.

Ordinance 8523 implements the following changes:

- Consolidates specific use standards currently located in the use table, limited use standards, and conditional use or use review criteria into one easily referenced location, the “specific use standards”
- Improves user-friendliness of use table abbreviations (such as A or [A])
- Combines outdated or rarely implemented uses with similar uses or more general categories
- Updates some use names and definitions, modernizing language and clarifying common questions of interpretation
- Incorporates additional use categories to group related uses
- Utilizes a significantly more consistent structure to outline limitations or requirements for each use and review processes in the use standards

Due to the technical nature of these “functional fixes” in Module One, in addition to the draft ordinance in **Attachment A**, an annotated draft ordinance is also provided in **Attachment B**. The annotated draft shows tracked changes of all modified existing code language and includes detailed footnotes that provide additional detail to describe each proposed change made to the use table and standards prior to the reorganization of the chapter. In addition, **Attachment F** shows the use table with the formatting changes that will be integrated when the ordinance is adapted for the online code publisher, Municode.

The draft changes are described in more detail below.

#### *Table Structure and Specific Use Standards*

One of the initial goals of the Use Standards and Table project was to make the use table more understandable and legible. Over time, the use table has become increasingly complex as seemingly simple fixes to lines in the use table have cumulatively decreased the overall utility of the table. To remedy this, the draft ordinance removes the qualifying language from use titles (such as size, hours of operation, patio size, storage, or location) or definitions in the use table and relocates these specifications to a consolidated use standards section. These use standards can then be more easily revised as planning goals evolve in the future without increasing the complexity of the table.

The existing use table already notes references to the conditional use and use review standards that apply to a particular use in its right-most column. Expanding upon that structure, the draft reconfigures those sections as “specific use standards” that incorporate three features of the current use table in one easy-to-find area: the qualifiers that some uses had in the table, the limited use standards, and the conditional use or use review criteria. All of these are standards that impact whether a use is allowed in a particular district or add an additional layer of requirements that address noted impacts of that use. Staff believes it is more intuitive and user-friendly to have these types of standards in the same place.

This structural change also provides opportunities to consolidate uses that currently require multiple lines in the use table for minor differences. Some examples that have been consolidated in the draft ordinance include:

- *Detached dwelling unit* and *Detached dwelling unit with two kitchens*

- *Mobile food vehicle on private property and Mobile food vehicle on public right-of-way*
- *Restaurants, brewpubs, and taverns* (eight different lines based on hours of operation, size, patio size, location)
- *Offices, technical; with <5,000 square feet of floor area and Offices, technical; with >5,000 square feet of floor area*
- *Sales or rental of vehicles and Sales or rental of vehicles within 500 feet of a residential use module*

In addition, use-related standards that were previously located in other chapters of the Land Use Code have instead been relocated into the specific use standards for greater consistency. For example, standards related to housing diversity in the RMX-2 zoning district are currently located in Section 9-8-4, and referenced in the use table, but in the draft ordinance these have been moved to the specific use standards section.

### ***Table Abbreviations and Formatting***

It is common practice for cities to adopt specific standards for uses that may only be allowed by-right for a permit or business license if they meet certain standards or limitations. In Boulder, the “limited use” category was implemented in recent years to simplify the array of limitations that have been adopted to regulate certain uses. While it categorizes these many types of limitations, in implementation staff believes it has proven to increase the perceived complexity both for staff and for the public. Although many of the initial limited use standards had broad applicability to many different uses, the limited use table has become somewhat of a catch-all location for specific use standards. Relying on the limited use approach may not be intuitive to users as it requires cross-referencing of multiple tables to understand what types of uses are allowed.

Many cities instead employ a section of their code devoted to specific use standards, as described in the above section. These standards often follow the use table, and the table indicates to the user that there are standards which may apply to that use that must be referenced. The cells of the table note what type of review is required or whether a user needs to review the referenced standards to learn more.

In addition to the consolidation of all specific use standards into one location, the draft ordinance incorporates an updated method of abbreviation (A, C, U) to simplify the table as well. Based upon research of other cities, staff presented three common approaches for use table abbreviations to Planning Board at their March 17, 2022 meeting. Members expressed support for the approach that utilizes the bracket symbol (such as [A], [C], or [U]) to indicate where specific use standards exist as the simplest approach that signaled the most information to a user. This approach was implemented in the draft ordinance.

Finally, staff modified the formatting of the table to improve usability as well. Most cities use a combined use table for all use classifications in their online code, which is easier to navigate than the nine separate tables currently displayed on the online version of the Land Use Code and does not require the repetition of header rows. In addition, many cities that have adopted major changes to their land use code in recent years incorporate shading or colors to help differentiate different categories and districts. The draft ordinance uses shading to distinguish the different types of districts, and different colors

in the combined table to signal the different classifications or categories a use may fall under. The draft ordinance also uses bolded subsection headers throughout Chapter 9-6 to further improve user-friendliness. These seemingly minor formatting changes can have a significant impact on the usability of this important table and accompanying standards.

### *Outdated Uses*

Over time, all cities must update their list of land uses to keep up with land use trends and changing economic conditions. Many cities around the country are increasingly moving towards broader categories of land uses rather than narrowly defined uses to allow for more flexibility as uses evolve and change. Staff reviewed all of the uses in the use table and their accompanying definitions and found many opportunities to remove, rename, or reclassify some uses to ensure the table represents the current business and economic climate of Boulder. Some examples of outdated use types or terminology that have been updated or removed in the draft ordinance include: *newsstands, beauty parlors, travel agencies, junior and senior high school, data processing centers, computer design and development, and telecommunications.*

### *Use Types and Definitions*

While the vast majority of the use types listed in the use table are defined terms in [Chapter 9-16, “Definitions,”](#) several use types are currently undefined. New definitions have been drafted for those previously undefined terms to ensure that each use is defined. Additionally, some modifications to a few definitions have been made to facilitate the consolidation of various rows of tables.

Other proposed changes shorten some of the use type names to use more concise language and simplify the table. Staff has undertaken peer research to ensure that definitions and names are similar to those around the country but also reflect any unique characteristics that uses in Boulder may have. Example definitions reviewed from over a dozen cities around the country are summarized in **Attachment D**.

Issues with a few specific definitions have been raised through both internal and public engagement on the project. Proposed changes in the draft ordinance aim to clarify the definitions of *offices, personal services,* and other uses that commonly raise questions of interpretation. Codifying common interpretations of unclear definitions will increase transparency and ensure greater consistency of regulatory application.

Below are some examples of proposed changes to use definitions:

- Use types with missing definitions: *car wash, cleaning and laundry plant, cold storage locker, firewood operation, fraternity or sorority, heliport, industrial service center, limited accessory unit, open space, grazing and pastures, and warehouse or distribution facilities*
- Use types with more concise titles: *Public and private office uses providing social services, nonprofit membership clubs, medical or dental clinics or offices or addiction recovery facilities, and automobile parking lots, garages or car pool lots as a principal use*
- Uses with opportunities to clarify questions of interpretation: *offices, personal services, outdoor recreation, and parks and recreation uses*

- Similar uses that have been combined: *Temporary outdoor entertainment* and *temporary sales, adult educational facilities* and *vocational and trade schools*

### *Use Categories*

The use table currently has a few use categories in the residential (household living, accessory units, group quarters) and commercial (service uses, retail sales uses, vehicle-related uses) tables. User-friendly codes categorize all use types within a logical system of larger use categories. With this approach, other parts of the code such as form or intensity standards for different land uses can then simply refer to a category of uses rather than listing each use individually.

In the draft ordinance, all uses in the table have been reorganized into logical categories to improve the usability of the table. New definitions for each of these use categories have also been drafted in the ordinance, as well as an explanation of the classification system in the code language preceding the use table. The draft classifications and categories are as follows:

<i>Classification</i>	<i>Category</i>
<b>Residential Uses</b>	Household Living Group Living Accessory Residential
<b>Public, Institutional, and Community Uses</b>	Community, Cultural, and Educational Care and Shelter Infrastructure
<b>Commercial Uses</b>	Food, Beverage, and Lodging Recreation and Entertainment Offices Services Retail Sales Vehicle-Related
<b>Industrial Uses</b>	Storage, Distribution, and Wholesaling Production and Processing Industrial Services
<b>Agricultural and Natural Resource Uses</b>	None – Classification only includes seven use types
<b>Accessory Uses</b>	None – Classification only includes one use type

### *Modifications to Other Chapters of the Code*

In addition to updating Chapter 9-6 of the Land Use Code, some accompanying changes are necessary to other parts of the code to ensure consistency. For instance, all references to “limited uses” have been updated throughout the code, all cross-references to 9-6 have been updated, and any use type or category terminology has been updated elsewhere in the code. Language related to limited uses in the transitional regulations (Section 9-1-4) has been clarified and moved to the specific use standards related to only the former “L17” which it was intended to address. In addition, the review processes summary chart (Section 9-2-1) was inconsistent with language in Chapter 9-6, so changes are recommended to improve clarity for all users.



### Cell Changes

While no significant changes have been made to the regulatory allowances of any use in the use table during this module of work, the consolidation of some rows and clarification of some regular interpretations have caused some minor changes within the cells of the table that should be highlighted. In most cases, consolidation of rows did not result in any regulatory changes, as differences currently represented by separate rows are instead captured within the specific use standards section. The few that do result in minor changes within the cells of the table are listed below:

- *Detached dwelling units with two kitchens* are currently a line in the use table, but are a conditional use in the P and A districts, where *detached dwelling units* require use review. This is believed to be an error, so after consolidating those rows into simply *detached dwelling units*, use review is required for detached dwelling units of all kinds in those districts.
- *Vocational and technical school* and *adult educational facility* have been consolidated into a new use titled “specialized instruction facility” that maintains the current allowances of *adult educational facilities*. This change will result in uses that would have formerly been classified as *vocational and technical schools* to be allowed in the same locations as *adult educational facilities*.
- *Data processing centers, telecommunications, and computer design and development* have been consolidated within the *technical office* definition, which will make those uses allowed wherever *technical offices* are currently allowed.
- *Other offices* have been removed from the table and would now fall under the remaining office use types, depending on characteristics. These offices already shared the same permissions as *professional offices*.
- Fitness studios are currently interpreted somewhat inconsistently as either *personal services* or *indoor recreational or athletic facilities*. *Personal services* is more permissive and is sometimes used to classify these uses in lieu of the more restrictive *indoor recreational or athletic facility* use. To address this issue of varying interpretation, the *indoor recreational or athletic facilities* permissions in the table were updated to allow them by use review up to 250 square feet in some residential districts, where currently no option for use review exists. The changes also allow fitness studios under 1,000 square feet in the RH-3, RH-7 districts and mixed use districts (where they have already been allowed in the past when interpreted as *personal services*). In some business zones, fitness studios under 2,000 square feet would be allowed by-right (as they are when interpreted as *personal services*), where *indoor recreational or athletic facilities* of any size currently require use review. These size limits were determined based on analysis of past business licenses where these uses were approved under the *personal services* use type.

### Language Consistency

While the use standards have not been substantively changed in this module, staff has reorganized the use standards into a more consistent structure. As noted above, the previously scattered use specific standards are now all located in one section after the use table. Within this section, the use standards are organized by use classification and use

category. Within each use type, the standards are outlined by zoning district or are clearly described as generally applicable. Descriptions of any use limitations or requirements for different review processes have been drafted consistently to better explain what limits there may be on a use for it to be allowed by right, by conditional use, or when it requires a use review.

## ANALYSIS

### *What is the reason for the ordinance and what public purpose will be served?*

The overarching project purpose for the use table and standards project is to bring the use standards chapter into greater alignment with the BVCP policies and the city's priorities, to better enable desired development outcomes throughout the city, and to support the goals and desired outcomes of the BVCP more effectively. Initial goals for the project that relate specifically to the Module One work include:

- Simplifying the use table and streamlining the regulations where possible, making the Use Standards and Table more understandable and legible.
- Creating more predictability and certainty in Chapter 9-6 Use Standards of the Land Use Code.

The proposed ordinance is the first module of work for Phase Two of the project. It is intended to improve the user-friendliness of an important part of the Land Use Code. Over time, the use table and standards have gotten very complex and difficult to navigate. This ordinance aims to restructure Chapter 9-6 into a system of consolidated specific use standards and a simplified version of the use table. This will serve an important public purpose in that the changes will make it easier for all users of the code to easily find the information they need. Other proposed changes will help to clarify language and questions of interpretation to ensure greater consistency in the application of the code.

### *How is the ordinance consistent with the purpose of the zoning districts or code chapters being amended?*

The purpose of the use table is to establish the uses that are allowed, prohibited, and permitted as a conditional use or through use review. The use standards are intended to ensure that uses are compatible with their surrounding area through additional requirements. This ordinance is consistent with the purpose of both the use table and use standards. The simplified table will continue to act as an important reference table outlining the allowances for the various use types in the city, with significant improvements to its usability. The standards will continue to lay out the additional requirements related to uses, but will be organized in a more user-friendly and consolidated manner.

### *Are there consequences in denying this ordinance?*

The use table has gotten increasingly complex over time. Many users, especially members of the public who may not regularly need to reference the table, find it difficult to use. Regular users also note that the table is difficult to interpret. Unclear, vague, outdated, or missing definitions of uses result in inconsistent application and reduced

predictability of implementation. If this ordinance is denied, the existing complicated use table and standards would remain in place and continue to be difficult for most residents to understand and for city staff, Planning Board, and City Council to implement.

*What adverse effects may result with the adoption of this ordinance?*

No adverse effects are anticipated with the adoption of this ordinance. The changes are limited to restructuring the use standards chapter, with a few minor changes necessary to consolidate some of the rows or clarify interpretations. Staff does not anticipate that these minor changes will result in any adverse effects.

*What factors are influencing the timing of the proposed ordinance? Why?*

Work on the Use Table and Standards project began in 2018, with Phase One completed in 2019. Work was paused in 2020 and 2021 due to city staffing levels during the COVID-19 pandemic. The project was reinitiated in 2022, implementing the project plan and recommendations developed through public and stakeholder engagement in previous years.

The remaining work of the project has been organized into three modules. This first module is intended to focus on the restructuring and reorganization to clean up the use table and standards prior to making substantive updates related to industrial uses, neighborhoods, and neighborhood centers in the later modules. Staff is aiming to complete the overall project by early 2023, which necessitates that this first module is completed this spring to allow time for robust public and stakeholder engagement and staff analysis for the more substantive later modules. Simplification and reorganization of the use table and standards would also make the requirements more adaptable to any changes made as part of the remaining modules of the project.

*How does the ordinance compare to practices in other cities?*

Many cities in Colorado and around the country employ a use table in their land use or zoning codes. The inclusion of a use table, rather than a long list or a list repeated within different district sections, is often a good marker to indicate that the city has completed a major overhaul of their code within about the last two decades. Some tables are very simple and easy to understand, and some have similar issues as Boulder's current table where a proliferation of inconsistent changes over time have increased the complexity of what is intended to be a helpful reference guide.

Use categories, as proposed in the draft ordinance, are commonly utilized by other cities to group like uses in most cities with use tables. It is also common for use tables to incorporate a right-hand column that references specific use standards, and to consolidate those specific use standards into the language following the table.

Staff reviewed the use table and standards of over a dozen cities, many of which had recently undergone major updates to their codes. In particular, staff reviewed the abbreviation approach and organization of the different tables to find commonalities and determine the most user-friendly features. In addition, staff compared the definitions for various uses in many cities to determine whether certain uses should be consolidated or where updates to definitions were warranted. Review of these definitions guided some of

the updates drafted in the ordinance. A compiled matrix of the definitions used in other cities can be found in **Attachment D**.

*How will this ordinance implement the comprehensive plan?*

Implementation of the comprehensive plan is an important goal of the overall Use Table and Standards project. The first module of work reflected in Ordinance 8523 focuses on the structural and functional changes; later work will have a greater focus on direct implementation of comprehensive plan policies. However, in restructuring and simplifying the use table and standards to make them more user-friendly, the ordinance will directly implement the following policy of the *Boulder Valley Comprehensive Plan*:

**Local Governance & Community Engagement Policy 10.01: High-Performing Government**

The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county support strategic decision-making with timely, reliable and accurate data and analysis.

In addition, simplification of the use table will support the following additional policies in the comprehensive plan that relate to supporting a mix of land uses and supporting businesses by making the use table more predictable and understandable for all users.

**Built Environment Policy 2.14: Mix of Complementary Land Uses**

**Economy Policy 5.03: Diverse Mix of Uses & Business Types**

**Economy Policy 5.05: Support for Local Business & Business Retention**

**Economy Policy 5.19: Diverse Workforce, Education & Training**

**Housing Policy 7.07: Mixture of Housing Types**

**Housing Policy 7.08: Preserve Existing Housing Stock**

**Housing Policy 7.10: Housing for a Full Range of Households**

**ATTACHMENTS**

Attachment A: Ordinance 8523

Attachment B: Annotated Ordinance

Attachment C: Project Charter

Attachment D: Peer Research Matrix: Definitions

Attachment E: Summary of Questionnaire Results

Attachment F: Formatted Table

ORDINANCE 8523

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE AND SIMPLIFY THE USE TABLE AND USE STANDARDS 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 as follows:

**9-1-2. How to Use 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,~~ may be approved as a conditional use~~conditionally permitted~~ pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, prohibited, or that may be ~~permitted~~ approved through a 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 ~~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.

.....

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

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

.....

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 (e) Existing Uses Subject to Specific Use Standards or Subject to Use Limitations or That  
2 Require a Use Review or Conditional Use Approval:

3 (1) Use Review or Conditional Use Approvals: Any previously approved use that was  
4 established prior to the adoption of new regulations that make such use permitted  
5 only pursuant to a conditional use or a use review shall be allowed to continue in  
6 operation. Any change or expansion of a use that was established prior to the  
7 adoption of new regulations that make such use permitted pursuant to a  
8 conditional use or a use review shall be made in conformance with the applicable  
9 standards for use review, conditional uses, or for changes or expansions to  
10 nonconforming uses.

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

.....

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

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

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

(b) Summary Chart:

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	H. ADMINISTRATIVE REVIEWS – <del>CONDITIONAL USES as noted in Table 6-1 "Use Table"</del>	III. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	<del>Accessory Units (Dwelling, Owners, Limited)</del>	Annexation/initial zoning BOZA variances
Building permits	<del>Wireless Communications Facilities</del>	Concept plans
Change of address	<del>Attached Dwelling Units and Efficiency Living Units in the University Hill General Improvement District</del>	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
<u>Conditional uses, as noted in Table 6-1: Use Table</u>	<del>Bed and Breakfasts</del>	Form-based code review
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	<del>Cooperative Housing Units</del>	Geophysical exploration permit
Easement vacation	<del>Daycare Centers</del>	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
Extension of development approval/staff level	<del>Detached Dwelling Units with Two Kitchens</del>	Lot line adjustments
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	<del>Fuel Service Stations</del>	Lot line elimination
Landscape standards variance	<del>Group Home Facilities</del>	Minor Subdivisions
	<del>Industrial Service Center</del>	Out of city utility permit
	<del>Manufacturing Uses with Off-Site Impacts</del>	Rezoning
	<del>Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial General Zoning District near the Boulder Community Health Foothills Campus</del>	

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1	Minor modification to approved site plan	<del>Offices, Computer Design and Development, Data Processing,</del>	Site review
2	Minor modification to approved form-based code review	<del>Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts</del>	Subdivisions
3	Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981		Use review
4	Nonconforming use (extension, change of use (incl. parking))	<del>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 square feet</del>	Vacations of street, alley, or access easement
5	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981		
6	Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981		
7	Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	<del>Permit for Well and Pipeline Abandonment or Decommissioning of an Oil and Gas Operations Use Recycling Facilities</del>	
8	Parking stall variances		
9	Public utility	<del>Residential Care, Custodial Care, and Congregate Care Facilities</del>	
10	Rescission of development approval		
11	Revocable permit	<del>Residential Development in Industrial Zoning Districts</del>	
12	Right-of-way lease	<del>Residential Uses in the MU-3 Zoning District Fronting Pearl Street</del>	
13	Setback variance		
14	Site access variance	<del>Restaurants, Brewpubs, and Taverns</del>	
15	Solar exception		
16	Zoning verification	<del>Sales or Rental of Vehicles on Lots Located 500 Feet or</del>	

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



	<del>Less from a Residential Zoning District</del>	
	<del>Shelters (Day, Emergency, Overnight, temporary)</del>	
	<del>Temporary Sales</del>	
	<del>Transitional Housing</del>	
	<del>Certain Uses in BC Areas designated in Appendix N</del>	

Section 4. Section 9-2-2, “Administrative Review Procedures,” B.R.C. 1981, is amended 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 H~~ 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 H~~ 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 H~~ 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 H~~ 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.
  - (4) Additional Information: If, in the city manager's judgment, the application does not contain sufficient information to permit an appropriate review, the manager may request additional information from the applicant. This additional information may include, 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.

(d) Conditional Use ~~Reviews~~:

- (1) Purpose: Conditional uses are uses ~~which~~ that are appropriate in a given zoning district if the applicable specific use standard~~conditional use criteria~~ have been satisfied. The requirements are intended to ensure that the use is compatible with the surrounding area.
- (2) Standards and Criteria: Conditional uses shall be permitted in a given zoning district if the use meets the standards and criteria set forth in Sections 9-6-~~23~~ through 9-6-~~117~~, B.R.C. 1981, and other requirements of this code and any other ordinance of the city. The standards and criteria set forth in Sections 9-6-~~32~~ through 9-6-~~117~~, 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.
- (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 applicable standards and criteria have been satisfied.
- (4) Violations: No person shall violate a provision of a conditional use approval.
- (5) Expiration: Any conditional use ~~review approval~~ which ~~that~~ is not established within one year of its approval, discontinued for at least one year, or replaced by another use of land shall expire.

.....  
Section 5. Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, is amended as follows:

**9-2-3. Variances and Interpretations.**

.....

(d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the requirements of:

.....

- (6) The size requirements for accessory units of Subsection 9-6-~~43~~(am), B.R.C. 1981;

.....

(i) Floor Area Variances for Accessory Units: The BOZA may grant a variance to the maximum floor area allowed for an attached accessory dwelling unit or for a detached accessory dwelling unit under Subsection 9-6-43~~(am)~~, B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements of either Subparagraph (i)(1) or (i)(2):

.....

Section 6. Section 9-2-12, "Development Progress Required," B.R.C. 1981, is amended as follows:

**9-2-12. Development Progress Required.**

.....

(e) Rescission of Development Approval: If, after use review, site review, Planned Development (PD), Planned Residential Development (PRD), or Planned Unit Development (PUD) approval is granted pursuant to this chapter, the owner of property desires to develop, instead, under the provisions of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, the owner may request rescission of such use review, site review, PD, PRD or PUD approval by filing a written request for rescission with the city manager. The manager will grant a rescission of such use review, site review, PD, PRD, or PUD approval if no building permit has been issued for the development and neither the city nor the developer has taken any actions in detrimental reliance on the terms of the development agreement. 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 allowed by 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.

Section 7. Section 9-2-15, "Use Review," B.R.C. 1981, is amended as follows:

**9-2-15. Use Review.**

.....

(b) Application Requirements: An application for an approval of a use review use may be filed by any person having a demonstrable interest in land for which a use review use is requested and shall be made on a form provided by the city manager that includes, without limitation:

.....

(4) For industrial and commercial uses, the city manager may require the applicant to provide the following additional information and meet the following requirements:

.....

(G) The requirements specified in Section 9-6-~~127~~(b), B.R.C. 1981, related to oil and gas operations.

.....

(h) Oil and Gas Operations: The criteria for review in subsection (e) shall not apply to an application for oil and gas operations. An oil and gas operations use shall meet the criteria set forth in Section 9-6-~~127~~(b), "Oil and Gas Operations," B.R.C. 1981. Any use review approval for an oil and gas operations use shall expire, whether operational or not, in ten years from the date of final approval. Prior to such expiration for an oil and gas operations use, applicants will be responsible for submitting a new use review application for an oil and gas operations use proposed for operation beyond ten years. Following approval of any oil and gas operations use, the applicant shall have two years to obtain the necessary permits to establish the use.

.....

Section 8. Section 9-3-10, "Airport Influence Zone," B.R.C. 1981, is amended as follows:

**9-3-10. Airport Influence Zone.**

.....

(c) City-Wide Restrictions:

.....

(3) Development Permits: No development permit shall be granted or approved that would create a hazard or that would allow an existing structure or use to become a greater hazard. Notwithstanding the provisions of this paragraph and subsection 9-6-~~95~~(ex), B.R.C. 1981, no person shall, on or after July 1, 1989, acquire any vested right to maintain any hazard which the city manager may subsequently determine to exist, nor shall the city be estopped from proceeding to remove such hazard, under the procedure set forth in paragraph (c)(4) of this section.

.....

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

1 **9-4-2. Development Review Procedures.**

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

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

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

Standard or Application Type	Staff/City Manager	BOZA	Planning Board	City Council
Code Interpretation SECTION 9-2-3	D	CA(14)	CA(30)	CA
Setback variance $\leq 20\%$ SECTION 9-2-3	D	D	—	—
Setback variance $> 20\%$ SECTION 9-2-3		D	—	—
Parking access dimensions SECTION 9-2-2	D	—	—	—
Parking deferral SECTION 9-2-2	D	—	—	—
Parking reduction $\leq 25\%$ SECTION 9-2-2	D	—	—	—
Parking reduction $> 25\%$ but $\leq 50\%$ SECTION 9-2-2	D(14)	—	CA, D(30)	CA
Parking reduction $> 50\%$ SUBSECTION 9-9-6(f)		—	D(30)	CA
Parking height, conditional SECTION 9-7-6	D	—	—	—
Building height, less than principal or nonstandard building height max SECTION 9-2-14	D(14)	—	CA, D(30)	CA
Building height, greater than principal building height max SECTION 9-2-14	—	—	D(30)	CA
Building height SECTION 9-7-5	—	—	D(30)	CA
Conditional Use SECTION 9-2-1	D	—	—	—
Limited Use SECTION 9-6-2	D	—	—	—
Site Review SECTION 9-2-14	D(14)	—	CA, D(30)	CA

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1	Use Review SECTION 9-2-15	D(14)	—	D(30)	CA
2	Form-Based Code Review SECTION 9-2-16	D(14)	—	CA, D(30)	CA
3	Annexation SECTION 9-2-17	—	—	R	D
4	Rezoning SECTION 9-2-19	—	—	R	D
5	Wetland Permit -Simple SECTION 9-3-9	D	—	—	—
6	Wetland Permit-Standard SECTION 9-3-9	D(14)	—	D(30)	CA
7	Extension of Dev't Approval ≤1 yr PARAGRAPH 9-2-12(b)(1)	D	—	—	—
8	Extension of Dev't Approval >1 yr PARAGRAPH 9-2-12(b)(2)	—	—	D(30)	CA
9	Rescission of Dev't Approval SUBSECTION 9-2-12(e)	D	—	—	—
10	Creation of Vested Rights >3 yrs SECTION 9-2-20	—	—	R	D
11	Floodplain Dev't Permit SECTION 9-3-6	D(14)	—	CA(30)	CA
12	Wetland Boundary change-Standard SUBSECTION 9-3-9(e)	—	—	R	D
13	Geophysical Exploration Permit SECTION 9-6-127(b)	D(14)	—	CA(30)	CA
14	Substitution of Nonconforming Use SECTION 9-10-3	D	—	—	—
15	Expansion of Nonconforming Use SECTION 9-10-3	D(14)	—	CA(30)	CA
16	Subdivision, prelim plat SECTION 9-12-7	D	—	<del>D(30)</del>	<del>CA</del>
17	Subdivision, final plat SECTION 9-12-8	D(14)	—	<del>CA(30)</del>	<del>CA</del>
18	Subdivision, minor SECTION 9-12-5	D(14)	—	CA(30)	CA
19	Subdivision, LLA or LLE SECTIONS 9-12-3 and 9-12-4	D	—	—	—
20	Solar Exception SUBSECTION 9-9-17(f)	D	D	—	—
21	Solar Access Permit SUBSECTION 9-9-17(h)	D	D	—	—
22	Growth Mgmt. Allocations, Std. SECTION 9-14-5	D	—	—	—
23	Growth Mgmt. Allocations, ≤40 per year SUBSECTION 9-14-3(f)	D(14)	—	CA(30)	CA
24	Accessory Bldg Coverage SUBSECTION 9-7-8(a)	—	D	—	—
25	Minor Modification of Discretionary Approval SUBSECTION 9-2-14(k)	D	—	—	—

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1	Minor Amendment of Discretionary Approval SUBSECTION 9-2-14(l)	D(14)	—	CA(30)	CA
2	Amendment of Discretionary Approval not involving height SUBSECTION 9-2-14(m)	D(14)	—	CA, D(30)	CA
3	Amendment of Discretionary Approval involving height SECTION 9-2-14	—	—	D(30)	CA
4	KEY:				
5	D = Decision Authority      CA = Call-Up and Appeal Authority				
6	R = Recommendation only      (n) = Maximum number of days for call-up or appeal				
7					

8            Section 10. Section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981, through  
9 Section 9-6-11, “Conditional Use and Use Review Standards – Business Community Areas  
10 Designated in Appendix N,” B.R.C. 1981, is repealed and reenacted as follows:

11 **9-6-1. Schedule of Permitted Land Uses.**

12 The schedule in Table 6-1 shows the uses that are permitted, conditionally permitted, prohibited,  
13 or that may be permitted through use review.

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

- 16 (1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in  
17 that zoning district, subject to compliance with any applicable specific use  
18 standards set forth in this chapter.
- 19 (2) Conditional Uses: A "C" in a cell indicates that the use type will be reviewed in  
20 accordance with the procedures established in Section 9-2-2, "Administrative  
21 Review Procedures," B.R.C. 1981. Conditional use applications shall also meet any  
22 applicable specific use standards set forth in this chapter.
- 23 (3) Use Review Uses: A "U" in a cell indicates that the use type will be reviewed in  
24 accordance with the procedures established in Section 9-2-15, "Use Review,"  
25 B.R.C. 1981. Use review applications shall also meet any applicable specific use  
standards set forth in this chapter.
- (4) Prohibited Uses: A hyphen ("-") in a cell indicates that the use type is prohibited in  
that zoning district.
- (5) Specific Use Standards: Cells containing bracket symbols (“[ ]”) indicate that there  
are specific use standards associated with the use type in that district that must be  
complied with. Regardless of whether or not a use is allowed by right, conditional

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 use, or use review, specific use standards may apply. The standards may require a  
 2 different review process or impose certain limitations. The applicable specific use  
 3 standards are identified and cross-referenced in the right-most column of Table 6-  
 4 1. Several specific use standards may apply to a use type. If there is any  
inconsistency between the bracket designation in Table 6-1 and the specific use  
standards in Chapter 9-6, the specific use standards shall control.

5 (b) **Additional Standards:**

6 (1) Uses are also subject to all other applicable requirements of this title.

7  
 8 (2) Additional Use Standards in Form-Based Code Areas or Overlay Districts:

9 (A) Uses in Form-Based Code Areas: Uses located on a lot or parcel  
 10 designated in Appendix L, "Form-Based Code Areas," are subject to the  
 11 requirements of this chapter, but may also be subject to additional use  
 12 standards pursuant to Appendix M, "Form-Based Code."

13 (B) Uses in Overlay Districts: Uses located on a lot or parcel located within an  
 14 overlay district designated in Chapter 9-3, "Overlay Districts," B.R.C.  
 15 1981, are subject to the requirements of this chapter, but may also be  
 16 subject to additional use standards pursuant to the overlay district  
 17 standards described in that chapter.

18 (c) **Structure of the Use Classification System:** Land uses are organized according to a  
 19 three-tiered hierarchy consisting of use classifications, use categories, and use types. This  
 20 classification system is intended to provide a structure that groups similar uses together  
 21 for ease in locating or identifying a use and to simplify the classification of new uses.

22 (1) Use Classifications: Each use is grouped under one of these seven broad use  
 23 classifications: Residential Uses; Public, Institutional, and Community Uses;  
 24 Commercial Uses; Industrial Uses; Agricultural and Natural Resource Uses.

25 (2) Use Categories: Use categories are subgroups of uses in each classification that  
have common functional or physical characteristics, such as the type and amount  
of activity, types of goods, services, occupants or users/customers, or operational  
characteristics.

(3) Use Types: Use types are the specific land uses that can be established in a zoning  
district, such as duplex, restaurant, or building material sales.



- (d) **Interpretation:** The city manager may decide questions of interpretation as to which use type that a use not specifically listed in Table 6-1 is properly assigned to, based on precedents, similar situations, and relative impacts. Upon written application, a city manager interpretation as to which use type a use not specifically listed is properly assigned to may be appealed to the BOZA pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. 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 type as provided by this section.
- (e) **Multiple Uses of Land Permitted and Accessory Uses:** Allowed uses, conditional uses, and uses permitted by use review may be located in the same building or upon the same lot. Any use may be allowed as an accessory use if it meets the definition of an accessory use.

**TABLE 6-1: USE TABLE**

		A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   - = Prohibited																												
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-3, RH-4	RL-3, RL-7	RL-6	MH	ML-3	ML-1	ML-2	ML-4	BF-1, BF-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	P	A	Specific Use Standards		
Use Module	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	P	A			
<b>RESIDENTIAL USES</b>																														
<i>Household Living</i>																														
Duplex	=	Δ	Δ	Δ	[A]	Δ	Δ	=	=	[C]	Δ	Δ	Δ	[A]	=	[A]	=	[A]	Δ	Δ	Δ	[A]	[U]	[U]	[A]	[U]	=	=	9-6-3(a), (b), (c) 9-6-2(c)	
Dwelling unit, attached	=	Δ	Δ	Δ	[A]	Δ	Δ	[A]	=	[C]	Δ	Δ	Δ	[A]	[A]	[A]	=	[A]	Δ	Δ	Δ	[A]	[U]	[U]	[A]	[U]	=	=	9-6-3(a), (b), (d) 9-6-2(c)	
Dwelling unit, detached	[A]	[A]	Δ	Δ	[A]	[A]	[A]	=	=	[C]	[A]	[A]	[A]	[A]	=	[A]	=	[A]	Δ	Δ	Δ	=	[U]	[U]	=	[U]	[U]	=	9-6-3(a), (b), (c) 9-6-2(c)	
Efficiency living unit	=	=	=	=	[U]	[A]	Δ	=	=	[A]	Δ	Δ	[A]	[A]	[A]	[A]	=	[A]	[A]	[A]	[A]	[A]	[U]	[U]	[A]	[U]	=	=	9-6-3(a), (b), (f) 9-6-2(c)	
Live-work unit	=	=	=	=	=	=	=	=	=	=	=	=	Δ	=	=	=	=	=	=	=	=	U	[U]	[U]	Δ	=	=	=	9-6-3(a), (b)	
Mobile home park	=	[U]	[U]	=	[U]	[U]	=	=	Δ	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=		
Townhouse	=	Δ	Δ	Δ	[A]	Δ	Δ	Δ	=	[C]	Δ	Δ	Δ	[A]	=	[A]	=	[A]	Δ	Δ	Δ	[A]	[U]	[U]	[A]	[U]	=	=	9-6-3(a), (b), (g) 9-6-2(c)	
<i>Group Living</i>																														
Boarding house	=	=	[U]	[U]	Δ	Δ	Δ	=	=	[U]	Δ	Δ	[A]	[A]	[A]	[A]	=	[A]	=	=	Δ	=	[U]	[U]	=	=	=	=	9-6-3(h) 9-6-2(c)	
Congregate care facility	=	=	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	=	[U]	[U]	=	[U]	[U]	=	9-6-3(i)	
Custodial care facility	=	=	[U]	[U]	[U]	[U]	[U]	[U]	=	[U]	[U]	[U]	=	[U]	=	[U]	=	[U]	[U]	[U]	[U]	=	[U]	[U]	=	=	=	=	9-6-3(i)	
Fraternity, sorority, and dormitory	=	=	=	=	Δ	Δ	=	=	[U]	=	=	=	=	[A]	[A]	[A]	=	[A]	=	=	Δ	=	[U]	[U]	=	=	=	=	9-6-3(j) 9-6-2(c)	
Group home facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	=	=	=	=	=	=	=	=	9-6-3(k)
Residential care facility	=	=	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	[C]	[C]	[C]	=	[C]	[C]	[C]	[C]	=	[U]	[U]	=	=	=	=	9-6-3(i)	
Transitional housing	[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]	=	9-6-3(l)
<i>Residential Accessory</i>																														
Accessory dwelling unit	[C]	[C]	=	[C]	[C]	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	[C]	[C]	9-6-3(m)	
Caretaker dwelling unit	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	Δ	Δ	Δ	Δ	Δ	Δ	Δ		
Home occupation	[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]	[A]	[A]	[A]	9-6-3(n)
<b>PUBLIC AND INSTITUTIONAL USES</b>																														
<i>Community, Cultural, and Educational</i>																														
Cemetery	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	Δ	Δ		

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		A = Allowed   C = Conditional Use   U = Use Review   [] = Specific Use Standards Apply   - = Prohibited																											
Zoning District	RR-1, RR-2, RR-3, RR-4	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-3, RH-4, RH-5, RH-6, 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	P	A	Specific Use Standards		
Use Module	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	P	A	Specific Use Standards	
Club or lodge	=	=	=	=	=	=	=	=	=	=	=	=	Δ	U	[A]	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	U	=	9-6-4(a)	
Community services	=	=	=	=	=	=	=	=	=	U	U	U	U	Δ	[A]	[A]	Δ	Δ	[A]	Δ	Δ	Δ	U	U	U	U	=	9-6-4(b) 9-6-2(c)	
Governmental facility	U	U	U	U	U	U	U	U	U	U	U	U	Δ	Δ	[A]	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	U	=	9-6-2(c)	
Hospital	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	Δ	=		
Museum	=	=	=	=	=	=	=	=	=	=	=	=	Δ	U	Δ	[A]	Δ	Δ	Δ	Δ	Δ	Δ	U	U	U	U	U	=	9-6-2(c)
Open space, park, and recreation use	Δ	Δ	Δ	Δ	Δ	Δ	Δ	=	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	
Private college or university	=	=	=	=	=	=	=	=	=	=	=	=	=	U	=	Δ	=	Δ	=	U	U	=	U	U	=	Δ	=		
Private elementary, middle, or high school	U	U	U	U	U	Δ	U	=	=	U	U	U	Δ	Δ	Δ	Δ	Δ	Δ	U	Δ	U	=	=	=	=	=	=		
Public college or university	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	=	
Public elementary, middle, or high school	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	=	
Religious assembly	Δ	Δ	Δ	Δ	U	Δ	Δ	=	=	Δ	U	U	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	=	=	=	=	=	=		
Specialized instruction facility	U	U	U	=	U	U	U	=	=	U	U	U	[A]	Δ	[A]	[A]	Δ	Δ	U	Δ	U	[A]	[A]	[A]	[A]	Δ	=	9-6-4(c) 9-6-2(c)	
<b>Care and Shelter</b>																													
Daycare center	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[C]	[U]	[C]	[C]	[U]	[U]	[U]	[U]	[U]	[U]	9-6-4(d)	
Daycare, home	Δ	Δ	Δ	Δ	Δ	Δ	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=		
Day shelter	=	=	[U]	=	[U]	[C]	[C]	=	=	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	=	9-6-4(e)	
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]	[U]	=	9-6-4(e)	
Overnight shelter	=	=	[U]	=	[U]	[C]	[C]	=	=	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	=	9-6-4(e)		
<b>Infrastructure</b>																													
Airport and heliport	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	U	=		
Essential municipal and public utility service	U	U	U	U	U	U	U	U	U	U	U	U	Δ	Δ	Δ	[A]	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	U	U	9-6-2(c)	
Wireless communications facility	[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]	9-6-4(f)	
<b>COMMERCIAL USES</b>																													
<b>Food, Beverage, and Lodging</b>																													
Bed and breakfast	=	=	=	=	=	[U]	[C]	=	=	[U]	[C]	[C]	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	9-6-5(a)	
Brewery, distillery, and winery	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	[A]	[A]	[A]	[A]	=	=	9-6-5(b)	
Commercial kitchen and catering	=	=	=	=	=	=	=	=	=	=	=	=	Δ	=	=	=	U	U	U	U	U	Δ	Δ	Δ	Δ	=	=		
Hostel	=	=	=	=	=	U	U	=	=	U	Δ	U	[A]	U	[A]	=	=	Δ	[A]	[A]	U	=	U	U	=	=	=	9-6-5(c)	
Hotel or motel	=	=	=	=	=	=	=	=	=	=	=	U	U	U	=	=	U	Δ	Δ	U	=	=	=	=	=	=	=		
Mobile food vehicle	[A]	=	=	=	=	=	=	=	=	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(d)	
Restaurant, brewpub, and tavern	=	=	=	=	=	U	[A]	=	=	[A]	Δ	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[C]	[C]	[C]	[A]	=	9-6-5(e)	
<b>Recreation and Entertainment</b>																													
Art or craft studio	=	U	U	U	U	U	U	=	[A]	[A]	[A]	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	U	=	9-6-5(f)	
Campground	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	U	U	U	=	=	U		
Indoor athletic facility	=	[U]	[U]	[U]	=	U	[A]	=	=	[A]	[A]	[A]	Δ	[A]	[A]	Δ	Δ	Δ	Δ	Δ	Δ	U	U	U	U	=	=	9-6-5(g)	
Indoor commercial recreation	=	=	=	=	=	=	=	=	=	=	=	U	=	U	U	U	Δ	U	U	U	=	=	=	=	=	=	=		
Outdoor recreation or entertainment	=	=	=	=	=	=	=	=	=	=	=	=	U	=	U	U	U	U	U	U	=	=	=	=	U	=	=		
Small theater or rehearsal space	=	=	=	=	=	=	=	=	=	=	=	=	U	=	U	U	U	Δ	U	U	U	Δ	Δ	U	Δ	=	=		
Temporary event	=	=	=	=	=	=	=	=	=	=	=	=	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	9-6-5(h)	
<b>Office Uses</b>																													
Medical laboratory	=	=	=	=	=	=	[A]	=	=	[A]	[A]	[A]	[A]	[A]	[A]	[A]	Δ	[A]	=	=	=	U	Δ	=	U	=	9-6-5(i), (j) 9-6-2(c)		
Offices, administrative	=	=	=	=	=	=	=	=	=	=	=	=	[C]	[A]	[A]	[A]	[A]	[A]	[A]	Δ	Δ	=	Δ	Δ	=	=	9-6-5(i), (k) 9-6-2(c)		

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

		A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   - = Prohibited																											
Zoning District	RR-1, RR-2, RR, RE-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RL-1, RL-2, RL-3, RL-4, RL-5, RL-6, RL-7	RL-6	MH	MU-1	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	P	A	Specific Use Standards		
Use Module	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	P	A		
Office, medical	U	U	U	U	U	U	U	U	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (l) 9-6-2(c)	
Office, professional	U	U	U	U	U	U	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (m) 9-6-2(c)	
Office, technical	U	U	U	U	U	U	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (n) 9-6-2(c)	
<b>Retail Sales Uses</b>																													
Accessory sales	U	U	U	U	U	[A]	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	
Building material sales	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	U	U	U	U	[A]	[A]	[A]	[A]	U	U	U	9-6-5(o)	
Convenience retail sales	U	[U]	[U]	[U]	U	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(p)	
Fuel sales	U	[U]	[U]	[U]	U	[U]	[U]	U	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	U	[U]	[U]	[C]	[C]	[U]	U	U	U	U	9-6-5(q)	
Retail sales	U	U	U	U	U	U	U	U	[U]	U	[U]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(r)	
<b>Service Uses</b>																													
Animal hospital or veterinary clinic	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[A]	[U]	[A]	U	U	[A]	[A]	[A]	[U]	U	U	U		
Animal kennel	U	U	U	U	U	U	U	U	U	U	U	U	[U]	U	[U]	[U]	[A]	[U]	U	U	[A]	[A]	[U]	[A]	U	U	U		
Broadcasting and recording facility	U	[U]	[U]	U	[U]	[U]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(s) 9-6-2(c)	
Business support service	U	U	U	U	U	U	U	U	U	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[U]	[U]	[A]	U	U	9-6-5(t) 9-6-2(c)	
Financial institution	U	U	U	U	U	[A]	[A]	U	[A]	[A]	[A]	[A]	[U]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	U	U	U	U	U	9-6-5(u) 9-6-2(c)	
Industrial service center	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[C]	[C]	U	U	U	U	U	9-6-5(v)	
Mortuary and funeral chapel	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[U]	[U]	[U]	U	U	[U]	U	U	U	U	U	U		
Non-vehicular repair and rental service	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[A]	[U]	[U]	[U]	[U]	[A]	[U]	U	[A]	U	U	U		
Neighborhood business center	U	[U]	[U]	U	[U]	[U]	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	9-6-5(w)	
Personal service use	U	[U]	[U]	[U]	U	[U]	[A]	[U]	[U]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]		
<b>Vehicle-Related</b>																													
Car wash	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[A]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]		
Drive-thru use	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	9-6-5(x)	
Fuel service station	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[C]	[U]	[C]	[U]	[U]	[C]	[C]	[U]	U	U	9-6-5(y)	
Principal parking facility	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[A]	[U]	[U]	U	[U]	[U]	[A]	[A]	[A]	[U]	[U]	U	9-6-5(z) 9-6-2(c)	
Sales or rental of vehicles	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[A]	[U]	U	U	[A]	[A]	U	U	U	U	U	9-6-5(aa)	
Service of vehicles	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[A]	[U]	U	U	U	[A]	[A]	[A]	[A]	U	U	U	9-6-5(bb)	
<b>INDUSTRIAL USES</b>																													
<b>Storage, Distribution, and Wholesaling</b>																													
Cold storage locker	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[A]	[A]	[A]	U	U	U		
Outdoor display of merchandise	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[A]	U	U	U	[A]	[A]	[A]	[A]	U	U	U	9-6-6(a)	
Outdoor storage	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[U]	[A]	U	U	U			
Self-service storage facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[U]	U	U	U	U	U		
Warehouse or distributions facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[A]	[A]	[A]	U	U	U		
Wholesale business	U	U	U	U	U	U	U	U	U	U	U	U	[A]	U	U	U	U	U	U	U	[A]	[A]	[A]	[A]	U	U	U		
<b>Production and Processing</b>																													
Manufacturing use	U	U	U	U	U	U	U	U	U	U	U	U	[A]	U	U	U	[A]	U	U	U	[A]	[A]	[A]	[A]	U	U	U	9-6-6(b)	
Manufacturing use with potential off-site impacts	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	U	U	U	U	9-6-6(c)	
Recycling center	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	[U]	U	U	U		
Recycling collection facility - large	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[U]	[U]	[U]	U	U	[U]	[U]	[U]	[U]	[U]	[U]	U	9-6-6(d)	
Recycling collection facility - small	U	U	U	U	U	U	U	U	U	U	U	U	[C]	[C]	[C]	[C]	[U]	[U]	[U]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	9-6-6(e)	

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

A = Allowed | C = Conditional Use | U = Use Review | [ ] = Specific Use Standards Apply | - = Prohibited

Zoning District	RR-1, RR-2, RE, RE-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-3, RH-4, RH-5, RH-6	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	P	A	Specific Use Standards	
Use Module	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	P	A	Specific Use Standards	
Recycling processing facility	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	[U]	[U]	[U]	"	[U]	A	9-6-6(f)	
<b>Industrial Services</b>																													
Building and landscaping contractor	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
Cleaning and laundry plant	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
Equipment repair and rental	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	[U]	A	[U]	[U]	[U]	[U]	A	A	A	A	"	"	"	"
Lumber yard	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	A	A	"	"	"	"	"	"
Printer and binder	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	A	A	A	A	"	"	"	"
<b>AGRICULTURE AND NATURAL RESOURCE USES</b>																													
Community garden	[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]	[A]	[A]	9-6-7(a)
Crop production	A	A	A	A	A	A	A	A	A	A	A	A	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"
Firewood operation	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	A	A	A	"	"	"	"	"
Greenhouse and plant nursery	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	A	A	A	A	A	A	"	"
Mining industries	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	[U]	"	"	"	"	"
Oil and gas operations	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	[U]	"	"	[U]	9-6-7(b)	
Pasture	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	A	A	"	"
<b>ACCESSORY USES</b>																													
Accessory building or use	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	A	A	"

**9-6-2. Specific Use Standards – General.**

- (a) **Purpose:** The purpose of this chapter is to set forth additional requirements for specified uses of land. The requirements are intended to ensure that the use is compatible with the surrounding area.
- (b) **Scope:** Specific use standards are the standards contained in Sections 9-6-2 through 9-6-7, B.R.C. 1981. Specific use standards apply as follows:
  - (1) **Allowed Uses:** Uses that are permitted by right and are subject to specific use standards in this chapter shall be established, operated, and maintained in compliance with any applicable specific use standards. The establishment of these uses is not subject to a review procedure.
  - (2) **Conditional Uses:** Uses that may be approved as a conditional use are uses that are appropriate in a given zoning district if the applicant demonstrates that the use meets the applicable specific use standards of this chapter. Conditional uses will be reviewed pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
  - (3) **Use Review Uses:** Uses that require a use review are uses that 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 applicable specific use

standards of this chapter. Use reviews will be reviewed pursuant to the procedures in Section 9-2-15, B.R.C. 1981.

(c) **Specific Use Standards that Apply to Several Use Types:** The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).

(1) **Specific Use Standards for Uses in the BC Zoning Districts:**

(A) **Review Process:** In the BC-1 and BC-2 zoning districts, the following standards apply to the uses listed in Table 6-2:

**TABLE 6-2: USES WITH SPECIFIC USE STANDARDS IN THE BC-1 AND BC-2 ZONING DISTRICTS**

<b><u>Residential Uses</u></b>		<b><u>Nonresidential Uses</u></b>	
<b><u>Household Living</u></b>	<b><u>Duplex</u></b>	<b><u>Public and Institutional</u></b>	<b><u>Essential municipal and public utility service</u></b>
	<b><u>Dwelling unit, attached</u></b>		<b><u>Governmental facility</u></b>
	<b><u>Dwelling unit, detached</u></b>		<b><u>Community services</u></b>
	<b><u>Efficiency living unit</u></b>		<b><u>Specialized instruction facility</u></b>
<b><u>Group Living</u></b>	<b><u>Townhouse</u></b>	<b><u>Commercial</u></b>	<b><u>Broadcasting and recording facility</u></b>
	<b><u>Fraternity, sorority, and dormitory</u></b>		<b><u>Business support service</u></b>
	<b><u>Boarding house</u></b>		<b><u>Financial institution</u></b>
			<b><u>Medical laboratory</u></b>
			<b><u>Museum</u></b>
			<b><u>Office, administrative</u></b>
			<b><u>Office, medical</u></b>
			<b><u>Office, professional</u></b>
			<b><u>Office, technical</u></b>
			<b><u>Principal parking facility</u></b>

(i) **Allowed Use:** The uses listed in Table 6-2 are allowed by right unless the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions."

(ii) **Conditional Use:** If located in one of the mapped areas in Appendix N, the use may be approved as a conditional use if it meets all of the following standards:

- a. **The use shall not be located on the ground floor, with the exception of minimum necessary ground level access.**
- b. **The combined floor area of any nonresidential uses in Table 6-2 shall be limited to ten percent of the total floor area on the lot or parcel except that if the use is located within an**

1 approved site review or planned unit development, the  
 2 combined floor area of any nonresidential uses subject to this  
 3 section shall be limited to ten percent of the total floor area  
 4 within the boundaries of the site review or planned unit  
 5 development approval.

6 c. A principal use of any automobile parking lot or garage shall  
 7 be a park and ride facility.

8 (iii) Use Review: A use that is not allowed by right or as a conditional  
 9 use may be approved only pursuant to a use review. In addition to  
 10 meeting the use review criteria, the applicant shall demonstrate that  
 11 the use on the ground floor or with a combined floor area larger  
 12 than ten percent of the total floor area, as applicable, will not  
 13 adversely affect the intended function and character of the area as a  
 14 neighborhood serving business area where retail-type stores  
 15 predominate on the ground floor. In determining whether this  
 16 criterion is met, the reviewing authority shall consider the location  
 17 and design of the proposed use and the existing and approved uses  
 18 on the lot or parcel and in the area.

### 19 **9-6-3. Specific Use Standards – Residential Uses.**

#### 20 (a) **Residential Uses:**

21 (1) This subsection (a) sets forth standards for uses in the residential use classification  
 22 that are subject to specific use standards pursuant to Table 6-1, Use Table.

23 (2) Residential Uses in the IG and IM Zoning Districts: The following standards apply  
 24 in the IG and IM zoning districts to residential uses that may be approved pursuant  
 25 to a use review:

(A) Application Requirements: An applicant shall apply on forms provided by  
the city manager showing how and in what manner the standards and  
criteria of this subsection have been met. In addition to any information  
required by Section 9-2-15, "Use Review," B.R.C. 1981, the applicant  
shall provide the following information:

(i) Environmental Assessment: A report that addresses each of the  
items required by the American Society for Testing and Materials  
Standards (ASTM) E-1527 and E-1528. The report shall be current  
and with a completion date within five years of the date of  
application.

1 (ii) Contiguity Map: A map that demonstrates that the proposed  
 2 residential development meets the contiguity requirements of  
 3 Subparagraph (a)(2)(B) of this section.

4 (B) Location Within the Industrial Districts: Dwelling units may be  
 5 constructed if located on a parcel that has at least one-sixth of the  
 6 perimeter of the parcel contiguous with a residential use that includes one  
 7 or more dwelling units or if contiguous to a residential zone or to a City-  
 8 or county-owned park or open space. Contiguity shall not be affected by  
 9 the existence of a platted street or alley, a public or private right-of-way or  
 10 a public or private transportation right-of-way or area. If a parcel meets  
 11 this standard, the approving authority shall presume that the standard in  
 12 Paragraph 9-2-15(e)(5), B.R.C. 1981, has been met.

13 (C) Residential and Nonresidential Uses Within a Project: If residential uses  
 14 are to be placed on the property, the entire property shall be used  
 15 exclusively for residential purposes except as otherwise provided in this  
 16 paragraph. Nonresidential uses are permitted, provided that site design is  
 17 approved pursuant to the site review criteria in Section 9-2-14, "Site  
 18 Review," B.R.C. 1981, in order to ensure that the site design and building  
 19 layout will result in compatibility among uses or to mitigate potential  
 20 impacts between such uses.

21 (D) Limited Retail Uses Permitted: Convenience store, personal service, or  
 22 restaurant uses may be permitted as accessory uses to a residential  
 23 development permitted by this subsection if all of the following standards  
 24 are met:

25 (i) Each convenience store, personal service, or restaurant use does  
 not exceed two thousand five hundred square feet in floor area, and  
 in the case of restaurants, such restaurants shall close no later than  
 11:00 p.m. unless otherwise approved in a city review process.

(ii) The total amount of floor area used for all of the convenience  
 store, personal service, or restaurant uses does not exceed five  
 percent of the total residential floor area of the development.

(iii) The uses are permitted only if development is located no closer  
 than one thousand three hundred twenty feet from another property  
 that is described as a business district in Section 9-5-2, "Zoning  
 Districts," B.R.C. 1981, or another convenience store, personal  
 service, or restaurant use in another development created pursuant  
 to this subsection.

(E) Bulk and Density Requirements: All residential development shall be  
 subject to the bulk and density standards set forth in Section 9-7-1,

1 "Schedule of Form and Bulk Standards," B.R.C. 1981, and the  
 2 landscaping for the underlying zoning district, except as modified by the  
 3 following:

- 4 (i) Lot Size: The minimum lot size shall be at least two acres. Projects  
 5 over five acres shall also be required to complete a site review  
 6 pursuant to Section 9-2-14, "Site Review," B.R.C. 1981.
- 7 (ii) Side Yard Adjacent to a Street: The minimum side yard landscaped  
 8 setback from a street for all buildings that contain residential uses  
 9 shall be twenty feet.
- 10 (iii) Interior Side Yard: The minimum side yard setback from an  
 11 interior lot line for all principal buildings and uses shall be twenty  
 12 feet. If an existing building is converted to residential uses, the side  
 13 yard setback may be reduced to twelve feet for the existing portion  
 14 of the building.
- 15 (iv) Floor Area Ratios: The floor area regulations for the underlying  
 16 zoning district classification shall only apply to the nonresidential  
 17 floor area on the site.
- 18 (v) Open Space: If the site is not located within the service area of a  
 19 neighborhood park, as identified in the Parks and Recreation  
 20 Master Plan, a minimum of forty percent of the required usable  
 21 open space shall be configured as a common contiguous area that  
 22 will provide for the active and passive recreational needs of the  
 23 residents.
- 24 (vi) Setbacks from Existing Oil and Gas Operations: The use is located  
 25 no closer than two thousand feet from a well pad of an existing  
single-well oil and gas operations use in pre-production, no closer  
than two thousand five hundred feet from any well pad of an  
existing multi-well (two or more) oil and gas operations use in pre-  
production, and no closer than five hundred feet from any well pad  
of an existing oil and gas operations use in production. The use is  
located no closer than two hundred fifty feet from any oil and gas  
operations use that is capped and abandoned pursuant to the  
requirements of Section 9-6-7(b)(15), B.R.C. 1981.
- (F) Buffers From Adjacent Land Uses: The applicant shall provide visual  
screening, which may include, without limitation, walls, fences,  
topographic changes, horizontal separation, or plantings for those areas

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



1                   that are adjacent to loading docks, truck or other delivery vehicle ingress  
 2                   or egress areas, dumpsters or other recycling vessels and outdoor storage  
 3                   areas.

4                   (G)   Environmental Suitability: The applicant shall demonstrate that the  
 5                   proposed use will not be affected by any adverse health or safety impacts  
 6                   associated with potential on-site pollution or contamination beyond that  
 7                   which is customarily acceptable for land that is used for residential  
 8                   purposes. This shall be demonstrated through the use of the environmental  
 9                   assessment required to be submitted with the application. If such  
 10                   environmental assessment identifies any potential adverse health or safety  
 11                   impacts on future residents of the site, the applicant shall also be required  
 12                   to submit further assessments that demonstrate that such concerns are not  
 13                   present or submit a plan for the mitigation measures that are necessary to  
 14                   alleviate any adverse impacts to public health, safety, and welfare.

15                   (H)   Construction Standards for Noise Mitigation: The applicant shall utilize  
 16                   construction standards that will achieve an interior day-night average  
 17                   noise level of no more than forty-five decibels, anticipating potential  
 18                   exterior day-night average industrial noise levels of seventy-three decibels  
 19                   measured at the property line. Such standards shall be in compliance with  
 20                   Chapter 10-5, "Building Code," B.R.C. 1981. Noise shall be measured in a  
 21                   manner that is consistent with the federal Housing and Urban  
 22                   Development's standards in Sections 24 CFR §§ 51.100 to 51.106 for the  
 23                   "measure of external noise environments," or similar standard adopted by  
 24                   the city manager in the event that such rule is repealed. The applicant shall  
 25                   provide written certification prior to the issuance of a certificate of  
                   occupancy that the sound abatement and attenuation measures were  
                   incorporated in the construction and site design as recommended by a  
                   professional engineer.

                  (I)   Declaration of Use Required: Before receiving a building permit, all  
                   owners shall sign a declaration of use, including all the conditions for  
                   continued use, to be recorded in the office of the Boulder County Clerk  
                   and Recorder to serve as actual and constructive notice to potential  
                   purchasers and tenants of the owner's property status as a residential use  
                   within an industrial zoning district classification.

                  (J)   Modification of Standards: The approving authority is authorized to  
                   modify the standards set forth in Section 9-2-14, "Site Review," B.R.C.  
                   1981, or Subparagraphs (a)(2)(E), (F), (G) and (H) of this subsection,  
                   upon finding that:

                  (i)    The strict application of these standards is not possible due to  
                   existing physical conditions;

- (ii) The modification is consistent with the purpose of the section; and
- (iii) The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this chapter.
- (iv) The city manager shall require that a person requesting a modification supply the information necessary to substantiate the reasons for the requested modification.

**HOUSEHOLD LIVING**

(b) **Household Living Uses:**

- (1) This subsection (b) sets forth specific use standards that apply to uses listed in the household living use category of Table 6-1, Use Table.
- (2) Household Living Uses in the RMX-2 Zoning District: The following standards apply in the RMX-2 zoning district to uses in the household living use category that are allowed by right:
  - (A) Minimum Number of Housing Types: No person shall develop land in the RMX-2 zoning district with household living uses, with the exception of mobile home parks, unless the following housing types are provided:
    - (i) For lots or parcels one acre or less, at least one housing type;
    - (ii) For lots or parcels that are greater than one acre but less than five acres, at least two housing types; and
    - (iii) For lots or parcels that are five acres or more, at least three housing types. The minimum number of any housing type for lots or parcels that are more than five acres shall be five dwelling units.
  - (B) Maximum Percentage of Any One Housing Type: No person shall develop a lot or parcel of one acre or more with more than fifty percent of any one housing type in the RMX-2 zoning district. This standard does not apply to mobile home parks.
- (3) Household Living Uses in the MU-3 Zoning District:

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 (A) Applicability: The following standards apply in the MU-3 zoning district  
 2 to uses in the household living use category that front onto Pearl Street  
 3 and may be approved as a conditional use:

4 (i) The first floor above the finished grade at the street level fronting  
 5 onto Pearl Street shall be constructed to permit a portion of the first  
 6 floor as specified in Subparagraph (b)(3)(A)(ii) to be used for a  
 7 restaurant, brewpub, or tavern use, personal service use, or retail  
 8 sales use that is permitted in the MU-3 zoning district.

9 (ii) The nonresidential spaces shall have a minimum depth of twenty  
 10 feet measured from the front of the building along the Pearl Street  
 11 frontage to the inside wall opposite of the street frontage. Building  
 12 entries for uses above the first floor may be permitted to the extent  
 13 necessary to provide access.

14 (iii) Additional parking will not be required to be provided for the floor  
 15 area that is necessary to meet the required minimum depth of the  
 16 first-floor nonresidential use. All floor area beyond the required  
 17 minimum depth shall meet the parking requirements of Section 9-  
 18 9-6, "Parking Standards," B.R.C. 1981.

19 (iv) The nonresidential space required by this section shall be used as a  
 20 nonresidential principal use as permitted by Section 9-6-1,  
 21 "Schedule of Permitted Land Uses," B.R.C. 1981, and not be used  
 22 for any residential principal or accessory uses.

23 (v) No existing nonresidential space fronting onto Pearl Street shall be  
 24 converted to residential space inconsistent with this paragraph.

25 (vi) The first floor frontage requirements for nonresidential uses of this  
 section and the requirements for window location, door location,  
 and minimum lot frontage in "Table 7-1: Form and Bulk  
 Standards" may be modified for an individual landmark or a  
 building within a historic district that has received a landmark  
 alteration certificate as required by Chapter 9-11, "Historic  
 Preservation," B.R.C. 1981.

(c) **Duplex:**

(1) In the BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a  
duplex is allowed by right if the use is not located on the ground floor  
facing a street, with the exception of minimum necessary ground level

1                   access. A duplex that is not allowed by right may be approved only  
2                   pursuant to a use review.

3           (2)   In the BR-1 and BR-2 Zoning Districts:

4                   (A)   Review Process: In the BR-1 and BR-2 zoning districts, the following  
5                   review process applies to duplexes:

6                           (i)   Allowed Use: A duplex is allowed by right if the use meets the  
7                           following standards:

8                                   a.   All units on the lot or parcel are permanently affordable units  
9                                   meeting the requirements in Chapter 9-13, "Inclusionary  
10                                   Housing," B.R.C. 1981; or

11                                   b.   The use is not located on the ground floor along a major  
12                                   street, as defined by Appendix A, "Major Streets," B.R.C.  
13                                   1981, with the exception of minimum necessary ground  
14                                   level access. The limitation on ground floor use along a  
15                                   major street applies to a depth of 30 feet measured from the  
16                                   building's major street facing façade.

17                           (ii)   Use Review: A duplex that is not allowed by right may be  
18                           approved only pursuant to a use review.

19           (3)   In the IMS Zoning District:

20                   (A)   Review Process: In the IMS zoning district, a duplex is allowed by right if  
21                   at least fifty percent of the floor area of the building is for nonresidential  
22                   use. A duplex that is not allowed by right may be approved only pursuant  
23                   to a use review.

24           (d)   Dwelling Unit, Attached:

25                   (1)   In the RH-6 Zoning District:

                         (A)   In the RH-6 zoning district, attached dwelling units shall be located in a  
                         development that includes townhouse dwelling units. Attached dwelling  
                         units may only be located on a corner that has street frontage on two sides.

                         (2)   In the BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

                         (A)   Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts,  
                         attached dwelling units are allowed by right if the use is not located on the  
                         ground floor facing a street, with the exception of minimum necessary

1 ground level access. Attached dwelling units that are not allowed by right  
 2 may be approved only pursuant to a use review.

3 (3) In the BMS Zoning District:

4 (A) Review Process Outside UHGID: Attached dwelling units located in the  
 5 BMS zoning district and outside the University Hill general improvement  
 6 district are allowed by right if the use is not located on the ground floor  
 7 facing a street, with the exception of minimum necessary ground level  
 8 access. Attached dwelling units that are not allowed by right may be  
 9 approved only pursuant to a use review.

10 (B) Review Process Within UHGID: Attached dwelling units located in the  
 11 BMS zoning district and within the University Hill general improvement  
 12 district are subject to the following review process:

13 (i) Conditional Use: Attached dwelling units may be approved as a  
 14 conditional use if the units meet the following standards:

15 a. The units are all permanently affordable units meeting the  
 16 requirements in Chapter 9-13, "Inclusionary Housing,"  
 17 B.R.C. 1981; and

18 b. With the exception of minimum necessary ground level  
 19 access, the use is not located on the ground floor facing a  
 20 street.

21 (ii) Use Review: Attached dwelling units that may not be approved as  
 22 a conditional use may be approved only pursuant to a use review.

23 (4) In the BR-1 and BR-2 Zoning Districts:

24 (A) Review Process: In the BR-1 and BR-2 zoning districts, the following  
 25 review process applies to attached dwelling units:

(i) Allowed Use: Attached dwelling units are allowed by right if the  
use meets the following standards:

a. All units on the lot or parcel are permanently affordable units  
meeting the requirements in Chapter 9-13, "Inclusionary  
Housing," B.R.C. 1981; or

b. 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

1 major street applies to a depth of 30 feet measured from the  
 2 building's major street facing façade.

3 (ii) Use Review: Attached dwelling units that are not allowed by right  
 4 may be approved only pursuant to a use review.

5 (5) In the IMS Zoning District:

6 (A) Review Process: In the IMS zoning district, attached dwelling units are  
 7 allowed by right if at least fifty percent of the floor area of the building is  
 8 for nonresidential use. Attached dwelling units that are not allowed by  
 9 right may be approved only pursuant to a use review.

10 (e) Dwelling Unit, Detached:

11 (1) In the RR-1, RR-2, RE, RL-1, RL-2, RM-2, P, and A Zoning Districts:

12 (A) Applicability: In the RR-1, RR-2, RE, RL-1, RL-2, RM-2, P, and A  
 13 zoning districts, the following standards apply to a detached dwelling unit  
 14 with two kitchens that may be approved as a conditional use or pursuant to  
 15 a use review:

16 (i) Second Kitchen Shall Not Create an Additional Dwelling Unit:  
 17 The second kitchen shall be incidental to occupancy of the entire  
 18 house in common by all occupants and shall not be designed or  
 19 used to create or allow for the creation of a second dwelling unit.  
 20 In determining whether the second kitchen creates or may create an  
 21 additional dwelling unit, the city manager shall consider whether  
 22 the proposed kitchen can be separated from the remainder of the  
 23 dwelling unit, with other rooms, including a bathroom, with a  
 24 separate exterior access.

25 (ii) Owner Occupied: The detached dwelling unit within which the  
second kitchen is located is actually and physically occupied as a  
principal residence by at least one owner of record of the lot or  
parcel upon which the detached dwelling unit is located who  
possesses at least an estate for life or a fifty-percent fee simple  
ownership interest.

(iii) Agreement Required: If such use is approved, the city manager and  
the property owner shall record an agreement with the Boulder  
County Clerk and Recorder, whereby the property owner  
acknowledges and agrees that the dwelling unit shall only be used  
as a single dwelling unit and in compliance with the conditional  
use approval. The agreement shall also bind the owner and

occupants and the owner's heirs, successors-in-interest, assigns and lessees.

(2) In the RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, MU-1, MU-2, and MU-4 Zoning Districts:

(A) Review Process: In the RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, MU-1, MU-2, and MU-4 zoning districts, the following review process applies to detached dwelling units:

(i) Allowed Use: A detached dwelling unit is allowed by right if it existed on the lot or parcel on August 6, 2019, or where more than one dwelling unit is on the lot or parcel. 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.

(ii) Use Review: A new detached dwelling unit that is not allowed by right may be approved pursuant to a use review if the approving authority finds that:

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

b. 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

c. The dwelling unit is located in an area where detached dwelling units predominate.

(3) In the BT-1 and BT-2 Zoning Districts:

(A) Review Process: In the BT-1 and BT-2 zoning districts, a detached dwelling unit is 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. A detached dwelling unit that is not allowed by right may be approved only pursuant to a use review.

(4) In the BR-1 and BR-2 Zoning Districts:

1 (A) Review Process: In the BR-1 and BR-2 zoning districts, the following  
 2 review process applies to detached dwelling units:

3 (i) Allowed Use: A detached dwelling unit is allowed by right if the  
 4 use meets the following standards:

5 a. All units on the lot or parcel are permanently affordable units  
 6 meeting the requirements in Chapter 9-13, "Inclusionary  
 7 Housing," B.R.C. 1981; or

8 b. The use is not located on the ground floor along a major  
 9 street, as defined by Appendix A, "Major Streets," B.R.C.  
 10 1981, with the exception of minimum necessary ground  
 11 level access. The limitation on ground floor use along a  
 12 major street applies to a depth of 30 feet measured from the  
 13 building's major street facing façade.

14 (ii) Use Review: A detached dwelling unit that is not allowed by right  
 15 may be approved only pursuant to a use review.

16 (f) **Efficiency Living Unit:**

17 (1) In the RMX-2 Zoning District:

18 (A) In the RMX-2 zoning district, efficiency living units shall not exceed 40  
 19 percent of total units in a building.

20 (2) In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2, DT-4, DT-5, DT-1, DT-2,  
 21 and DT-3 Zoning Districts:

22 (A) Review Process: In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2,  
 23 DT-4, DT-5, DT-1, DT-2, and DT-3 zoning districts, efficiency living  
 24 units are allowed by right if less than 40 percent of total units in the  
 25 building are efficiency living units. Efficiency living units that are not  
allowed by right may be approved only pursuant to a use review.

(3) In the MU-3 Zoning District:

(A) Review Process: In the MU-3 zoning district, the following review process  
applies to efficiency living units:



- 1 (i) Allowed Use: Efficiency living units are allowed by right if less  
2 than 40 percent of total units in the building are efficiency living  
3 units, at least fifty percent of the floor area of the building is for  
4 residential uses, and the total floor area of nonresidential uses in  
5 the building is less than 7,000 square feet.
- 6 (ii) Use Review: Efficiency living units that are not allowed by right  
7 may be approved only pursuant to a use review.
- 8 (4) In the BMS Zoning District:
- 9 (A) Review Process Outside UHGID: Efficiency living units located in the  
10 BMS zoning district and outside the University Hill general improvement  
11 district are allowed by right if less than 40 percent of total units in the  
12 building are efficiency living units and the use is not located on the ground  
13 floor facing a street, with the exception of minimum necessary ground  
14 level access. Efficiency living units that are not allowed by right may be  
15 approved only pursuant to a use review.
- 16 (B) Review Process Within UHGID: The following review process applies to  
17 efficiency living units located in the BMS zoning district and within the  
18 University Hill general improvement district:
- 19 (i) Conditional Use: Efficiency living units may be approved as a  
20 conditional use if less than 40 percent of total units in the building  
21 are efficiency living units, the units are permanently affordable  
22 units meeting the requirements in Chapter 9-13, "Inclusionary  
23 Housing," B.R.C. 1981, and the use is not located on the ground  
24 floor facing a street.
- 25 (ii) Use Review: Efficiency living units that may not be approved as a  
conditional use may be approved only pursuant to a use review. In  
addition to meeting the use review criteria, the units must be  
permanently affordable units meeting the requirements in Chapter  
9-13, "Inclusionary Housing," B.R.C. 1981.
- (5) In the BC-1 and BC-2 Zoning Districts:
- (A) Review Process: In the BC-1 and BC-2 zoning districts, efficiency living  
units are allowed by right if less than 40 percent of total units in the  
building are efficiency living units. Efficiency living units that are not  
allowed by right may be approved only pursuant to a use review.

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1           (6)   In the BR-1 and BR-2 Zoning District:

2           (A)   Review Process: In the BR-1 and BR-2 zoning districts, the following  
3           review process applies to efficiency living units:

4           (i)   Allowed Use: Efficiency living units are allowed by right if the use  
5           meets the following standards:

6           a.   Less than 40 percent of total units in the building are  
7           efficiency living units and:

8           1.   All units on the lot or parcel are permanently  
9           affordable units meeting the requirements in Chapter  
10           9-13, "Inclusionary Housing," B.R.C. 1981; or

11           2.   The use is not located on the ground floor along a  
12           major street, as defined by Appendix A, "Major  
13           Streets," B.R.C. 1981, with the exception of  
14           minimum necessary ground level access. The  
15           limitation on ground floor use along a major street  
16           applies to a depth of 30 feet measured from the  
17           building's major street facing façade.

18           (ii)   Use Review: Efficiency living units that are not allowed by right  
19           may be approved only pursuant to a use review.

20           (7)   In the IS-1 and IS-2 Zoning Districts:

21           (A)   Review Process: In the IS-1 and IS-2 zoning districts, efficiency living  
22           units are allowed by right if less than 40 percent of total units in the  
23           building are efficiency living units and the use is not located on the ground  
24           floor facing a street, with the exception of minimum necessary ground  
25           level access. Efficiency living units that are not allowed by right may be  
              approved only pursuant to a use review.

              (8)   In the IMS Zoning District:

              (A)   Review Process: In the IMS zoning district, efficiency living units are  
              allowed by right if less than 40 percent of total units in the building are  
              efficiency living units and at least fifty percent of the floor area of the  
              building is for nonresidential use. Efficiency living units that are not  
              allowed by right may be approved only pursuant to a use review.

1 (g) **Townhouse:**

2 (1) **In BT-1, BT-2, IS-1, and IS-2 Zoning Districts:**

3 (A) **Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a**  
 4 **townhouse is allowed by right if the use is not located on the ground floor**  
 5 **facing a street, with the exception of minimum necessary ground level**  
 6 **access. A townhouse that is not allowed by right may be approved only**  
 7 **pursuant to a use review.**

8 (2) **In the BR-1 and BR-2 Zoning Districts:**

9 (A) **Review Process: In the BR-1 and BR-2 zoning districts, the following**  
 10 **review process applies to townhouses:**

11 (i) **Allowed Use: A townhouse is allowed by right if the use meets the**  
 12 **following standards:**

13 a. **All units on the lot or parcel are permanently affordable units**  
 14 **meeting the requirements in Chapter 9-13, "Inclusionary**  
 15 **Housing," B.R.C. 1981; or**

16 b. **The use is not located on the ground floor along a major**  
 17 **street, as defined by Appendix A, "Major Streets," B.R.C.**  
 18 **1981, with the exception of minimum necessary ground**  
 19 **level access. The limitation on ground floor use along a**  
 20 **major street applies to a depth of 30 feet measured from the**  
 21 **building's major street facing façade.**

22 (ii) **Use Review: A townhouse that is not allowed by right may be**  
 23 **approved only pursuant to a use review.**

24 (3) **In the IMS Zoning Districts:**

25 (A) **Review Process: In the IMS zoning district, a townhouse is allowed by**  
 26 **right if at least fifty percent of the floor area of the building is for**  
 27 **nonresidential use. A townhouse that is not allowed by right may be**  
 28 **approved only pursuant to a use review.**

29 **GROUP LIVING**

30 (h) **Boarding House:**

31 (1) **In the MU-4, BT-1, BT-2, and BMS Zoning Districts:**

32 K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

(A) Applicability: In the MU-4, BT-1, BT-2, and BMS zoning districts, a boarding house shall meet the following standards:

(i) Review Process: A boarding house is 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. A boarding house that is not allowed by right may be approved only pursuant to a use review.

(ii) General Standard: The use shall not be located in the University Hill general improvement district.

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to boarding houses:

(i) Allowed Use: A boarding house is allowed by right if the use meets the following standards:

a. All units on the lot or parcel are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or

b. 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.

(ii) Use Review: A boarding house that is not allowed by right may be approved only pursuant to a use review.

(i) **Congregate Care Facilities, Custodial Care Facilities, and Residential Care Facilities:**

(1) Applicability: This subsection (i) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.

1           (2)   Standards: The following standards apply to any such facility that may be approved  
 2           as a conditional use or pursuant to a use review:

3           (A)   For purposes of density limits in Section 9-8-1, "Schedule of Intensity  
 4           Standards," B.R.C. 1981, and occupancy limits, six occupants, including  
 5           staff, in any custodial, residential, or congregate care facility constitute  
 6           one dwelling unit, but the city manager may increase the occupancy of a  
 7           residential care facility to eight occupants, including staff, if:

8                   (i)   The floor area ratio for the facility complies with standards of the  
 9                   Colorado State Departments of Health and Social Services and  
 10                  Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

11                  (ii)   Off-street parking is appropriate to the use and needs of the facility  
 12                  and the number of vehicles used by its occupants, regardless of  
 13                  whether it complies with other off-street parking requirements of  
 14                  this chapter.

15           (B)   In order to prevent the potential creation of an institutional setting by  
 16           concentration of custodial, residential or congregate care facilities in a  
 17           neighborhood, no custodial, residential, or congregate care facility may  
 18           locate within seven hundred fifty feet of another custodial, residential, or  
 19           congregate care facility, but the approving agency may permit two such  
 20           facilities to be located closer than seven hundred fifty feet apart if they are  
 21           separated by a physical barrier, including, without limitation, an arterial  
 22           collector, a commercial district or a topographic feature that avoids the  
 23           need for dispersal. The planning department will maintain a map showing  
 24           the locations of all custodial, residential, or congregate care facilities in  
 25           the city.

18           (3)   In the BMS Zoning District:

19           (A)   Review Process: In the BMS zoning district, congregate care facilities,  
 20           custodial care facilities, and residential care facilities may be approved as  
 21           a conditional use if the use is not located on the ground floor facing a  
 22           street, with the exception of minimum necessary ground level access.  
 23           Congregate care facilities, custodial care facilities, or residential care  
 24           facilities that may not be approved as a conditional use may be approved  
 25           only pursuant to a use review.

24           (4)   In the BC-1 and BC-2 Zoning Districts:

1 (A) Review Process: In the BC-1 and BC-2 zoning districts, the following  
2 review process applies to congregate care facilities, custodial care  
3 facilities, and residential care facilities:

4 (i) Conditional Use: Congregate care facilities, custodial care  
5 facilities, or residential care facilities shall not be located on the  
6 ground floor, with the exception of minimum necessary ground  
7 level access.

8 (ii) Use Review: Congregate care facilities, custodial care facilities, or  
9 residential care facilities that may not be approved as a conditional  
10 use may be approved only pursuant to a use review. In addition to  
11 meeting the use review criteria, the applicant shall demonstrate that  
12 the use on the ground floor will not adversely affect the intended  
13 function and character of the area as a neighborhood serving  
14 business area where retail-type stores predominate on the ground  
15 floor. In determining whether this criterion is met, the reviewing  
16 authority shall consider the location and design of the proposed use  
17 and the existing and approved uses on the property and in the area.

18 (j) **Fraternity, Sorority, and Dormitory:**

19 (1) In the BT-1, BT-2, and BMS Zoning Districts:

20 (A) Applicability: In the BT-1, BT-2, and BMS zoning districts, fraternities,  
21 sororities, and dormitories shall meet the following standards:

22 (i) Review Process: Fraternities, sororities, and dormitories are  
23 allowed by right if the use is not located on the ground floor facing  
24 a street, with the exception of minimum necessary ground level  
25 access. Fraternities, sororities, and dormitories that are not allowed  
by right may be approved only pursuant to a use review.

(ii) General Standard: The use shall not be located in the University  
Hill general improvement district.

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following  
review process applies to fraternities, sororities, and dormitories:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(i) Allowed Use: Fraternities, sororities, and dormitories are allowed by right if the use meets the following standards:

a. All units on the lot or parcel are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or

b. 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.

(ii) Use Review: Fraternities, sororities, and dormitories that are not allowed by right may be approved only pursuant to a use review.

(k) **Group Home Facility:**

(1) The following standards apply to any group home facility that may be approved as a conditional use or pursuant to a use review:

(A) General Standards: Any group home facility approved as a conditional use or pursuant to a use review shall meet the following standards:

(i) For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, eight occupants, not including staff, in any group home facility constitute one dwelling unit, but the city manager may increase the occupancy of a group home facility to ten occupants, not including staff, if:

a. The floor area ratio for the facility complies with standards of the Colorado State Departments of Public Health and Environment and Human Services and Chapter 10-2, "Property Maintenance Code" B.R.C. 1981; and

b. Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.

1 (ii) In order to prevent the potential creation of an institutional setting  
 2 by concentration of group homes in a neighborhood, no group  
 3 home facility may locate within three hundred feet of another  
 4 group home facility, but the city manager may permit two such  
 5 facilities to be located closer than three hundred feet apart if they  
 6 are separated by a physical barrier, including, without limitation,  
 7 an arterial, a collector, a commercial district or a topographic  
 8 feature that avoids the need for dispersal. The planning department  
 9 will maintain a map showing the locations of all group home  
 10 facilities in the city.

11 (iii) No person shall make a group home facility available to an  
 12 individual whose tenancy would constitute a direct threat to the  
 13 health or safety of other individuals or whose tenancy would result  
 14 in substantial physical damage to the property of others. A  
 15 determination that a person poses a direct threat to the health or  
 16 safety of others or a risk of substantial physical damage to property  
 17 must be based on a history of overt acts or current conduct of that  
 18 individual and must not be based on general assumptions or fears  
 19 about a class of disabled persons.

20 (B) In the BMS Zoning District:

21 (i) Review Process: In the BMS zoning district, group home facilities  
 22 may be approved as a conditional use if the use is not located on  
 23 the ground floor facing a street, with the exception of minimum  
 24 necessary ground level access. Group home facilities that are not  
 25 approved as a conditional use may be approved only pursuant to a  
use review.

(C) In the BC-1 and BC-2 Zoning Districts:

(i) Review Process: In the BC-1 and BC-2 zoning districts, the  
following review process applies to group home facilities:

a. Conditional Use: Group home facilities may be approved as  
a conditional use if they are not located on the ground floor,  
with the exception of minimum necessary ground level  
access.

b. Use Review: Group home facilities that are not approved as  
a conditional use may be approved only pursuant to a use  
review. In addition to meeting the use review criteria, the  
applicant shall demonstrate that the use on the ground floor



1                                    will not adversely affect the intended function and character  
 2                                    of the area as a neighborhood serving business area where  
 3                                    retail-type stores predominate on the ground floor. In  
 4                                    determining whether this criterion is met, the reviewing  
 5                                    authority shall consider the location and design of the  
 6                                    proposed use and the existing and approved uses on the  
 7                                    property and in the area.

8  
 9                    (l)    **Transitional Housing:**

10                    (1)    The following standards apply to any transitional housing facility that may be  
 11                    approved as a conditional use or pursuant to a use review:

12                    (A)    General Standards: Any transitional housing approved as a conditional use  
 13                    or pursuant to a use review shall meet the following standards:

14                    (i)    Density: The maximum number of dwelling units with transitional  
 15                    housing facility shall be the same as is permitted within the  
 16                    underlying zoning district, except that for any zoning district that is  
 17                    classified as an industrial zoning district pursuant to Section 9-5-2,  
 18                    "Zoning Districts," B.R.C. 1981, the number of dwelling units  
 19                    permitted shall not exceed one dwelling unit for each one thousand  
 20                    six hundred square feet of lot area on the site.

21                    (ii)    Occupancy: No person shall occupy such dwelling unit within a  
 22                    transitional housing facility except in accordance with the  
 23                    occupancy standards set forth in Section 9-8-5, "Occupancy of  
 24                    Dwelling Units," B.R.C. 1981, for dwelling units.

25                    (iii)    Parking: The facility shall provide one off-street parking space for  
 each dwelling unit on the site. The approving authority may grant a  
 parking deferral of up to the higher of fifty percent of the required  
 parking or what otherwise may be deferred in the zoning district if  
 the applicant can demonstrate that the criteria set forth in  
 Subsection 9-9-6(e), B.R.C. 1981, have been met.

(B)    In the BC-1 and BC-2 Zoning Districts:

(i)    Review Process: In the BC-1 and BC-2 zoning districts, the  
following review process applies to transitional housing:

a.    Conditional Use: Transitional housing may be approved as a  
conditional use if the use is not located on the ground floor,

1 with the exception of minimum necessary ground level  
 2 access.

- 3 b. Use Review: Transitional housing that may not be approved  
 4 as a conditional use may be approved only pursuant to a use  
 5 review. In addition to meeting the use review criteria, the  
 6 applicant shall demonstrate that the use on the ground floor  
 7 will not adversely affect the intended function and character  
 8 of the area as a neighborhood serving business area where  
 9 retail-type stores predominate on the ground floor. In  
 10 determining whether this criterion is met, the reviewing  
 11 authority shall consider the location and design of the  
 12 proposed use and the existing and approved uses on the  
 13 property and in the area.

## 14 RESIDENTIAL ACCESSORY

### 15 (m) Accessory Dwelling Unit:

- 16 (1) General Requirements: Three types of accessory units may be approved as  
 17 conditional uses: attached accessory dwelling units, detached accessory dwelling  
 18 units, and limited accessory units. The following standards apply to all three types  
 19 of accessory units:

#### 20 (A) Standards:

- 21 (i) Owner-Occupied: The principal dwelling unit or accessory unit on  
 22 the parcel or lot must be owner-occupied.
- 23 (ii) Occupancy Requirement: For purposes of determining occupancy  
 24 requirements under Section 9-8-5, "Occupancy of Dwelling Units,"  
 25 B.R.C. 1981, the principal dwelling unit and accessory unit shall  
be considered one dwelling unit. The occupancy of the principal  
dwelling unit together with the occupancy of any accessory unit  
shall not exceed the occupancy requirements set forth in Section 9-  
8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one  
dwelling unit; provided, however, for purposes of this section only,  
any occupant and his or her dependents shall be counted as one  
person. The floor area limitation for quarters used by roomers  
under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an  
accessory unit.

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

- 1 (iii) Rental License: No owner of the property shall allow, or offer to  
 2 allow through advertisement or otherwise, any person to occupy  
 3 the accessory unit or the principal dwelling unit as a tenant or  
 4 lessee or otherwise for a valuable consideration unless such rented  
 5 unit has been issued a valid rental license by the city manager  
 6 consistent with the requirements of Chapter 10-3, "Rental  
 7 Licenses," B.R.C. 1981.
- 8 (iv) Short-Term Rental: Short-term rental of an accessory unit and  
 9 short-term rental of a principal dwelling unit on a lot or parcel with  
 10 an accessory unit are prohibited except as specifically authorized  
 11 in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.
- 12 (v) No Independent Conveyance: No person shall convey an accessory  
 13 unit independently of the principal dwelling unit on the lot or  
 14 parcel.
- 15 (B) Application: All applicants shall apply on forms provided by the city  
 16 manager showing how and in what manner the criteria of this subsection  
 17 are met, provide a statement of current ownership and a legal description  
 18 of the property, pay the application fee prescribed by Section 4-20-43,  
 19 "Development Application Fees," B.R.C. 1981, and submit plans as may  
 20 be required by the manager.
- 21 (C) Public Notice: Notice of the application shall be provided consistent with  
 22 "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.
- 23 (D) Review and Approval: All applications for accessory units shall be  
 24 reviewed under the procedures of Section 9-2-2, "Administrative Review  
 25 Procedures," B.R.C. 1981.
- (E) Declaration of Use Required: Before obtaining approval, all owners shall  
sign a declaration of use, including all the conditions for continued use, to  
be recorded in the office of the Boulder County Clerk and Recorder to  
serve as actual and constructive notice of the legal status of the owner's  
property. If the unit is to be an affordable accessory unit, the declaration  
shall include a sworn certification that the unit will meet the affordability  
standard and a statement of the number of bedrooms.
- (F) Amendments: The site plan for an accessory unit may be modified and an  
affordable accessory unit may be converted to an accessory unit that is not  
an affordable accessory unit provided that an application is filed and  
reviewed by the manager under the procedures of Section 9-2-2,  
"Administrative Review Procedures," B.R.C. 1981. The application must

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 demonstrate that the proposed accessory unit meets the requirements of  
 2 this section except that it shall not be subject to the saturation limitations  
 3 of Subparagraphs (m)(2)(A) and (E) and (m)(3)(A) and (E).

4 (G) Floor Area: For the purpose of calculating the floor area of an attached  
 5 accessory unit or detached accessory unit under this subsection (m), floor  
 6 area shall mean the total square footage of all levels measured to the  
 7 outside surface of the exterior framing, to six inches beyond the interior  
 8 wall on an exterior wall, or to the outside surface of the exterior walls if  
 9 there is no exterior framing, of a building or portion thereof, which  
 10 includes stairways, elevators, the portions of all exterior elevated above  
 11 grade corridors, balconies, and walkways that are required for primary or  
 12 secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage  
 13 and mechanical rooms, whether internal or external to the structure, but  
 14 excluding an atrium on the interior of a building where no floor exists, a  
 15 courtyard, the stairway opening at the uppermost floor of a building, and  
 16 floor area that meets the definition of uninhabitable space.

17 (2) Attached Accessory Dwelling Units: In addition to the general accessory unit  
 18 standards in Paragraph (m)(1) of this section, the following standards apply to  
 19 attached accessory dwelling units. The owner or the owners of a lot or parcel with  
 20 a single-family dwelling unit may establish and maintain an attached accessory  
 21 dwelling unit within the principal structure of a detached dwelling unit in the RR,  
 22 RE, RL, RMX, A, or P districts if all of the following conditions are met and  
 23 continue to be met during the life of the attached accessory dwelling unit:

24 (A) Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than  
 25 twenty percent of the lots or parcels in a neighborhood area contain an  
 26 accessory unit. For the purpose of this subparagraph:

27 (i) The "neighborhood area" in RL-1 and RL-2 zoning districts is the  
 28 area circumscribed by a line three hundred feet from the perimeter  
 29 of the lot line within which any accessory unit will be located.  
 30 Within the "neighborhood area" only accessory units within the  
 31 RL-1 and RL-2 zoning districts are counted towards the twenty  
 32 percent limitation factor.

33 (ii) For the purpose of calculating the twenty percent limitation factor,  
 34 the following shall apply:

35 a. A legal, nonconforming structure containing two or more  
 36 dwelling units is counted as an accessory unit;

37 b. A cooperative housing unit is counted as an accessory unit;

1 c. An accessory unit that is licensed as part of a cooperative  
2 housing unit and said cooperative housing unit shall be  
3 counted together as one accessory unit; and

4 d. The manager may promulgate regulations defining  
5 additional methods to be used in calculating the twenty  
6 percent limitation factor and the neighborhood area.

7 (iii) If an application for an accessory unit exceeds the twenty percent  
8 requirement set forth in this Subparagraph (m)(2)(A), the manager  
9 will place the applicant on a waiting list for the neighborhood area.  
10 At such time as there is room for an additional accessory unit  
11 within a neighborhood area, the manager will notify the first  
12 eligible person on the waiting list. Such person on the waiting list  
13 shall be required to provide notice of intent to file an application  
14 within thirty days and file an application within sixty days of such  
15 notice.

16 (B) Parking: The attached accessory dwelling unit shall have the following  
17 off-street parking:

18 (i) The number of off-street parking spaces required in the zoning  
19 district for the principal dwelling unit; and

20 (ii) One additional off-street parking space on the lot or parcel upon  
21 which the detached dwelling unit is located.

22 (iii) The parking spaces required under this Subparagraph (m)(2)(B)  
23 shall not be required to meet the setback requirements of Section  
24 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981,  
25 provided that the parking spaces are not located in the public right-  
of-way.

(C) Standards: The attached accessory dwelling unit is clearly incidental to the  
principal dwelling unit and meets the following standards:

(i) The attached accessory dwelling unit is created only in a single-  
family detached dwelling unit on a lot of five thousand square feet  
or more.

(ii) The attached accessory dwelling unit does not exceed one-third of  
the total floor area of the principal structure or one thousand square

1 feet, whichever is less, unless a variance is granted pursuant to  
 2 Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

3 (iii) If there is an interior connection between the attached accessory  
 4 dwelling unit and the principal dwelling prior to the creation of the  
 5 attached accessory dwelling unit, the connection shall be  
 6 maintained during the life of the attached accessory dwelling unit.

7 (iv) Any additional entrance resulting from the creation of an attached  
 8 accessory dwelling unit may face the side of the lot fronting on the  
 9 street only if such entrance is adequately and appropriately  
 10 screened in a manner that does not detract from the single-family  
 11 appearance of the principal dwelling unit.

12 (D) Affordable Accessory Units: If the attached accessory dwelling unit is  
 13 licensed as an affordable accessory unit, the following standards apply:

14 (i) The unit shall only be required to provide the parking required in  
 15 the zoning district for the principal dwelling unit.

16 (ii) The unit may be more than one-third of the total floor area of the  
 17 principal structure but shall not exceed one-half of the floor area of  
 18 the principal structure or one thousand square feet, whichever is  
 19 less. The BOZA may grant a variance to this size requirement  
 20 pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C.  
 21 1981.

22 (iii) If the unit is or will be offered for rental for compensation, the  
 23 owner must obtain and at all times thereafter maintain a valid  
 24 rental license for an affordable accessory unit issued by the  
 25 manager consistent with the requirements of Chapter 10-3, "Rental  
Licenses," B.R.C. 1981.

(E) Designated Historic Property: If the attached accessory dwelling unit is  
located within a principal structure that is designated as an individual  
landmark or recognized as contributing to a designated historic district  
under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following  
modifications to the standards of this Paragraph (m)(2) apply:

(i) In the RL-1 and RL-2 zoning district, the unit is not subject to the  
twenty percent limitation factor of Subparagraph (m)(2)(A)  
provided that no more than thirty percent of the lots or parcels in  
the neighborhood area contain an accessory unit;

1 (ii) The unit shall only be required to provide the parking required in  
 2 the zoning district for the principal dwelling unit; and

3 (iii) The unit may be more than one-third of the total floor area of the  
 4 principal structure but shall not exceed one-half of the floor area of  
 5 the principal structure or one thousand square feet, whichever is  
 6 less. The BOZA may grant a variance to this size requirement  
 7 pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C.  
 8 1981.

9 (3) Detached Accessory Dwelling Units: In addition to the general accessory unit  
 10 standards in Paragraph (m)(1) of this section, the following standards apply to  
 11 detached accessory dwelling units. An owner or the owners of a lot or parcel with  
 12 a single-family detached dwelling unit may establish and maintain a detached  
 13 accessory dwelling unit within an accessory structure meeting the size restrictions  
 14 described below, on a lot or parcel in the RR, RE, RL, RMX, A, and P districts if  
 15 all of the following conditions are met and continue to be met during the life of the  
 16 detached accessory dwelling unit:

17 (A) Neighborhood Area: In the RL-1 and RL-2 zoning districts, no more than  
 18 twenty percent of the lots or parcels in a neighborhood area contain an  
 19 accessory unit. For the purpose of this subparagraph:

20 (i) The "neighborhood area" in RL-1 and RL-2 zoning districts is the  
 21 area circumscribed by a line three hundred feet from the perimeter  
 22 of the lot line within which an accessory unit will be located.  
 23 Within the "neighborhood area" only accessory units within the  
 24 RL-1 and RL-2 zoning districts are counted towards the twenty  
 25 percent limitation factor.

(ii) For the purpose of calculating the twenty percent limitation factor,  
the following shall apply:

a. A legal, nonconforming structure containing two or more  
dwelling units is counted as an accessory unit;

b. A cooperative housing unit is counted as an accessory unit;

c. An accessory unit that is licensed as part of a cooperative  
housing unit and said cooperative housing unit shall be  
counted together as one accessory unit; and

d. The manager may promulgate regulations defining  
additional methods to be used in calculating the twenty  
percent limitation factor and the neighborhood area.

1 (iii) If an application for a detached accessory dwelling unit exceeds  
 2 the twenty percent requirement set forth in Subparagraph  
 3 (m)(3)(A), the manager will place the applicant on a waiting list  
 4 for the neighborhood area. At such time as there is room for an  
 5 additional accessory unit within the neighborhood area, the  
 6 manager will notify the first eligible person on the waiting list.  
 7 Such person on the waiting list shall be required to provide notice  
 8 of intent to file an application within thirty days and file an  
 9 application within sixty days of such notice.

10 (B) Parking: The detached accessory dwelling unit shall have the following  
 11 parking:

12 (i) The number of off-street parking spaces required in the zoning  
 13 district for the principal dwelling unit; and

14 (ii) One additional off-street parking space on the lot or parcel upon  
 15 which the detached dwelling unit is located.

16 (iii) The parking spaces required under this Subparagraph (m)(3)(B)  
 17 shall not be required to meet the setback requirements of Section  
 18 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981,  
 19 provided that the parking spaces are not located in the public right-  
 20 of-way. To the extent practical, any additional off-street parking  
 21 that is constructed in the RR or RE zoning district required for the  
 22 detached accessory dwelling unit shall be screened from the view  
 23 of properties that directly abut a property line of the detached  
 24 accessory dwelling unit.

25 (C) Incidental to Principal Dwelling Unit: The detached accessory dwelling  
 26 unit is clearly incidental to the principal dwelling unit and meets the  
 27 following standards:

28 (i) The detached accessory dwelling unit is created on a lot of five  
 29 thousand square feet or larger.

30 (ii) The detached accessory dwelling unit's floor area does not exceed  
 31 five hundred and fifty square feet, unless a variance is granted  
 32 pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C.  
 33 1981.

34 (iii) The following design standards apply to detached accessory  
 35 dwelling units:



- 1 a. Maximum height of accessory buildings with a detached  
 2 accessory dwelling unit shall not be greater than twenty feet  
 3 unless the roof pitch is greater than 8:12 and the resulting  
 4 ratio of the height of the roof (measured from the eave line  
 5 to the top of the roof) to the height of the side walls  
 6 (measured from the low point of grade to the eave line) is  
 7 less than a 1:2 ratio. The city manager may modify this  
 8 height standard for a legal existing accessory building that is  
 9 being converted to a detached accessory dwelling unit to the  
 10 extent that the existing accessory building's height and size  
 11 is not proposed to be modified. In no case may a building  
 12 height exceed twenty-five feet.
- 13 b. A detached accessory dwelling unit shall have a minimum  
 14 of sixty square feet of private open space provided for the  
 15 exclusive use of the occupants of the detached accessory  
 16 dwelling unit. Private open space may include porches,  
 17 balconies, or patio areas. Decks, porches, patios, terraces,  
 18 and stairways, located at a height greater than thirty inches  
 19 above grade, shall be considered part of the building  
 20 coverage.
- 21 c. Setbacks shall comply with accessory building setbacks.  
 22 Where the rear yard of a property in the RR or RE zoning  
 23 district directly abuts an RL zoning district, the rear yard  
 24 accessory building setback shall be the same as the side yard  
 25 setback for accessory buildings for applicable RR or RE  
zoning districts.
- (D) Affordable Accessory Units: If the detached accessory dwelling unit is  
licensed as an affordable accessory unit, the following standards apply:
- (i) The unit shall only be required to provide the parking required in  
the zoning district for the principal dwelling unit.
- (ii) The unit's floor area may be up to eight hundred square feet. The  
BOZA may grant a variance to this size requirement pursuant to  
Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
- (iii) If the unit is or will be offered for rental for compensation, the  
owner must obtain and at all times thereafter maintain a valid  
rental license for an affordable accessory unit issued by the  
manager consistent with the requirements of Chapter 10-3, "Rental  
Licenses," B.R.C. 1981.

1 (E) Designated Historic Property: If either the accessory structure the  
 2 detached accessory dwelling unit is located in or the principal structure on  
 3 the lot or parcel is designated as an individual landmark or recognized as  
 4 contributing to a designated historic district under Chapter 9-11, "Historic  
Preservation," B.R.C. 1981, the following modifications to the standards  
of this Paragraph (m)(3) apply:

5 (i) In the RL-1 and RL-2 zoning district, the unit is not subject to the  
 6 twenty percent limitation factor of Subparagraph (m)(3)(A)  
 7 provided that no more than thirty percent of the lots or parcels in  
 8 the neighborhood area contain an accessory unit;

9 (ii) The unit shall only be required to provide the parking required in  
 10 the zoning district for the principal dwelling unit; and

11 (iii) The unit's floor area may be up to one thousand square feet. The  
 12 BOZA may grant a variance to this size requirement pursuant to  
 13 Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

14 (4) Limited Accessory Units: In addition to the general accessory unit standards in  
 15 Paragraph (m)(1) of this section, the following standards apply to limited accessory  
 16 units that may be approved as a conditional use in the RR-1, RR-2, RE, and RL-1  
 17 Zoning Districts only. An existing nonconforming duplex or two detached dwelling  
 18 units located on the same lot and within the R1 use module may be converted to  
 19 limited accessory dwelling units. A limited accessory dwelling unit may be  
 20 modified and expanded as a conditional use. Conversion to a limited accessory  
 21 dwelling unit is subject to compliance with all of the following standards:

22 (A) Applicability: This subparagraph (m)(4) is only applicable to dwelling  
 23 units that legally existed, were actively used as multiple dwelling units,  
 24 and had a valid rental license on January 1, 2005.

25 (B) Expansion Limitation: The cumulative total of any expansion shall not  
exceed twenty percent of the total floor area that was documented at the  
time of the initial expansion. Any expansion of the restricted accessory  
unit shall not exceed ten percent. In no case shall any expansion cause the  
cumulative size of the restricted dwelling units to exceed the maximum  
allowable floor area ratio of the underlying zoning district as set forth in  
Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.

(C) Parking: The minimum number of off-street parking spaces shall not be  
less than three spaces. All parking shall comply with the design and access  
requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981.  
A minimum of one off-street parking space shall be available for use by  
the restricted accessory dwelling unit.

1 (D) Loss of Prior Nonconforming Status: If a nonconforming duplex or two  
 2 detached dwelling units are converted to limited accessory units through  
 3 the conditional use process, any prior nonconforming status is lost.

4 (n) **Home Occupation:**

5 (1) A home occupation is allowed by right if the accessory use meets the following  
 6 standards:

7 (A) Standards:

8 (i) Such use is conducted entirely within a principal or accessory  
 9 building and is not carried on by any person other than the  
 10 inhabitants living there.

11 (ii) Such use is clearly incidental and secondary to the residential use  
 12 of the dwelling and does not change the residential character  
 13 thereof.

14 (iii) The total area used for such purposes does not exceed one-half the  
 15 first floor area of the user's dwelling unit.

16 (iv) There is no change in the outside appearance of the dwelling unit  
 17 or lot indicating the conduct of such home occupation, including,  
 18 without limitation, advertising signs or displays.

19 (v) There is no on-site sale of materials or supplies except incidental  
 20 retail sales.

21 (vi) There is no exterior storage of material or equipment used as a part  
 22 of the home occupation.

23 (vii) No equipment or process is used in such home occupation that  
 24 creates any glare, fumes, odors or other objectionable condition  
 25 detectable to the normal senses at the boundary of the lot if the  
occupation is conducted in a detached dwelling unit, or outside the  
dwelling unit if conducted in an attached dwelling unit.

(viii) No traffic is generated by such home occupation in a volume that  
would create a need for parking greater than that which can be  
accommodated on the site or which is inconsistent with the normal  
parking usage of the district.

(B) Cottage Food and Fresh Produce Exception: A home occupation use  
meeting the requirements of Chapter 6-17, "Cottage Foods and Fresh  
Produce," B.R.C. 1981, is exempt from the requirements of Subparagraphs

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

(1)(A)(i), (iv), (v), (vi) and (vii) above. Gardens are exempt from Subparagraph (iii) above. Such use shall be permitted as an allowed use in all zoning districts in which a home occupation is permitted as a conditional use.

(C) Identification and Contact Information: No person shall engage in a home occupation unless such person has filed an affidavit with the city manager affirming compliance with the standards of this subsection, including identification and contact information of the person operating the home occupation. No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, is required.

(D) Prohibitions: No person shall engage in a home occupation except in conformance with all of the requirements of Paragraph (n)(1)(A) of this section, except as provided in Paragraph (n)(1)(B) of this section.

**9-6-4. Specific Use Standards – Public and Institutional Uses.**

**COMMUNITY, CULTURAL, AND EDUCATIONAL**

(a) **Club or Lodge:**

(1) In the BMS Zoning District:

(A) Review Process: In the BMS zoning district, a club or lodge is 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. A club or lodge that is not allowed by right may be approved only pursuant to a use review.

(b) **Community Services:**

(1) In the BMS and DT-4 Zoning Districts:

(A) Review Process: In the BMS and DT-4 zoning districts, community services are 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. Community services that are not allowed by right may be approved only pursuant to a use review.

(c) **Specialized Instruction Facility:**

(1) In the MU-4 Zoning District:

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 (A) In the MU-4 zoning district, specialized instruction facilities are allowed  
 2 by right for 20,000 square feet or less of floor area per lot or parcel, and  
 3 are otherwise prohibited.

4 (2) In the BMS Zoning District:

5 (A) Review Process: In the BMS zoning district, a specialized instruction  
 6 facility is allowed by right if the use is not located on the ground floor  
 7 facing a street, with the exception of minimum necessary ground level  
 8 access. A specialized instruction facility that is not allowed by right may  
 9 be approved only pursuant to a use review.

10 (3) In the Industrial Zoning Districts:

11 (A) In the Industrial zoning districts, a specialized instruction facility is  
 12 allowed by right for less than 20,000 square feet of floor area per use. A  
 13 specialized instruction facility that is not allowed by right may be  
 14 approved only pursuant to a use review.

## 15 CARE AND SHELTER

16 (d) Daycare Center:

17 (1) The following standards apply to any daycare center, except home daycares, that  
 18 may be approved as a conditional use or pursuant to a use review:

19 (A) Fencing is provided around outdoor play areas.

20 (B) If the use is adjacent to an arterial, collector, or minor arterial as shown in  
 21 Appendix A, "Major Streets," of this title, off-street loading and unloading  
 22 areas are provided.

23 (C) Adequate off-street parking is provided for employees, volunteers, and  
 24 visitors.

25 (D) Child daycare facilities are properly licensed by the State Department of  
Social Services.

(E) For nursery care (any child under the age of eighteen months), the facility  
provides fifty square feet of useable indoor floor area per child or a total of  
six hundred square feet of useable floor area, whichever is greater.

- 1 (F) For child care other than nursery care, the facility provides thirty square  
 2 feet of useable indoor floor area per child or a total of six hundred square  
 3 feet of useable floor area, whichever is greater.
- 4 (G) All child day care facilities shall provide a minimum of seventy-five  
 5 square feet of usable outdoor play area per child or a total of two thousand  
 6 four hundred square feet of useable outdoor play area, whichever is  
 7 greater.
- 8 (H) In the MH and RH-6 zoning districts, the use shall not provide care to  
 9 more than fifty persons, not including employees.

10 (e) **Day Shelters, Emergency Shelters, and Overnight Shelters:**

- 11 (1) This subsection (e) sets forth standards for day shelters, emergency shelters, and  
 12 overnight shelters that are subject to specific use standards pursuant to Table 6-1,  
 13 Use Table.
- 14 (2) General Requirements for All Shelters: The following criteria apply to any day,  
 15 emergency, or overnight shelters:
- 16 (A) Good Neighbor Meeting and Management Plan: The intent of a good  
 17 neighbor meeting and management plan is to ensure that shelter owners  
 18 and operators are informed of the effects upon neighboring properties of  
 19 operating such a facility, and are educated about ways to mitigate, reduce,  
 20 or eliminate potential impacts upon neighboring properties. Owners and  
 21 operators shall implement a good neighbor plan when establishing a  
 22 shelter that meets the following standards:
- 23 (i) Meeting With Surrounding Property Owners Required: The  
 24 owners or operators of a shelter shall be required to organize and  
 25 participate in a meeting with the surrounding property owners  
pursuant to Section 9-2-4, "Good Neighbor Meetings and  
Management Plans," B.R.C. 1981.
- (ii) Preparation and Distribution of a Proposed Management Plan: The  
owner or operator shall prepare a proposed management plan  
pursuant to Section 9-2-4, "Good Neighbor Meetings and  
Management Plans," B.R.C. 1981, and present it to the  
surrounding property owners at the neighbor meeting.
- (iii) School Safety Plan: Any facility that is within six hundred feet  
from a school that proposes to admit clients that may be under the  
influence of alcohol shall also develop a safety plan, in  
consultation with the school and the superintendent of the Boulder  
Valley School District, if applicable, to ensure safety of the

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 school's students. For the purpose of this subsection, school means  
 2 a public, parochial, or nonpublic school that provides a basic  
 3 academic education in compliance with the school attendance laws  
 4 for students in grades kindergarten through the eighth grade.  
"Basic academic education" has the same meaning as set forth in §  
22-33-104(2)(b), C.R.S.

5 (iv) Resubmission and Amendment of a Management Plan: Every three  
 6 years, or when the owner or operator changes the operating  
 7 characteristics in a manner that does not comply with the approved  
 8 management plan, whichever occurs first, the owner or operator  
 9 shall resubmit a management plan. No owner or operator shall fail  
 10 to resubmit a management plan that meets the requirements of this  
 11 subsection. The city manager is authorized to require an owner or  
 12 operator to organize, host, and participate in a good neighbor  
 13 meeting if the manager determines that such a meeting will be of  
 14 assistance in identifying additional adverse impacts that may have  
 15 been created by the facility. The management plan shall address  
 16 how the facility will address any additional adverse impacts that  
 17 have been identified by the manager. The manager will approve  
 18 the management plan upon finding that any such additional  
 19 adverse impacts will be mitigated by amendments to the  
 20 management plan.

21 (B) Additional Requirements for Day Shelters: The following additional  
 22 criteria apply to any day shelter:

23 (i) Onsite Staffing: No facility shall be open for use by clients unless  
 24 there is staff on site to supervise and oversee the clients.

25 (ii) Waiting Areas: No person shall allow or permit clients of a facility  
to queue or otherwise wait for the facility to open or to otherwise  
be admitted into the facility in the public right-of-way. The facility  
shall provide an indoor or outdoor waiting area in a size adequate  
to prevent the anticipated number of clients from queuing into or  
otherwise waiting in the public right-of-way.

(iii) Outdoor Area: The facility shall provide an outdoor area, screened  
from the surrounding properties and the public right-of-way for use  
of clients once admitted to the facility.

(iv) Parking: The facility shall provide off-street parking at the rates set  
forth in Section 9-9-6, "Parking Standards," B.R.C. 1981, for a  
nonresidential use. The approving authority may grant a parking  
deferral of the higher of up to fifty percent of the required parking  
or what otherwise may be deferred in the underlying zoning district

if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

(C) Additional Requirements for Emergency Shelters: The following additional requirements apply to any emergency shelter:

(i) Waiver of Good Neighbor Meeting and Management Plan Requirement: The city manager may waive the requirement that the applicant organize, host, and participate in a good neighbor meeting upon finding that the applicant will not require a use review, and that the needs of the facility's clients for anonymity and a safe and secure environment will be compromised by such a meeting.

(ii) Parking: The facility shall provide off-street parking at the rates set forth below in a., b., and c. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time;

b. One parking space for each twenty occupants, based on the maximum occupancy of sleeping rooms and the dormitory type sleeping areas; and

c. One parking space for each attached type dwelling unit.

(iii) Maximum Occupancy: No person shall permit the maximum occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:

a. Sleeping Areas: For emergency shelter facilities that operate with sleeping rooms or with open air dormitory type sleeping areas, the following occupancy standards apply:

1. Residential Districts: For any zoning district that is classified as a residential zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit that



would otherwise be permitted based on the lot area or open space on the site.

2. Business Districts: For any zoning district that is classified as a commercial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site. Up to two additional persons per dwelling unit equivalents in the business zoning districts is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.

3. Industrial Districts: For any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each one thousand six hundred square feet of lot area on the site. Up to two additional persons for each one thousand six hundred square feet of lot area on the site in an industrial zoning district is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.

4. Occupancy Increase: For an applicant that cannot meet the conditional standards for occupancy increases set forth in this subparagraph, or otherwise is limited to six occupants per dwelling unit equivalent, the maximum occupancy of a facility

1                   may be increased from six up to ten occupants per  
 2                   dwelling unit equivalents upon approval of a use  
 3                   review pursuant to Section 9-2-15, "Use Review,"  
 4                   B.R.C. 1981.

5                   b.     Attached Housing: For emergency shelter facilities that are  
 6                   located in zoning districts that permit attached housing, that  
 7                   operate as separate attached dwelling units, each dwelling  
 8                   unit equivalent shall constitute two attached dwelling units.  
 9                   No person shall occupy such dwelling unit except in  
 10                   accordance with the occupancy standards set forth in Section  
 11                   9-8-6, "Occupancy Equivalencies for Group Residences,"  
 12                   B.R.C. 1981, for dwelling units.

13                   c.     Detached Housing: For emergency shelter facilities that are  
 14                   located in zoning districts that do not permit attached  
 15                   housing, each detached dwelling unit shall constitute one  
 16                   dwelling unit. No person shall occupy such a dwelling unit  
 17                   except in accordance with the occupancy standards set forth  
 18                   in Section 9-8-6, "Occupancy Equivalencies for Group  
 19                   Residences," B.R.C. 1981, for a dwelling unit.

20                   d.     Calculating Occupancy: The maximum occupancy for a  
 21                   facility shall include the occupants of the facility in addition  
 22                   to the occupants of overnight shelter uses and transitional  
 23                   housing uses that are also located on the property.

24                   (iv)   Review Standards: Uses designated as conditional uses in Section  
 25                   9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be  
 26                   processed under the provisions of this paragraph unless the  
 27                   applicant makes a request to increase the maximum occupancy per  
 28                   dwelling unit equivalent from six persons per dwelling unit  
 29                   equivalent up to ten occupants for sleeping room or dormitory type  
 30                   sleeping areas.

31                   (D)   Additional Standards for Overnight Shelters: The following additional  
 32                   criteria apply to any overnight shelter:

33                   (i)    On-Site Staffing: No facility shall be open for use by clients unless  
 34                   there is staff on-site to supervise and oversee the clients.

35                   (ii)   Waiting Areas: No person shall allow or permit clients of a facility  
 36                   to queue or otherwise wait for the facility to open or to otherwise  
 37                   be admitted into the facility in the public right-of-way. The facility  
 38                   shall provide an indoor or outdoor waiting area in a size adequate

1 to prevent the anticipated number of clients from queuing into or  
 2 otherwise waiting in the public right-of-way.

3 (iii) Parking: The facility shall provide off-street parking at the rates set  
 4 forth below in a. and b. The approving authority may grant a  
 5 parking deferral of up to the higher of fifty percent of the required  
 6 parking or what otherwise may be deferred in the underlying  
 7 zoning district if the applicant can demonstrate that the criteria set  
 8 forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

9 a. One space for each employee or volunteer that may be on the  
 10 site at any given time computed on the basis of the estimated  
 11 maximum number of employees and volunteers on the site  
 12 at any given time; and

13 b. One parking space for each twenty occupants, based on the  
 14 maximum occupancy of the facility.

15 (iv) Maximum Occupancy: No person shall permit the maximum  
 16 occupancy of a facility to exceed the following unless approved  
 17 pursuant to an occupancy increase:

18 a. Residential Districts: For any zoning district that is classified  
 19 as a residential zoning district pursuant to Section 9-5-2,  
 20 "Zoning Districts," B.R.C. 1981, the maximum number of  
 21 residents of the facility shall not exceed four persons for each  
 22 dwelling unit that would otherwise be permitted based on the  
 23 lot area or open space on the site.

24 b. Business Districts: For any zoning district that is classified  
 25 as a commercial zoning district pursuant to Section 9-5-2,  
"Zoning Districts," B.R.C. 1981, the maximum number of  
residents of the facility shall not exceed four persons for each  
dwelling unit that would otherwise be permitted based on the  
lot area or open space on the site. Up to two additional  
persons per dwelling unit equivalent in the business zoning  
districts is permitted if the property is not adjacent to a  
residential zoning district classification as set forth in  
Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the  
purpose of this subparagraph, adjacent means separated by  
an alley, a street that is a minor arterial or lesser  
classification on the Transportation Master Plan functional  
classification map, or a property line, notwithstanding a

1 break in a survey, that is shared between the facility and  
 2 another property.

3 c. Industrial Districts: For any zoning district that is classified  
 4 as an industrial zoning district pursuant to Section 9-5-2,  
 5 "Zoning Districts," B.R.C. 1981, the maximum number of  
 6 residents of the facility shall not exceed four persons for each  
 7 one thousand six hundred square feet of lot area on the site.  
 8 Up to two additional persons for each one thousand six  
 9 hundred square feet of lot area on the site in an industrial  
 10 zoning district is permitted if the property is not adjacent to  
 11 a residential zoning district classification as set forth in  
 12 Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the  
 13 purpose of this subparagraph, adjacent means separated by  
 14 an alley, a street that is a minor arterial or lesser  
 15 classification on the Transportation Master Plan functional  
 16 classification map, or a property line, notwithstanding a  
 17 break in a survey, that is shared between the facility and  
 18 another property.

12 d. Calculating Occupancy: The maximum occupancy for a  
 13 facility shall include the occupants of the facility in addition  
 14 to the occupants of emergency shelter uses and transitional  
 15 housing uses that are also located on the property.

15 e. Occupancy Increase: For an applicant that cannot meet the  
 16 conditional standards for occupancy increases set forth in  
 17 this subparagraph, or otherwise is limited to four occupants  
 18 per dwelling unit equivalent, the maximum occupancy of a  
 19 facility may be increased from four or six up to eight  
 20 occupants per dwelling unit equivalents upon approval of a  
 21 use review pursuant to Section 9-2-15, "Use Review,"  
 22 B.R.C. 1981.

19 (v) Review Standards: Uses designated as conditional uses in Section  
 20 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be  
 21 processed under the provisions of this paragraph unless the  
 22 applicant proposes to exceed the following standards. In such  
 23 cases, the applicant will also be required to complete the use  
 24 review process pursuant to Section 9-2-15, "Use Review," B.R.C.  
 25 1981.

24 a. High Density Residential: In the RH zoning districts, a use  
 25 review will also be required if the applicant requests the  
maximum occupancy per dwelling unit equivalent be  
increased from four up to eight occupants.

- b. Business - Community, Business - Main Street, and Business - Transitional Districts: In the BC, BT, and BMS zoning districts, a use review will also be required if the maximum occupancy per dwelling unit equivalent is increased from four up to eight occupants.

**INFRASTRUCTURE**

**(f) Wireless Communications Facility:**

(1) Standards: A wireless communications facility may be approved as a conditional use and principal use on a lot if the following standards are met:

(A) The antenna for the wireless communications facility shall be attached to a principal building designed and constructed for a primary purpose other than supporting a wireless communications facility, except as authorized to be attached to water towers in Subparagraph (O).

(B) Architectural Compatibility: The antenna must be architecturally compatible with the building and wall, penthouse, or mechanical equipment enclosure on which it is mounted and designed and located so as to minimize any adverse aesthetic impact.

(C) Screening: The antenna shall be painted or fully screened to match as closely as possible to the color and texture of the wall, penthouse, or mechanical equipment enclosure on which it is mounted.

(D) Wall Mounts: The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible to ensure both the functionality of the antenna and to minimize visual impact. The antenna and any associated screening shall not project above the wall on which it is mounted.

(E) Antenna Mounts on Roof Appurtenances: The antenna may be attached to an existing conforming penthouse or mechanical equipment enclosure which projects above the roof of the building. The antenna and any associated screening may not project any higher than the penthouse or enclosure (no increase in height is permitted) and must be mounted as flush to the existing penthouse or enclosure as technically possible to ensure both the functionality of the antenna and to minimize visual impact.

- 1 (F) Roof Mounts of Antennas and Transmission Equipment on Buildings Less  
2 Than Fifty-Five Feet Tall: On buildings fifty-five feet or less in height, an  
3 antenna and transmission equipment may be mounted on the roof if:
- 4 (i) The manager finds that it is not technically possible or aesthetically  
5 desirable to mount the antenna on a wall, penthouse or mechanical  
6 equipment enclosure;
- 7 (ii) No portion of the wireless communications facility causes the  
8 height of the building to exceed the limitations set forth in Sections  
9 9-7-1, "Schedule of Form and Bulk Standards," 9-7-5, "Building  
10 Height," and 9-7-6, "Building Height, Conditional," B.R.C. 1981;
- 11 (iii) No wireless communications facility covers more than ten percent  
12 of the roof area of a building, and the aggregate of any wireless  
13 communications facilities and any appurtenances do not exceed an  
14 aggregate of twenty-five percent of the roof area;
- 15 (iv) Roof-mounted antennas are completely screened from view by  
16 materials that are consistent and compatible with the building  
17 design, color, and materials; and
- 18 (v) No portion of the wireless communications facility exceeds ten  
19 feet above the height of the existing building.
- 20 (G) Transmission Equipment Screening: Transmission equipment other than  
21 antennas shall not be mounted to a building wall, penthouse or mechanical  
22 equipment enclosure and shall be designed and located to minimize any  
23 adverse aesthetic impact. Such equipment shall be invisible from view  
24 whenever possible, for example, by locating within the principal building,  
25 on the roof so as to be invisible from adjacent street and properties or  
behind parapet walls. When it is not possible to locate such equipment out  
of sight, it must be located to minimize its visibility and be designed to be  
screened from view by materials that are consistent and compatible with  
the building design, color and materials without increasing the apparent  
height of the building. Where it is not possible to locate such equipment  
within or on the roof of the building, it may be located in ground mounted  
cabinets. Such ground mounted equipment shall, to the extent possible, be  
screened from view through undergrounding, design that is architecturally  
consistent with that of the building, or other design options, approved by  
the manager, that will blend the equipment with the surrounding setting  
and built environment, including but not limited to materials, colors,  
textures, and landscaping. When determining whether a certain location  
that minimizes adverse aesthetic impacts is possible, functionality of the

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 equipment may be considered. All buildings, shelters, cabinets, and other  
 2 accessory components shall be grouped as closely as possible.

3 (H) Site Review and PUD Approval: If a proposed wireless communications  
 4 facility is located on a building or lot subject to an approved planned unit  
 5 development or site review, a minor modification to the approval is  
 6 required prior to the issuance of a building permit. A minor modification  
 7 is not required for eligible facilities requests.

8 (I) Historic Preservation Rules: No wireless communications facility shall be  
 9 permitted on property designated as an individual landmark or as part of a  
 10 historic district, unless such wireless communications facility has been  
 11 approved through the issuance of a landmark alteration certificate pursuant  
 12 to Sections 9-11-13, "Landmark Alteration Certificate Application," 9-11-  
 13 14, "Staff Review of Application for Landmark Alteration Certificate," 9-  
 14 11-15, "Landmark Alteration Certificate Hearing," 9-11-16, "Call-Up by  
 15 City Council," 9-11-17, "Issuance of Landmark Alteration Certificate,"  
 16 and 9-11-18, "Standards for Landmark Alteration Certificate  
 17 Applications," B.R.C. 1981. A landmark alteration certificate is not  
 18 required for eligible facilities requests.

19 (J) Exclusion of Competitors Prohibited: No wireless communications facility  
 20 owner or lessee or officer or employee thereof shall act to exclude or to  
 21 attempt to exclude any other competitor from using the same building for  
 22 the location of other wireless communications facilities.

23 (K) Co-Location of Facilities: No wireless communications facility owner or  
 24 lessee or officer or employee thereof shall fail to cooperate in good faith to  
 25 accommodate other competitors in their attempts to use the same building  
 26 for other wireless communications facilities. If a dispute arises about the  
 27 feasibility of accommodating another competitor, the city manager may  
 28 require a third party technical study, at the expense of either or both  
 29 parties, in the discretion of the manager, based upon the relative fault of  
 30 the parties, to resolve the dispute.

31 (L) Technical Standards: No wireless communications facility owner or lessee  
 32 shall fail to assure that the wireless communications facility complies at  
 33 all times with the then-current applicable American National Standards  
 34 Institute or Federal Communications Commission standards, whichever is  
 35 more stringent, for cumulative field measurements of radio frequency  
 36 power densities and electromagnetic fields. After installation, but prior to  
 37 putting the wireless communications facility in service, each wireless  
 38 communications facility owner shall provide a certification by an  
 39 independent professional engineer to that effect.

- (M) Interference With TV or Radio Signals Prohibited: No wireless communications facility owner or lessee shall fail to assure that the wireless communications facility does not cause localized interference with reception of television and radio broadcasts as required by the Federal Communications Commission.
- (N) Public and Residential Zoning Districts: In the P, RR-1, RR-2, RE, RL-1, RL-2, RM-1, RM-2, RM-3, RH-6, and MH zoning districts, no person shall mount or maintain a wireless communications facility on a lot, parcel, or building containing a residential use.
- (O) Water Towers: Notwithstanding that a water tower may be considered an accessory building or use, antennas may be placed on water towers in compliance with the standards set forth in this subsection. No portion of any wireless communications facility shall extend above the height of the water tower walls. For the purposes of this subsection, water tower means a freestanding, aboveground, water storage facility, usually round or cylindrical in shape.
- (P) Prohibition: No person shall locate a wireless communications facility upon any lot or parcel except as provided in this subsection.
- (Q) Conditions of Approval: Compliance with the provisions of this subsection are conditions of any approval granted under this subsection.
- (R) Modifications: The city manager may approve a modification to the requirements of this subsection that would result in a violation of state or federal law or to allow a design that better minimizes the visual and aesthetic impacts of the wireless communications facility. The manager may not modify the height standards of Subparagraph (F)(ii) under this Subparagraph (R).
- (S) Summary of Appropriate Locations: Table 6-3 of this section summarizes the allowable location for an antenna and transmission equipment.

**TABLE 6-3: ANTENNA AND TRANSMISSION EQUIPMENT LOCATIONS**

<u>Locations</u>	<u>Antenna on building wall or within building</u>	<u>Antenna on existing conforming penthouse or mechanical screen</u>	<u>Antenna on a roof</u>	<u>Transmission equipment within principal building</u>	<u>Transmission equipment on a roof</u>	<u>Transmission equipment on ground</u>
<u>On buildings under 55' in height</u>	<u>Yes</u>	<u>Yes, if it does not project above an existing penthouse or</u>	<u>Yes, subject to the standards in Subparagraph 9-6-4(f)(1)(F), B.R.C. 1981</u>	<u>Yes</u>	<u>Yes, subject to the standards in Subparagraphs 9-6-4(f)(1)(F) and (G), B.R.C.</u>	<u>Yes, if not possible to locate within building or on the roof.</u>

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



		<u>mechanical screen</u>			<u>1981. May not project above the maximum allowable building height of the underlying zoning district</u>	<u>subject to the standards in Subparagraph 9-6-4(f)(1)(G), B.R.C. 1981</u>
<u>On buildings over 55' in height</u>	<u>Yes</u>	<u>Yes, if it does not project above an existing penthouse or mechanical screen</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6-4(f)(1)(G), B.R.C. 1981</u>

(2) Review Process: A new wireless communications facility and any collocation or modification to such use shall be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, and the requirements of this Subsection (f) except that eligible facilities requests shall be reviewed pursuant to the following procedures and standards:

(A) Application Requirements: The applicant shall submit an eligible facilities request on an application form provided by the city manager and shall include any information necessary for the manager to consider whether the application is an eligible facilities request and meets the review criteria established in this Subsection (2). The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

(B) Review:

(i) Type of Review: Upon receipt of an application for an eligible facilities request, the city manager shall review administratively such application to determine whether the application so qualifies.

(ii) Timeframe for Review: Within sixty days of the date on which an applicant submits an application seeking approval of an eligible facilities request, the manager shall approve an application unless the manager determines that the application is not an eligible facilities request.

(iii) Tolling of Timeframe for Review: The sixty-day review period begins to run when the application is filed. The city manager and the applicant may agree to toll the review period. The sixty-day

1 review period shall also be tolled where the manager determines  
 2 that the application is incomplete. The review period is tolled for  
 3 incompleteness pursuant to the following standards:

- 4 a. Within thirty days of receipt of the application, the manager  
 5 must notify the applicant in writing, clearly and specifically  
 6 delineating all missing documents or information required  
 7 for determination of an eligible facilities request;
- 8 b. The written incompleteness notice tolls the timeframe for  
 9 review;
- 10 c. The timeframe for review begins running again when the  
 11 applicant makes a supplemental submission in response to  
 12 the manager's notice of incompleteness;
- 13 d. Within ten days of the supplemental submission, the city  
 14 manager shall notify the applicant in writing that the  
 15 supplemental submission did not provide the information  
 16 identified in the original incompleteness notice; and
- 17 e. The timeframe is tolled in the case of a second or subsequent  
 18 incompleteness notice pursuant to the procedures for the first  
 19 incompleteness notice. Second or subsequent  
 20 incompleteness notices may not specify missing documents  
 21 or information that were not delineated in the original  
 22 incompleteness notice.

- 23 (iv) Failure to Act: In the event that the city manager fails to act on a  
 24 request seeking approval for an eligible facilities request within the  
 25 timeframe for review, accounting for any tolling, the request shall  
 26 be deemed granted. The effective date of a deemed-granted  
 27 approval shall be the day the city receives written notice from the  
 28 applicant, after the review period, accounting for any tolling, has  
 29 expired, that the application has been deemed granted.

30 (C) Review Criteria: The city manager shall approve an eligible facilities  
 31 request if the request:

- 32 (i) Is an eligible facilities request for an eligible support structure;
- 33 (ii) Does not result in a substantial change;
- 34 (iii) Complies with the originally approved design elements and other  
 35 conditions of approval, including but not limited to colors,  
textures, surfaces, scale, character, mounting, projection and siting,

1                   or any approved amendments thereto, except where noncompliance  
 2                   with those elements or conditions is solely limited to the thresholds  
 3                   of increase in height, increase in width, addition of cabinets or new  
 4                   excavation or deployment area identified in the definition of  
 5                   substantial change; and

6                   (iv)   Does not defeat the concealment elements of the eligible support  
 7                   structure. Any design element that places the wireless  
 8                   communications facility out of view, hides it from being noticed,  
 9                   blends it with its surroundings or otherwise minimizes the visual or  
 10                   aesthetic impact of the facility is a concealment element of the  
 11                   eligible support structure.

12                   (D)   Decision: If the city manager finds the review criteria of Subparagraph (C)  
 13                   are met, the manager shall approve the eligible facilities request. If the  
 14                   manager finds that the applicant's request does not meet the criteria of  
 15                   Subparagraph (C), the manager may approve with conditions or deny the  
 16                   eligible facilities request and provide a written disposition with the reasons  
 17                   for conditional approval or denial to the applicant. The manager's decision  
 18                   shall be supported by substantial evidence in the written record. Upon  
 19                   issuance of the denial decision, the manager shall review the application  
 20                   pursuant to the procedures established in Section 9-2-2, "Administrative  
 21                   Review Procedures," B.R.C. 1981, and the requirements of this Subsection  
 22                   (f) and may request additional information and documents from the  
 23                   applicant to permit appropriate review.

24                   (E)   Compliance with Other Laws: Notwithstanding the approval of an  
 25                   application for an eligible facilities request, all work done pursuant to the  
 26                   application must be completed in accordance with all generally applicable  
 27                   laws, regulations or other rules reasonably related to public health and  
 28                   safety, including but not limited to, building and safety codes.

29                   (F)   Remedies: The applicants and the city may bring a claim related to §6409  
 30                   of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of  
 31                   competent jurisdiction.

32                   (3)   Abandonment and Removal: No property owner or applicant shall fail to remove a  
 33                   wireless communications facility that is abandoned or is unused for a period of six  
 34                   months.

### 35   **9-6-5 Specific Use Standards – Commercial Uses.**

#### 36   **FOOD, BEVERAGE, AND LODGING**

37   K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 (a) **Bed and Breakfast:**

2 (1) The following standards apply to bed and breakfast uses that may be approved as a  
3 conditional use or pursuant to a use review:

4 (A) The structure is compatible with the character of the neighborhood in  
5 terms of height, setbacks, and bulk. Any modifications to the structure are  
6 compatible with the character of the neighborhood.

7 (B) One parking space is provided for each guest bedroom, and one space is  
8 provided for the operator or owner's unit in the building.

9 (C) No structure contains more than twelve guest rooms. The number of guest  
10 rooms shall not exceed the occupancy limitations set forth in Section 9-8-  
11 6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981.

12 (D) No cooking facilities including, without limitation, stoves, hot plates, or  
13 microwave ovens are permitted in the guest rooms. No person shall permit  
14 such use.

15 (E) One attached exterior sign is permitted to identify the bed and breakfast,  
16 subject to the requirements of Section 9-9-21, "Signs," B.R.C. 1981.

17 (F) No long-term rental of rooms is permitted. No person shall permit a guest  
18 to remain in a bed and breakfast for a period in excess of thirty days.

19 (G) No restaurant use is permitted. No person shall serve meals to members of  
20 the public other than persons renting rooms for nightly occupancy and  
21 their guests.

22 (H) No person shall check in or check out of a bed and breakfast or allow  
23 another to do so except between the times of 6 a.m. and 9 p.m.

24 (b) **Brewery, Distillery, and Winery:**

25 (1) In the IS-1 and IS-2 Zoning Districts:

(A) In the IS-1 and IS-2 zoning districts, breweries, distilleries, and wineries  
shall meet the following standards:

- 1 (i) Review Process: In the IS-1 and IS-2 zoning districts, the  
 2 following review process applies:
- 3 a. Allowed Use: Breweries, distilleries, and wineries are  
 4 allowed by right if the use does not exceed 15,000 square  
 5 feet in floor area and does not include a restaurant.
- 6 b. Conditional Use: Breweries, distilleries, and wineries that  
 7 are not allowed by right may be approved as a conditional  
 8 use if the use does not exceed 15,000 square feet in floor area  
 9 and any restaurant is closed between the hours of 11 p.m.  
 10 and 5 a.m.
- 11 c. Use Review: If the use is not allowed by right or as a  
 12 conditional use, the use may be approved only pursuant to a  
 13 use review subject to the use review criteria in Paragraphs 9-  
 14 2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.
- 15 (ii) General Standards: Any restaurant within a brewery, distillery, and  
 16 winery approved as a conditional use or pursuant to a use review  
 17 must also meet the following standards:
- 18 a. The restaurant does not exceed thirty percent of the total  
 19 floor area of the facility, or one thousand square feet,  
 20 whichever is greater, including any outdoor seating areas;  
 21 and
- 22 b. Parking for the restaurant meets the parking requirements for  
 23 restaurants, brewpubs, or taverns in Section 9-9-6, "Parking  
 24 Standards," B.R.C. 1981.
- 25 (2) In the IG and IM Zoning Districts:
- (A) In the IG and IM zoning districts, breweries, distilleries, and wineries shall  
meet the following standards:
- (i) Review Process: In the IG and IM zoning districts, the following  
review process applies:
- a. Allowed Use: Breweries, distilleries, and wineries are  
allowed by right if the use does not exceed 15,000 square  
feet in floor area and does not include a restaurant.
- b. Conditional Use: If the use exceeds 15,000 square feet in  
floor area or includes a restaurant, it may be approved as a

1 conditional use if any restaurant is closed between the hours  
2 of 11 p.m. and 5 a.m.

3 c. Use Review: If the use is not allowed by right or as a  
4 conditional use, the use may be approved only pursuant to a  
5 use review subject to the use review criteria in Paragraphs 9-  
6 2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.

7 (ii) General Standards: Any restaurant within a brewery, distillery, and  
8 winery approved as a conditional use or pursuant to a use review  
9 must also meet the following standards:

10 a. The restaurant does not exceed thirty percent of the total  
11 floor area of the facility, or one thousand square feet,  
12 whichever is greater, including any outdoor seating areas;  
13 and

14 b. Parking for the restaurant meets the parking requirements for  
15 restaurants, brewpubs, or taverns in Section 9-9-6, "Parking  
16 Standards," B.R.C. 1981.

17 (3) In the IMS Zoning District:

18 (A) In the IMS zoning district, breweries, distilleries, and wineries shall meet  
19 the following standards:

20 (i) Review Process: In the IMS zoning district, the following review  
21 process applies:

22 a. Allowed Use: Breweries, distilleries, or wineries are allowed  
23 by right if the use does not exceed 15,000 square feet in floor  
24 area and does not include a restaurant.

25 b. Conditional Use: If the use is not allowed by right, it may be  
approved as a conditional use provided any restaurant is  
closed between the hours of 11 p.m. and 5 a.m.

Use Review: If any restaurant is open between the hours of  
11 p.m. and 5 a.m., the use may be approved only pursuant  
to a use review subject to the use review criteria in  
Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review,"  
B.R.C. 1981.

1 (ii) General Standards: Any restaurant within a brewery, distillery, and  
 2 winery approved as a conditional use or pursuant to a use review  
 3 must also meet the following standards:

4 a. The restaurant does not exceed thirty percent of the total  
 5 floor area of the facility, or one thousand square feet,  
 6 whichever is greater, including any outdoor seating areas;  
 7 and

8 b. Parking for the restaurant meets the parking requirements for  
 9 restaurants, brewpubs, or taverns in Section 9-9-6, "Parking  
 10 Standards," B.R.C. 1981; and

11 c. The use shall not exceed 15,000 square feet in floor area.

12 (c) **Hostel:**

13 (1) In the MU-4, BMS, DT-4, and DT-5 Zoning Districts:

14 (A) Review Process: In the MU-4, BMS, DT-4, and DT-5 zoning districts, a  
 15 hostel is allowed by right if the use is not located on the ground floor  
 16 facing a street, with the exception of minimum necessary ground level  
 17 access. A hostel that is not allowed by right may be approved only  
 18 pursuant to a use review.

19 (d) **Mobile Food Vehicle:**

20 (1) The following applies to any mobile food vehicle use:

21 (A) Standards: Mobile food vehicle sales on private property, public property,  
 22 or in the public right-of-way are allowed by right if the use meets the  
 23 following standards:

24 (i) Mobile food vehicles within the public right-of-way shall only  
 25 operate in the RR-1, RR-2, RE, RL-1, IS-1, IS-2, IG, IM, IMS, and  
 26 P zoning districts.

(ii) The use shall be located at least:

a. One hundred fifty feet from any residential zoning districts,  
 27 except as provided in Subsection (d)(1)(A)(iv) of this  
 28 section;

b. One hundred fifty feet from any existing restaurant except as  
 29 provided in Subsection (d)(1)(A)(vii) below; and

1 c. Two hundred feet from any other mobile food vehicle with  
 2 regard to public right-of-way sales, no more than four mobile  
 3 food vehicles per private property in the MU-1, MU-2, MU-  
 4 3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-  
 5 1, DT-2, DT-3, DT-4, and DT-5 zoning districts, and no  
 6 limitation on the number of mobile food vehicles per private  
 7 property with the owner's permission in the Industrial zoning  
 8 districts.

9 d. Distances shall be measured by the city on official maps as  
 10 the radius from the closest points on the perimeter of the  
 11 applicant's mobile food vehicle to the closest point of the  
 12 designated residential zone or property of the restaurant. For  
 13 purposes of this section, the term restaurant shall include  
 14 "eating places" and "retail bakeries" as defined by the  
 15 Standard Industrial Classification Manual, the edition of  
 16 which shall be determined by the city manager. With regard  
 17 to measurement between two or more mobile food vehicles  
 18 in the public right-of-way, measurement shall be in the form  
 19 of standard measuring devices, including and not limited to,  
 20 a tape measure.

21 (iii) No person shall operate a mobile food vehicle in a public zoning  
 22 district unless in connection with an organized event pursuant to  
 23 Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or at  
 24 the Boulder Municipal Airport ("Airport") in such areas and  
 25 manner within the Airport property as approved by the city  
manager pursuant to Section 11-4-4, "Special Airport Activity  
Permits," B.R.C. 1981. For purposes of this section, the Airport  
property shall be defined as Lot 2, Airport South Subdivision.

(iv) No person shall operate a mobile food vehicle in a residential  
zoning district except with prior approval by the city manager in  
the parking lot or the public right-of-way adjacent to North  
Boulder Park or in any other park as approved by the manager.

(v) No person shall operate a mobile food vehicle sales use without a  
permit or in violation of the conditions of a permit. The permit will  
be valid for twelve consecutive months, or such other time as the  
city manager may by rule designate. Such application shall meet  
the following requirements:

a. Provide proof of, and maintain, a valid driver's license,  
motor vehicle registration, and current motor vehicle  
insurance;



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- b. Or in the case of a bicycle mobile food vehicle; provide proof of, and maintain, a valid driver's license or state issued picture identification card and evidence of insurance coverage required by Section 4-1-8, "Insurance Required," B.R.C. 1981;
  - c. Provide proof of, and maintain, a Colorado retail food license for a mobile unit;
  - d. Provide proof of, and maintain, a valid sales use tax license;
  - e. Provide payment of the fee prescribed by Section 4-20-66, "Mobile Food Vehicle Sales," B.R.C. 1981.
- (vi) As a condition of accepting the permit, the applicant shall sign an agreement, in a form acceptable to the city manager, in which the applicant agrees to meet all requirements under this section and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, and assume responsibility for the actions and omissions of its agents and employees in the performance of or failure to perform its obligation under the permit.
  - (vii) The city manager may, in his or her discretion, waive the requirements of Subsection (d)(1)(a)(ii)b. above if the applicant at the time of issuance, and each renewal of the permit, submits to the city manager signed statements supporting the issuance of the permit from every restaurant within 150 feet of the proposed food truck location. The city manager may waive such requirements only for the BC-1 zoning district. The city manager may deny a request for waiver for any reason, with or without good cause.
- (B) Scope:
- (i) In addition to the zoning districts permitted by this section, mobile food vehicle sales may take place in other public property locations, or in the public right-of-way, but only as part of an approved organized event or street closure permit, and granted pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or any other relevant code section.
  - (ii) The standards set forth in Subparagraphs (d)(1)(A)(ii) and (d)(1)(C) shall not apply to mobile food vehicle sales that meet the criteria as indicated in Subparagraph (d)(1)(B)(i) of this section,

1 but shall be subject to any conditions imposed in connection with  
2 the event. All other requirements of this subsection shall apply.

3 (iii) The city manager may, from time to time, prohibit the issuance of  
4 additional licenses in specified areas of the city in the interest of  
5 avoiding traffic congestion or preserving the public health, safety,  
6 and welfare.

7 (C) Operating Requirements: No person who operates any mobile food vehicle  
8 on public property or private property shall:

9 (i) Obstruct the pedestrian or bicycle access or the visibility of  
10 motorists, nor obstruct parking lot circulation or block access to a  
11 public street, alley, path, or sidewalk;

12 (ii) Locate any vehicle, structure, or device upon a public sidewalk  
13 within the extended boundaries of a crosswalk, or within ten feet of  
14 the extension of any building entranceway, doorway, or driveway;

15 (iii) Fail to maintain, and provide proof when requested, of written  
16 consent from the private property owner authorizing the property  
17 to be used for the proposed use with regard to mobile food vehicle  
18 sales on private property;

19 (iv) Fail to park legally;

20 (v) Operate before 7 a.m. or after 9 p.m. and for more than a  
21 maximum of four hours at any one approved location;

22 (vi) Set up any structures, canopies, tables, or chairs;

23 (vii) Sell anything other than food and nonalcoholic beverages;

24 (viii) Provide amplified music;

25 (ix) Place signs/banners in or alongside the public right-of-way or  
across roadways. Signs must be permanently affixed to or painted  
on the mobile food vehicle;

(x) Fail to have the vehicle attended at all times;

(xi) Fail to permanently display to the public in the food handling area  
of the mobile food vehicle the permit authorizing such use;

(xii) Fail to provide at least three separate and clearly marked  
receptacles for trash, recycling, and compost and properly separate

1 and dispose of all trash, refuse, compost, recycling, and garbage  
2 that is generated by the use;

3 (xiii) Cause any liquid wastes used in the operation to be discharged  
4 from the mobile food vehicle;

5 (xiv) Sell in transit. "In transit" as used in this section shall mean  
6 traveling from one destination to another either by roadway,  
7 sidewalk, or path and in the case of a human powered mobile food  
8 vehicle shall also include any stops along the way;

9 (xv) Fail to abide by all other ordinances of the city.

10 (D) The general licensing provisions of Chapter 4-1, "Licenses and Permits,"  
11 B.R.C. 1981, shall apply.

12 (e) **Restaurant, Brewpub, and Tavern:**

13 (1) Applicability: This subsection (e) sets forth standards for restaurants, brewpubs,  
14 and taverns that are subject to specific use standards pursuant to Table 6-1, Use  
15 Table.

16 (2) Floor Area Measurement:

17 (A) When determining whether a restaurant, brewpub, or tavern meets the  
18 maximum floor area requirements under this subsection, the applicant  
19 shall include all areas inside the use measured to the inside surface of the  
20 outside walls, except for floor area that is used exclusively for storage that  
21 is located on another floor of the building.

22 (3) Standards for Outdoor Seating:

23 (A) Applicability: The following standards apply to any outdoor seating area  
24 that is within 500 feet (measured from the perimeter of the subject  
25 property) of a residential use module. Outdoor seating areas that are within  
26 the BMS, DT, and I zoning districts are also subject to the provisions of  
27 Subparagraphs (e)(3)(B)(i), (ii), or (iii) of this section, when applicable.

28 (i) Size Limitations: Outdoor seating areas shall not exceed the indoor  
29 seating area or seating capacity of the restaurant or tavern.

30 (ii) Parking Required: Parking in compliance with Section 9-9-6,  
31 "Parking Standards," B.R.C. 1981, shall be provided for all

1 outdoor seating areas except those located in general improvement  
 2 districts.

3 (iii) Music: No outdoor music or entertainment shall be provided after  
 4 11 p.m.

5 (iv) Sound Levels: The outdoor seating area shall not generate noise  
 6 exceeding the levels permitted in Chapter 5-9, "Noise," B.R.C.  
 7 1981.

8 (v) Trash: All trash located within the outdoor seating area, on the  
 9 restaurant or tavern property, and adjacent streets, sidewalks, and  
 10 properties shall be picked up and properly disposed of immediately  
 11 after closing.

12 (4) In the RH-3 and RH-7 Zoning Districts:

13 (A) In the RH-3 and RH-7 zoning districts, restaurants, brewpubs, and taverns  
 14 are allowed by right if the use meets the following standards, and are  
 15 otherwise prohibited:

16 (i) The use has a maximum floor area of 1,000 square feet;

17 (ii) Total outdoor seating area is not more than 350 square feet; and

18 (iii) The use closes no later than 11 p.m.

19 (5) In the MU-2 and MU-3 Zoning Districts:

20 (A) Review Process: In the MU-2 and MU-3 zoning districts, the following  
 21 review process applies to restaurants, brewpubs, and taverns:

22 (i) Allowed Use: Restaurants, brewpubs, and taverns are allowed by  
 23 right if the use meets the following standards:

24 a. The use has a maximum floor area of 1,000 square feet;

25 b. Total outdoor seating area is not more than 350 square feet;  
and

c. The use closes no later than 11 p.m.

(ii) Use Review: Restaurants, brewpubs, and taverns that are not  
allowed by right may be approved only pursuant to a use review.

1           (6)    In the MU-4 Zoning District:

2           (A)    Review Process: In the MU-4 zoning district, the following review process  
 3               applies to restaurants, brewpubs, and taverns:

4           (i)    Allowed Use: Restaurants, brewpubs, and taverns are allowed by  
 5               right if the use meets the following standards:

6           a.    The use has a maximum floor area of 1,500 square feet;

7           b.    Total outdoor seating area is not more than 500 square feet;

8           c.    Any outdoor seating area located within 500 ft of a  
 9               residential zoning district does not exceed 300 square feet;  
 10            and

11           d.    The use closes no later than 11 p.m.

12           (ii) Use Review: Restaurants, brewpubs, and taverns that are not  
 13               allowed by right may be approved only pursuant to a use review.

14           (7)    In the BMS Zoning District:

15           (A)    Review Process Outside UHGID: In the BMS zoning district, the  
 16               following review process applies to restaurants, brewpubs, and taverns  
 17               located outside the University Hill general improvement district:

18           (i)    Allowed Use: Restaurants, brewpubs, and taverns are allowed by  
 19               right if the use meets the following standards:

20           a.    The use has a maximum floor area of 1,500 square feet;

21           b.    Total outdoor seating area is not more than 500 square feet;

22           c.    Any outdoor seating area located within 500 feet of a  
 23               residential zoning district does not exceed 300 feet; and

24           d.    The use closes no later than 11 p.m.

25           (ii) Use Review: Restaurants, brewpubs, and taverns that are not  
 26               allowed by right may be approved only pursuant to a use review,  
 27               subject to the following standard:

28           a.    Good Neighbor Meetings and Management Plans Required:  
 29               Owners and operators of restaurant, brewpub, and tavern  
 30               uses shall organize and participate in a meeting with the

1 surrounding property owners pursuant to Section 9-2-4,  
2 "Good Neighbor Meetings and Management Plans," B.R.C.  
3 1981.

4 (B) Review Process Within UHGID:

5 (i) Conditional Use: In the BMS zoning district, restaurants,  
6 brewpubs, and taverns located within the University Hill general  
7 improvement district may be approved only as a conditional use  
8 provided they meet following standards:

9 a. Meeting With Surrounding Property Owners Required:  
10 Restaurant, brewpub, and tavern owners and operators shall  
11 organize and participate in a good neighbor meeting with the  
12 surrounding property owners pursuant to Section 9-2-4,  
13 "Good Neighbor Meetings and Management Plans," B.R.C.  
14 1981.

15 b. Preparation and Distribution of a Proposed Management  
16 Plan: The owner or operator shall prepare a proposed  
17 management plan, pursuant to Section 9-2-4, "Good  
18 Neighbor Meetings and Management Plans," B.R.C. 1981,  
19 and present it to the surrounding property owners at the  
20 neighbor meeting.

21 c. Size of Establishment: Restaurants, brewpubs, and taverns  
22 shall not exceed four thousand square feet in size.

23 d. Hours of Operation: Restaurants, brewpubs, and taverns  
24 shall close no later than 11 p.m. unless the establishment is  
25 operated without a liquor license.

e. Outdoor Seating Areas: Outdoor patio service shall cease no  
later than 11 p.m. and, when applicable, shall comply with  
the requirements of Paragraph (e)(3) of this section.

f. Trash, Recyclables, and Compostables: If the use is located  
within 500 feet of a residential zoning district, trash,  
recyclables, and compostables shall not be collected between  
the hours of 10:30 p.m. and 7:30 a.m.

g. Food Service in Brewpubs and Taverns: In brewpubs and  
taverns, snacks shall be offered and available for  
consumption on the premises during all business hours.

h. Food Service in Restaurants: In restaurants:

1. A food preparation area shall be in operation on the premises during all business hours, and solid food, prepared in the food preparation area, shall be offered and available for consumption on the premises during all business hours; and
2. Not less than fifty percent of the gross income from sales of food and drink of the establishment over any thirty-day period of time must be from sales of food; receipts of all sources of income showing the name of the establishment, the date of sale, a description of each item sold, and the price paid for each item sold shall be retained for one year and must be provided to the city manager within seven days of request.

(8) In the BC-1, BC-2, BCS, BR-1, BR-2, DT-4, and DT-5 Zoning Districts:

- (A) Review Process: In the BC-1, BC-2, BCS, BR-1, BR-2, DT-4, and DT-5 zoning districts, restaurants, brewpubs, and taverns are allowed by right unless any outdoor seating area that is located within 500 feet of a residential zoning district is 300 feet or more in size. A restaurant, brewpub, or tavern that is not allowed by right may be approved only pursuant to a use review.

(9) In the DT-1, DT-2, and DT-3 Zoning Districts:

- (A) Applicability: In the DT-1, DT-2, and DT-3 zoning districts, the following applies to restaurants, brewpubs, and taverns:

(i) Review Process:

- a. Conditional Use: Restaurants, brewpubs, and taverns may be approved as a conditional use if the use meets the following standards:

1. The use has a maximum floor area of 1,500 square feet;
2. Total outdoor seating area is not more than 500 square feet;
3. Any outdoor seating area located within 500 feet of a residential zoning district does not exceed 300 feet; and

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

4. The use closes no later than 11 p.m.

b. Use Review: Restaurants, brewpubs, and taverns that may not be approved as a conditional use may be approved only pursuant to a use review.

(ii) General Standard: Owners and operators of restaurant, brewpub, and tavern uses that may be approved as a conditional use or pursuant to a use review must organize and participate in a meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.

(10) In the Industrial Zoning Districts:

(A) Brewpubs and Taverns: Brewpubs and taverns are prohibited in the Industrial zoning districts.

(B) Restaurants: In the Industrial zoning districts, the following applies to restaurants that are not within a brewery, distillery, or winery:

(i) Review Process: The following review process applies:

a. Conditional Use: A restaurant may be approved as a conditional use if the use is closed between the hours of 11 p.m. and 5 a.m.

b. Use Review: A restaurant that may not be approved as a conditional use may be approved only pursuant to a use review. In addition to meeting the use review criteria, the use must be located more than 500 feet from any residential use or zoning district.

(ii) General Standards: All restaurants in the Industrial zoning districts that are not within a brewery, distillery, or winery approved as a conditional use or pursuant to a use review must also meet the following standards:

a. The use is intended generally to serve the industrial area in which it is located;

b. The use is not located along a major street or higher classification street as shown in Appendix A, "Major Streets," of this title;



- c. In the IMS district only, the use shall be limited to a maximum size of two thousand square feet of floor area; and
- d. Parking for restaurants in industrial districts shall meet the minimum number of off-street parking spaces per square foot of floor area for nonresidential uses. The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-Street Parking Requirements," B.R.C. 1981, shall not be applied to industrial service centers.

(11) In the P Zoning District:

(A) Brewpubs and Taverns: Brewpubs and taverns are prohibited in the P zoning district.

(B) Restaurants: In the P zoning district, the following applies to restaurants:

(i) Review Process: The following review process applies:

a. Allowed Use: Restaurants are allowed by right if the use meets the following standards:

- 1. The restaurant is located in a regional park where the use and any associated outdoor seating is no closer than 500 feet to a residential zoning district; and
- 2. The approval authority for the lease by the public agency owning the regional park finds that the lease and management plan ensure that the use is reasonably compatible with and has minimal negative impacts that are material in nature on surrounding uses, natural areas, and wildlife.

b. Use Review: Restaurants that are not allowed by right may be approved only pursuant to a use review. In addition to meeting the use review criteria, the use must be located in a regional park.

(ii) General Standard: A restaurant that is not located in a regional park is prohibited.

**RECREATION AND ENTERTAINMENT**

(f) Art or Craft Studio:

1 (1) In the MU-1, MU-2, and MU-3 Zoning Districts:

- 2 (A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, art or  
 3 craft studios are allowed by right for 2,000 square feet or less of floor area  
 4 per lot or parcel. Art or craft studios that are not allowed by right may be  
approved only pursuant to a use review.

5 (g) **Indoor Athletic Facility:**

6 (1) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 Zoning Districts:

- 7 (A) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 zoning districts, an indoor  
 8 athletic facility may be approved only pursuant to a use review. In  
 9 addition to meeting the use review criteria, the floor area of the use shall  
not exceed 250 square feet.

10 (2) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

- 11 (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning  
 12 districts, an indoor athletic facility is allowed by right if the floor area does  
 13 not exceed 1,000 square feet. An indoor athletic facility that is not allowed  
 14 by right may be approved only pursuant to a use review.

15 (3) In the BT-1, BT-2, and BMS Zoning Districts:

- 16 (A) Review Process: In the BT-1, BT-2, and BMS zoning district, an indoor  
 17 athletic facility is allowed by right if the floor area does not exceed 2,000  
 18 square feet. An indoor athletic facility that is not allowed by right may be  
 19 approved only pursuant to a use review.

20 (h) **Temporary Event:**

21 (1) Temporary events may be approved as a conditional use if the following standards  
 22 are met:

- 23 (A) Such uses are temporary and limited to two consecutive weeks in any  
 24 three-month period, unless otherwise approved by the city manager;
- 25 (B) Such uses conducted from movable structures or upon vacant lots shall  
submit a site plan, including, without limitation, the location, setback from  
property line, screening, sign and fence locations, if applicable, and  
electric meter locations or power source;
- (C) Applicants shall obtain the appropriate sales tax license and, if applicable,  
temporary fence permits;

- 1 (D) All exterior areas used for such uses and the lot or parcel that such uses  
2 occur upon shall meet the bulk requirements of Section 9-7-1, "Schedule  
3 of Form and Bulk Standards," B.R.C. 1981;
- 4 (E) Such uses may not adversely affect the required parking or result in unsafe  
5 conditions or unacceptable levels of congestion;
- 6 (F) Upon termination of the use pursuant to Subparagraph (h)(1)(A) of this  
7 section, the lot or parcel shall be returned substantially to its original  
8 condition. All litter, fences, borders, tie-down materials, and other items  
9 associated with the temporary sale shall be promptly removed. Unless  
10 otherwise approved by the city manager, "promptly," as used in this  
11 subparagraph, shall mean within five days;
- 12 (G) Temporary sales shall only be conducted by the owner or lessee of the  
13 property on which it is conducted and only in conjunction with the  
14 principal use of the property; and
- 15 (H) In the P zoning district, temporary sales are prohibited.
- 16 (I) Prohibitions: No person shall sell merchandise or services from a motor  
17 vehicle, trailer, mobile home, or tent upon any public or private property,  
18 including, without limitation, lots, or portions thereof that are vacant or  
19 used for parking except as provided in this section.

**OFFICE USES**

(i) **Office Uses:**

- 20 (1) This subsection (i) sets forth standards for uses in the office uses category that are  
21 subject to specific use standards pursuant to Table 6-1, Use Table.
- 22 (2) Office Uses in the MU-4 Zoning District:
  - 23 (A) Review Process: In the MU-4 zoning district, the following review process  
24 applies to office uses:
    - 25 (i) Allowed Use: Office uses are allowed by right if the individual  
office use does not exceed 20,000 square feet in floor area of the  
building.

1 (ii) Use Review: Office uses that may not be approved by right may be  
2 approved pursuant to a use review if the approving authority finds  
3 that the use:

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

6 b. The proposed use will contribute to a diversity of uses in the  
7 area and to making the area a lively and engaging place.

8 (3) Office Uses in the BT-1, BT-2, BMS, BR-1, and BR-2 Zoning Districts:

9 (A) Review Process: In the BT-1, BT-2, BMS, BR-1, and BR-2 zoning  
10 districts, the following review process applies to office uses:

11 (i) Allowed Use: Office uses are allowed by right if they meet the  
12 following standards:

13 a. The use is located within the University Hill general  
14 improvement district; or

15 b. The combined total amount of floor area of any office uses  
16 does not exceed 20,000 square feet on the lot or parcel; or

17 c. The use was legally established within the associated floor  
18 area prior to August 6, 2019. Uses that exceed the 20,000  
19 square feet limitation of subparagraph (A)(i)b. shall be  
20 considered a nonconforming use. Changes in operations,  
21 such as changes in ownership, tenancy, management,  
22 number of employees, hours of operation, or changes to  
23 other uses also within the office use category within the  
24 existing floor area referenced in this subsection, shall not be  
25 considered an expansion of a nonconforming use. Such  
changes shall not require a request for a change of use  
pursuant to Section 9-10-3(c)(2), "Standards for Changes to  
Nonconforming Uses," B.R.C. 1981. Additions or changes  
to floor plans that result in the combined floor area of these  
uses exceeding the 20,000 square foot limitation of  
subparagraph (A)(i)b. for the nonconforming floor area may  
not be allowed by right.

(ii) Conditional Use: The use may be approved as a conditional use if the following standards are met:

a. The total amount of floor area of any office uses does not exceed 40,000 square feet on the lot or parcel;

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

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

(iii) Use Review: Any use that is not allowed by right and may not be approved as a conditional use may be approved pursuant to a use review if 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 is part of a mixed-use development that includes residential or retail uses.

(4) Office Uses in the BCS Zoning District:

(A) In the BCS zoning district, office uses are allowed by right if the combined total amount of floor area of such uses does not exceed fifty percent of the total floor area of the building, and are otherwise prohibited.

(j) **Medical Laboratory:**

(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a medical laboratory is allowed by right if at least fifty percent of the floor area of the building is for residential uses and the total floor area

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

of nonresidential uses in the building is less than 7,000 square feet. A medical laboratory that is not allowed by right may be approved only pursuant to a use review.

(k) **Office, Administrative:**

(1) In the DT-4 Zoning District:

(A) Review Process: In the DT-4 zoning district, an administrative office is 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. An administrative office that is not allowed by right may be approved only pursuant to a use review.

(l) **Office, Medical:**

(1) In the MU-3 Zoning District:

(A) Review Process: In the MU-3 zoning district, a medical office is allowed by right if at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A medical office that is not allowed by right may be approved only pursuant to a use review.

(2) In the DT-4 Zoning District:

(A) Review Process: In the DT-4 zoning district, a medical office is 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. A medical office that is not allowed by right may be approved only pursuant to a use review.

(3) In the IG Zoning District:

(A) Review Process: In the IG zoning district, the following standards apply to any medical office that may be approved as a conditional use:

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

1 (ii) The use must be located in a building existing on the lot or parcel  
 2 with a certificate of occupancy on or before April 7, 2015, or in a  
 3 building for which a building permit application for new  
 4 construction on the lot or parcel was submitted on or before April  
 5 7, 2015; and

6 (iii) Any changes to the building for the medical office use shall not  
 7 result in a cumulative total increase in floor area of more than ten  
 8 percent of the floor area of the building existing on April 7, 2015,  
 9 or shown in the building permit application submitted on or before  
 10 April 7, 2015, as applicable.

11 (m) **Office, Professional:**

12 (1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

13 (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning  
 14 districts, a professional office is allowed by right if at least fifty percent of  
 15 the floor area of the building is for residential uses and the total floor area  
 16 of nonresidential uses in the building is less than 7,000 square feet. A  
 17 professional office that is not allowed by right may be approved only  
 18 pursuant to a use review.

19 (2) In the DT-4 Zoning District:

20 (A) Review Process: In the DT-4 zoning district, a professional office is  
 21 allowed by right if the use is not located on the ground floor facing a  
 22 street, with the exception of minimum necessary ground level access. A  
 23 professional office that is not allowed by right may be approved only  
 24 pursuant to a use review.

25 (n) **Office, Technical:**

(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning  
 districts, a technical office is allowed by right if at least fifty percent of the  
 floor area of the building is for residential uses and the total floor area of  
 nonresidential uses in the building is less than 7,000 square feet. A  
 technical office that is not allowed by right may be approved only  
 pursuant to a use review.

(2) In the MU-4 and BMS Zoning Districts:

(A) Review Process: In the MU-4 and BMS zoning districts, a technical office  
is allowed by right if the floor area of the use does not exceed 5,000

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 square feet. A technical office that is not allowed by right may be  
 2 approved only pursuant to a use review.

3 (3) In the DT-4 Zoning District:

4 (A) Review Process: In the DT-4 zoning district, a technical office is allowed  
 5 by right if the use is not located on the ground floor facing a street, with  
 6 the exception of minimum necessary ground level access. A technical  
 7 office that is not allowed by right may be approved only pursuant to a use  
 8 review.

9 (4) In the IS-1 and IS-2 Zoning Districts:

10 (A) In the IS-1 and IS-2 zoning districts, a technical office is allowed by right  
 11 if the floor area of the use does not exceed 5,000 square feet and is  
 12 otherwise prohibited.

13 **RETAIL SALES USES**

14 (o) **Building Material Sales:**

15 (1) In the BC-1 and BC-2 Zoning Districts:

16 (A) In the BC-1 and BC-2 zoning districts, building material sales that may be  
 17 approved pursuant to a use review shall not exceed 15,000 square feet of  
 18 floor area on the lot or parcel. Otherwise, the use is prohibited.

19 (2) In the Industrial Zoning Districts:

20 (A) Review Process: In the Industrial zoning districts, building material sales  
 21 uses are allowed by right for 15,000 square feet or less of floor area per lot  
 22 or parcel. Building material sales that are not allowed by right may be  
 23 approved only pursuant to a use review

24 (p) **Convenience Retail Sales:**

25 (1) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 Zoning Districts:

(A) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 zoning districts,  
convenience retail sales that may be approved pursuant to a use review  
shall not exceed 2,000 square feet in floor area per lot or parcel.  
Otherwise, the use is prohibited.

(2) In the RH-3, RH-7, and MU-2 Zoning Districts:



1 (A) Review Process: In the RH-3, RH-7, and MU-2 zoning districts,  
 2 convenience retail sales are allowed by right for 2,000 square feet or less  
 3 of floor area per lot or parcel. Convenience retail sales that are not allowed  
 4 by right may be approved only pursuant to a use review.

5 (3) In the MU-1 and MU-3 Zoning Districts:

6 (A) Review Process: In the MU-1 and MU-3 zoning districts, the following  
 7 review process applies to convenience retail sales:

8 (i) Allowed Use: Convenience retail sales are allowed by right if they  
 9 meet the following standards:

10 a. The use is 2,000 square feet or less in floor area of the  
 11 building; or

12 b. If the use is greater than 2,000 square feet of floor area, the  
 13 cumulative floor area of nonresidential uses in the building  
 14 is less than 7,000 square feet, and at least fifty percent of the  
 15 building's floor area is for residential uses.

16 (ii) Use Review: Convenience retail sales that are not allowed by right  
 17 may be approved only pursuant to a use review.

18 (q) **Fuel Sales:**

19 (1) The following standards apply to any fuel sales use that may be approved as a  
 20 conditional use or pursuant to a use review:

21 (A) There is adequate space to allow up to three cars to stack in a line at a  
 22 pump without using any portion of the adjacent street.

23 (B) The visual impact of the use is minimized and screened from adjacent  
 24 rights-of-way and properties through placement of buildings, screening,  
 25 landscaping, and other site design techniques.

(C) Dispensing pumps are not located within twenty-five feet of a property  
line abutting a street.

(D) The location, size, design, and operating characteristics of the proposed  
facility are reasonably compatible with the use of nearby properties.

(E) A minimum landscaped side yard setback of twenty feet and a minimum  
rear yard landscaped setback of twenty-five feet are required where the  
use abuts residential uses or residential zoning districts.

1 (F) Fuel sales in industrial zones shall only be permitted in association with a  
 2 convenience retail store pursuant to Paragraph 9-6-3(a)(2), B.R.C. 1981.

3 (G) Servicing of vehicles is limited to the checking and adding of fluids and  
 4 air and the cleaning of windows. No other repair or servicing of vehicles is  
 5 permitted on site.

6 (f) **Retail Sales:**

7 (1) In the MU-2 and MU-3 Zoning Districts:

8 (A) Review Process: In the MU-2 and MU-3 zoning districts, retail sales that  
 9 may be approved pursuant to a use review shall not exceed 5,000 square  
 10 feet in floor area per individual use. Otherwise, the use is prohibited.

11 (2) In the MU-4, BMS, BC-1, BC-2, DT-1, DT-2, and DT-3 Zoning Districts:

12 (A) Review Process: In the MU-4, BMS, BC-1, BC-2, DT-1, DT-2, and DT-3  
 13 zoning districts, retail sales are allowed by right if each such use has less  
 14 than 20,000 square feet of floor area. Retail sales that are not allowed by  
 15 right may be approved only pursuant to a use review.

16 **SERVICE USES**

17 (s) **Broadcasting and Recording Facility:**

18 (1) In the MU-1, MU-2, and MU-3 Zoning Districts:

19 (A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a  
 20 broadcasting and recording facility is allowed by right if at least fifty  
 21 percent of the floor area of the building is for residential uses and the total  
 22 floor area of nonresidential uses in the building is less than 7,000 square  
 23 feet. A broadcasting and recording facility that is not allowed by right may  
 24 be approved only pursuant to a use review.

25 (2) In the BMS Zoning District:

(A) Review Process: In the BMS zoning district, a broadcasting and recording  
facility is 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. A broadcasting and recording facility that is not allowed by right  
may be approved only pursuant to a use review.

1 (t) **Business Support Service:**

2 (1) In the MU-4, BMS, IS-1, IS-2, and IMS Zoning Districts:

- 3  
4 (A) Review Process: In the MU-4, BMS, IS-1, IS-2, and IMS zoning districts, business support service uses are allowed by right if the uses are less than 10,000 square feet of floor area per lot or parcel. A business support service that is not allowed by right may be approved only pursuant to a use review.

7 (u) **Financial Institution:**

8 (1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

- 9  
10 (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a financial institution is allowed by right if at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A financial institution that is not allowed by right may be approved only pursuant to a use review.

13  
14 (2) In the MU-4 Zoning District:

- 15 (A) Review Process: In the MU-4 zoning district, the following review process applies to financial institutions:

16  
17 (i) Allowed Use: Financial institutions are allowed by right if the individual financial institution does not exceed 20,000 square feet in floor area of the building.

18  
19 (ii) Use Review: Financial institutions that may not be approved by right may be approved pursuant to a use review if the approving authority finds that the use:

20  
21 a. Meets the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use Review," B.R.C. 1981; and

22  
23 b. The proposed use will contribute to a diversity of uses in the area and to making the area a lively and engaging place.

1 (3) In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 Zoning Districts:

2 (A) Review Process: In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 zoning  
 3 districts, the following review process applies to financial institutions:

4 (i) Allowed Use: A financial institution is allowed by right if the use  
 5 is not located on the ground floor facing a street, with the  
 6 exception of minimum necessary ground level access.

7 (ii) Use Review: A financial institution that is not allowed by right  
 8 may be approved only pursuant to a use review. In addition to  
 9 meeting the use review criteria, the applicant shall demonstrate that  
 10 the use contributes to an active and vibrant pedestrian streetscape.

11 (v) **Industrial Service Center:**

12 (1) An industrial service center may be approved as a conditional use or pursuant to a  
 13 use review in the IG and IM zoning districts if the following standards are met:

14 (A) Site Review Required: The application for an industrial service center may  
 15 only be approved as part of a site review application under Section 9-2-14,  
 16 "Site Review," B.R.C. 1981. The minimum site review thresholds in  
 17 Paragraph 9-2-14(b)(1), B.R.C. 1981, shall not apply to an application for  
 18 an industrial service center. The following additional factors will be  
 19 considered in the site review process:

20 (i) The nonresidential uses are of the type and size for the service and  
 21 convenience of the employees of the surrounding area; and

22 (ii) The placement, design and character of the nonresidential use are  
 23 complementary to and compatible with the predominantly  
 24 industrial character of the area;

25 (B) Maximum Size of Property: The industrial service center shall not exceed  
 two acres in size. An industrial service center may be located on a  
 property that exceeds two acres in size;

(C) Location: The industrial service center shall be located at least one-quarter  
of a mile from land that is zoned as a business district described in Section  
9-5-2, "Zoning Districts," B.R.C. 1981, or from another industrial service  
center;

(D) Restaurant Parking: Parking for industrial service centers shall meet the  
minimum number of off-street parking spaces per square foot of floor area  
for nonresidential uses. The indoor and outdoor seating requirements of

Section 9-9-6(b), "Off-Street Parking Requirements," shall not be applied to industrial service centers;

(E) Permitted Nonresidential Uses: Any use permitted in the underlying zoning district classification may be permitted in an industrial service center, provided that all of the requirements for such uses are met. The additional permitted uses within an industrial service use, subject to size restrictions, include the following:

<u>Permitted Uses</u>	<u>Restrictions</u>
<u>Office — professional</u>	<u>1,500 sq. ft. maximum per office use, and the cumulative total of all office uses shall not exceed 20% of the total floor area of the industrial service center</u>
<u>Office — medical and dental</u>	<u>1,500 sq. ft. maximum per office use, and the cumulative total of all office uses shall not exceed 20% of the total floor area of the industrial service center</u>
<u>Personal service use</u>	<u>2,000 sq. ft. maximum per personal service use</u>
<u>Convenience retail use</u>	<u>2,500 sq. ft. maximum per convenience retail use</u>
<u>Retail</u>	<u>2,000 sq. ft. maximum per retail use</u>
<u>Financial institution</u>	<u>1,500 sq. ft. maximum per financial institution use</u>
<u>Restaurant</u>	<u>Conditional use requirements for restaurants in paragraph 9-6-5(e)(10) are not applicable</u>

(F) Hours of Operation:

- (i) Any use permitted in an industrial service center may operate daily between the hours of 5:00 a.m. and 11:00 p.m.
- (ii) No person shall operate any use in an industrial service center between the hours of 11:00 p.m. and 5:00 a.m., unless the use is:
  - a. Approved through a use review process; and
  - b. Located more than five hundred feet from an adjacent residential use or zone.

(w) **Neighborhood Business Center:**

- (1) The following standards apply to any neighborhood business center that may be approved pursuant to a use review:
  - (A) Site Review Required: The application for a neighborhood business center may only be approved as part of a site review application under Section 9-2-14, "Site Review," B.R.C. 1981.
  - (B) Size: The entire neighborhood business center shall not exceed three acres in size and is located so as to provide services primarily to existing residential development in the surrounding neighborhood;
  - (C) Type and Size Compatible: The nonresidential uses are of a type and size appropriate for the service and convenience of the residents of the residential development or the surrounding residential neighborhood;
  - (D) Placement, Design and Character Compatible: The placement, design and character of the nonresidential uses are complementary to and compatible with the predominantly residential character of the residential development or the surrounding established residential neighborhood;
  - (E) Permitted Nonresidential Uses: The nonresidential uses permitted are restaurants, as set forth in Subparagraph (w)(1)(F) of this section, and the list of uses and their respective size limitations set forth in Table 6-4 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; and

**TABLE 6-4: NEIGHBORHOOD BUSINESS CENTER USE RESTRICTIONS**

<u>Allowed Uses</u>	<u>Size Restrictions</u>
<u>Daycare center</u>	<u>50 children - not to exceed 2,500 square feet</u>
<u>Offices - professional/technical/general</u>	<u>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</u>
<u>Offices - medical/dental/including other health arts, including chiropractors, physical therapists, nutritionists, mental health practitioners</u>	<u>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</u>
<u>Personal service use</u>	<u>1,500 square feet maximum per use</u>

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

<u>Establishments for the retailing of convenience goods</u>	<u>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</u>
<u>Full service food market or grocery store</u>	<u>10,000 square feet maximum, provided that such use does not exceed 50 percent of the neighborhood business center</u>
<u>General retail</u>	<u>1,000 square feet maximum per use</u>
<u>Art and studio space</u>	<u>1,000 square feet maximum per use</u>

- (F) Restaurant Restrictions: Restaurants are permitted as a use within a neighborhood business center provided the following criteria are met, notwithstanding any restriction within Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981:
- (i) No Parking Reduction: No parking reduction may be granted for the neighborhood business center or any contemporaneously developed adjacent residential development unless the applicant can provide adequate assurances that there will be no parking spillover onto the surrounding residential streets;
  - (ii) Size: The gross floor area of the restaurant does not exceed one thousand five hundred square feet in size, and up to three hundred additional square feet of floor area may be utilized for storage purposes only;
  - (iii) Proportion of Development: The restaurant use is included in a development containing other uses approved as part of the neighborhood business center and does not exceed twenty-five percent of the gross floor area of the project;
  - (iv) Drive-Thru Uses Prohibited: The restaurant does not contain a drive-thru facility;
  - (v) Trash Storage: A screened trash storage area is provided adjacent to the restaurant use, in accordance with the requirements of Section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981;
  - (vi) Loading Area: A loading area meeting the requirements of Section 9-9-9, "Off-Street Loading Standards," B.R.C. 1981, provided adjacent to the restaurant use;

- 1 (vii) Signage: Signage complies with a sign program approved as part  
 2 of the review by the city manager consistent with the requirements  
 3 of Section 9-9-21, "Signs," B.R.C. 1981; and
- 4 (viii) Environmental Impacts: Any environmental impact including,  
 5 without limitation, noise, air emissions and glare is confined to the  
 6 lot upon which the restaurant use is located and is controlled in  
 7 accordance with applicable city, state, and federal regulations.

## 8 VEHICLE-RELATED USES

### 9 (x) Drive-Thru Use:

- 10 (1) The following standards apply to any drive-thru use that may be approved pursuant  
 11 to a use review:
- 12 (A) No drive-thru facility is allowed in any Downtown (DT) district unless the  
 13 property is located directly abutting Canyon Boulevard.
- 14 (B) Hazardous and other adverse effects on adjacent sites and streets are  
 15 avoided.
- 16 (C) The location of any access to the drive-thru facility from an adjacent street  
 17 does not impair its traffic-carrying capacity.
- 18 (D) Internal circulation and access to and egress from the site do not  
 19 substantially impair the movement of other modes of transportation, such  
 20 as bicycles and pedestrians, to and through the site.
- 21 (E) Clearly marked pedestrian crosswalks are provided for each walk-in  
 22 customer access to the facility adjacent to the drive-thru lanes.
- 23 (F) The drive-thru use is screened from adjacent rights-of-way and properties  
 24 through placement of the use, screening, landscaping, or other site design  
 25 techniques.
- (G) Environmental impacts, including, without limitation, noise, air emissions  
and glare are not significant for the employees of the facility or the  
surrounding area.
- (H) Any curb cuts serving the use are not located within two hundred feet of  
any intersection of the rights-of-way of any two of the major streets or  
major arterials shown on the map of major streets.
- (I) The location, size, design, and operating characteristics of the proposed  
facility are such that the drive-thru operation will be reasonably

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



compatible with and have minimal negative impact on the use of nearby properties.

(J) The noise generated on the site is inaudible to adjacent residential uses, measured at or inside the property line of property other than that on which the sound source is located.

(K) Nonconforming drive-thrus shall comply with the criteria of Subsection 9-10-2(d), B.R.C. 1981.

(y) **Fuel Service Station:**

(1) The following standards apply to any fuel service station that may be approved as a conditional use or pursuant to a use review:

(A) General Standards: Any fuel service station that may be approved as a conditional use or pursuant to a use review shall meet the following standards:

(i) Areas for the storage of vehicles to be serviced in excess of twenty-four hours are in enclosed areas or shielded from view from adjacent properties.

(ii) There is adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street.

(iii) The visual impact of the use is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.

(iv) Dispensing pumps are not located within twenty-five feet of a property line abutting a street.

(v) In addition to the parking requirements of Sections 9-7-1, "Schedule of Form and Bulk Standards," and 9-9-6, "Parking Standards," B.R.C. 1981, and the stacking requirements of Subparagraph (y)(1)(A)(ii) of this subsection, adequate space is provided for the storage of two vehicles per service bay off-street.

(vi) The location, size, design, and operating characteristics of the proposed facility are reasonably compatible with the use of nearby properties.

(vii) A minimum landscaped side yard setback of twenty feet and a minimum rear yard landscaped setback of twenty-five feet are

required where the use abuts residential uses or residential zoning districts.

(B) In the BC-1, BC-2, BR-1, BR-2, IS-1, IS-2, and IG Zoning Districts:

(i) Review Process: In the BC-1, BC-2, BR-1, BR-2, IS-1, IS-2, and IG zoning districts, the following review process applies to fuel service stations:

a. Conditional Use: A fuel service station may be approved as a conditional use if it is not located adjacent to any residential uses.

b. Use Review: Fuel service stations that may not be approved as a conditional use may be approved only pursuant to a use review.

(z) Principal Parking Facility:

(1) In the DT-1, DT-2, DT-3, and DT-5 Zoning Districts:

(A) Applicability: In the DT-1, DT-2, DT-3, and DT-5 zoning districts, the following standards apply to any automobile parking garage as a principal use on a lot that is over 20,000 square feet and may be approved pursuant to a use review:

(i) Building Setbacks: The building shall be set back fifteen feet from any property line adjacent to a public street, but not an alley, for any portions of the building between thirty-five feet and forty-five feet in height. The facade of the building shall be set back thirty feet from any property line adjacent to a public street, but not an alley, for any portions of the building between forty-five feet and fifty-five feet in height. All portions of a building above the permitted height shall also be required to meet the requirements set forth in Section 9-2-14, "Site Review," B.R.C. 1981.

(ii) Maximum Number of Stories: The requirements for the maximum number of stories set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, shall not be applied to the parking areas within automobile parking garages.

(iii) First Floor Wrap Required: No person shall build an automobile parking garage pursuant to the provisions of this subsection without providing a first floor retail wrap meeting the following standards:

- a. The depth of the retail wrap is a minimum of twenty-five and a maximum of thirty feet;
- b. The wrap faces on all streets, except alleys, for the entire length of the building, except for those places necessary to provide ingress and egress into the parking areas; and
- c. The space is used for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zoning district.

(iv) Second Floor Wrap Required: No person shall build an automobile parking garage pursuant to the provisions of this subsection without providing a second floor wrap meeting the following standards:

- a. The depth of the second floor wrap is a minimum of fifteen feet and a maximum of thirty feet;
- b. The second floor wrap faces on all streets, except alleys, for the entire length of the building; and
- c. The space is for any use otherwise permitted or approved for the zoning district.

(v) Floor Area Ratio Requirements: The maximum floor area ratio for non-parking uses shall be 0.7:1. Uninhabitable space shall not be included in the floor area ratio calculation for non-parking uses. The floor area ratios set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the floor area ratio requirements applying to the Downtown (DT) districts, as shown in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, shall not be applied to an automobile parking garage.

(vi) Modified Through Site Review: The provisions in Subparagraphs (z)(1)(A)(i), (iii), (iv), and (v) of this section may be modified as part of a site review pursuant to Section 9-2-14, "Site Review," B.R.C. 1981, if the approving authority finds that the design of the structure provides other features that mitigate the adverse effects of the building on the street and on pedestrians.

(aa) **Sales or Rental of Vehicles:**

(1) The following standards apply to any sales or rental of vehicles that may be approved as a conditional use or pursuant to a use review:

(A) General Standards: Any sales or rental of vehicles approved as a conditional use or pursuant to a use review shall meet the following standards:

- (i) No person shall allow outdoor intercoms and similar devices that electronically amplify sound to be audible at or beyond the property line.
- (ii) The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
- (iii) During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
- (iv) During all other times, outdoor lighting on the property shall be in conformance with the standards set forth in Section 9-9-16, "Lighting, Outdoor," B.R.C. 1981.

(B) In the BCS Zoning District:

- (i) Review Process: In the BCS zoning district, sales or rental of vehicles are allowed by right if the use is not located within 500 feet of a residential zoning district. Sales or rental of vehicles that are not allowed by right may be approved only pursuant to a use review.

(C) In the IS-1, IS-2, and IG Zoning Districts:

- (i) Review Process: In the IS-1, IS-2, and IG zoning districts, sales or rental of vehicles are allowed by right if the use is not located within 500 feet of a residential zoning district. Sales or rental of vehicles that are not allowed by right may be approved only as a conditional use.

(bb) Service of Vehicles:

(1) In the MU-4, BMS, and IM Zoning Districts:

- (A) In the MU-4, BMS, and IM zoning districts, outdoor storage is prohibited between the hours of 9 p.m. and 7 a.m. of the following day.

(2) In the BCS Zoning District:

- (A) In the BCS zoning district, service of vehicles is allowed by right if the use does not include outdoor storage. Service of vehicles that is not allowed by right may be approved only pursuant to a use review.

**9-6-6. Specific Use Standards – Industrial Uses.**

**STORAGE, DISTRIBUTION, AND WHOLESALING**

**(a) Outdoor Display of Merchandise:**

- (1) The following standards apply to the outdoor display of merchandise:
  - (A) Merchandise shall not be located within any required yard adjacent a street;
  - (B) Merchandise shall not be located within or obstruct required parking and vehicular circulation areas or sidewalks;
  - (C) Merchandise shall be screened to the extent possible from the view of adjacent streets; and
  - (D) Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.

**PRODUCTION AND PROCESSING**

**(b) Manufacturing Use:**

- (1) In the MU-4 and BCS Zoning Districts:
  - (A) Review Process: In the MU-4 and BCS zoning districts, manufacturing uses are allowed by right with a maximum of 15,000 square feet of floor area per lot or parcel and are otherwise prohibited.
- (2) In the IS-1 and IS-2 Zoning Districts:
  - (A) Review Process: In the IS-1 and IS-2 zoning districts, manufacturing uses are allowed by right with a maximum of 15,000 square feet of floor area per lot or parcel. A manufacturing use that is not allowed by right may be approved only pursuant to a use review.

**(c) Manufacturing Uses with Potential Off-Site Impacts:**

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 (1) All manufacturing uses with potential off-site impacts which may produce effects  
 2 on the environment that are measurable at or beyond the property line, may be  
 3 approved pursuant to a use review, provided that such uses shall demonstrate that  
 4 such effects are not detrimental to the public health, safety or general welfare; that  
 5 any noise, smoke, vapor, dust, odor, glare, vibration, fumes or other environmental  
 6 contamination is controlled in accordance with applicable city, state or federal  
 7 regulations; and that a plan of control for the above effects on the environment and  
 8 an estimate of the measurement of each at the property lines is submitted at the time  
 9 of such use review application.

6 (d) **Recycling Collection Facilities – Large:**

7 (1) Large recycling collection facilities that may be approved pursuant to a use review  
 8 shall meet the following standards:

9 (A) The facility shall meet all setback and landscaping requirements of the  
 10 zoning district in which it is located.

11 (B) The facility shall not abut a property zoned for residential use.

12 (C) The facility shall be screened from the public right-of-way by operating:

13 (i) Within an enclosed building, or

14 (ii) Within an area enclosed by an opaque fence at least seven feet in  
 15 height with landscaping, and at least one hundred and fifty feet  
 16 from property zoned, planned in the Boulder Valley  
 17 Comprehensive Plan, or occupied for residential use.

18 (D) All exterior storage of material shall be in sturdy containers or enclosures  
 19 which are covered, secured, and maintained in good condition, or shall be  
 20 baled or pelletized. Storage containers for flammable material shall be  
 21 constructed of nonflammable material. Oil storage shall be in containers  
 22 approved by the city fire department. No storage, excluding truck trailers  
 23 and overseas containers, shall be visible above the height of the fencing.

24 (E) The site shall be maintained free of vermin infestation and shall be cleaned  
 25 of litter and loose debris on at least a daily basis.

(F) One parking space shall be provided for each commercial vehicle operated  
by the recycling facility. Parking requirements are as required in the zone,  
except that parking requirements for employees may be reduced if it can  
be shown that such parking spaces are not necessary, such as when  
employees are transported in a company vehicle to the work facility.

1 (G) If the facility is located within five hundred feet of property zoned,  
2 planned under the Boulder Valley Comprehensive Plan, or occupied for  
residential use, it shall not operate between 7:00 p.m. and 7:00 a.m.

3 (H) Any container provided for after-hours donation of recyclable materials  
4 shall be at least fifty feet from any property zoned, planned in the Boulder  
5 Valley Comprehensive Plan, or occupied for residential use, shall be of  
6 sturdy, rustproof construction, shall have sufficient capacity to  
accommodate materials collected, and shall be secure from unauthorized  
entry or removal of materials.

7 (I) The containers shall be clearly marked to identify the type of materials  
8 that may be deposited. The facility shall display a notice stating that no  
material shall be left outside the recycling containers.

9 (J) The facility shall be clearly marked with the name and phone number of  
10 the facility operator and the hours of operation.

11 (e) **Recycling Collection Facilities – Small:**

12 (1) Small recycling collection facilities that may be approved as a conditional use or  
13 pursuant to a use review shall meet the following standards:

14 (A) The facility shall not exceed seven feet in height.

15 (B) The facility shall not be located within thirty feet of land zoned, planned in  
16 the Boulder Valley Comprehensive Plan, or occupied for residential use.

17 (C) The facility shall be screened from the public right-of-way and adjacent  
18 properties by an opaque fence at least seven feet high.

19 (D) A facility is permitted only in conjunction with an existing conforming  
20 commercial use or public use.

21 (E) Space that will be periodically needed for removal of materials or  
22 exchange of containers is not counted toward the two hundred fifty square  
23 foot limit.

24 (F) The fence opacity and height screening requirements may be modified or  
25 waived by the city manager upon a finding that the design and  
configuration of the containers in which the recyclable materials are to be  
deposited are such that screening by such a fence is not necessary.

(G) The facility shall use no power-driven processing equipment, except for  
reverse vending machines.

- 1 (H) All containers shall be constructed of durable waterproof and rustproof  
2 material, maintained in that condition, covered when the site is not  
3 attended, and secured from unauthorized entry or removal of material.
- 4 (I) All recyclable material shall be stored in the containers when an attendant  
5 is not present.
- 6 (J) The facility shall be maintained free of vermin infestation, and mobile  
7 facilities, at which the collection truck or other container is removed at the  
8 end of each collection day, shall be swept at least at the end of each  
9 collection day.
- 10 (K) Collection of deposited recyclable material from a facility located within  
11 one hundred feet of a property zoned or occupied for residential use shall  
12 occur only during the hours between 7:00 a.m. and 7:00 p.m.
- 13 (L) Containers shall be clearly marked to identify the type of material which  
14 may be deposited. The facility shall be clearly marked to identify the name  
15 and telephone number of the facility operator and the hours of operation,  
16 and shall display a notice stating that no material shall be left outside the  
17 recycling enclosure or containers.
- 18 (M) Any signs relating to the facility in an approved site review shall be  
19 consistent with the approved uniform sign program pursuant to Subsection  
20 9-9-21(k), B.R.C. 1981.
- 21 (N) The facility shall not impair any required landscaping.
- 22 (O) No additional parking spaces are required for customers of a small  
23 collection facility located at the established parking lot of a host use, but  
24 one additional space shall be provided for the attendant, if needed.
- 25 (P) Mobile recycling units shall have an area clearly marked to prohibit other  
vehicular parking during hours when the mobile unit is scheduled to be  
present.
- (Q) Occupation of parking spaces by the facility and by the attendant shall not  
reduce available parking spaces below the minimum number required for  
the primary host use unless a parking study shows the existing parking  
capacity is not already fully utilized during the time the recycling facility  
will be on the site.

(f) **Recycling Processing Facility:**

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



- 1 (1) Recycling processing facilities that may be approved as a conditional use or  
2 pursuant to a use review shall meet the following standards:
- 3 (A) The facility shall not be located within one hundred fifty feet of land  
4 zoned, planned in the Boulder Valley Comprehensive Plan, or occupied  
5 for residential use.
- 6 (B) Processors shall operate in a wholly enclosed building except for  
7 incidental storage, or within an area enclosed on all sides by an opaque  
8 fence or wall not less than seven feet in height and landscaped on all street  
9 frontages.
- 10 (C) Setbacks and landscaping requirements shall be those provided for the  
11 zoning district in which the facility is located.
- 12 (D) All exterior storage of material shall be in sturdy containers or enclosures  
13 which are covered, secured, and maintained in good condition, or shall be  
14 baled or pelletized. Storage containers for flammable materials shall be  
15 constructed of nonflammable material. Oil storage shall be in containers  
16 approved by the city fire department. No storage, except for truck trailers  
17 or overseas containers, shall be visible above the height of the fencing.
- 18 (E) The site shall be maintained free of vermin infestation, shall be cleaned of  
19 litter and loose debris on at least a daily basis, and shall be secured from  
20 unauthorized entry and removal of materials when attendants are not  
21 present.
- 22 (F) Space shall be provided on site for the anticipated peak load of customers  
23 to circulate, park and deposit recyclable materials. If the facility is open to  
24 the public, space shall be provided for a minimum of ten customers or the  
25 peak load, whichever is higher, unless the city manager determines that  
allowing overflow traffic is compatible with surrounding businesses and  
public safety.
- (G) One parking space shall be provided for each commercial vehicle operated  
by the processing center. Parking requirements shall otherwise be as  
required for the zone in which the facility is located.
- (H) If the facility is located within five hundred feet of property zoned,  
planned in the Boulder Valley Comprehensive Plan, or occupied for  
residential use, it shall not be in operation between 7:00 p.m. and 7:00  
a.m. The facility shall be administered by on-site personnel during the  
hours the facility is open.
- (I) Any containers provided for after-hours donation of recyclable materials  
shall be at least fifty feet from any property zoned, planned in the Boulder

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 Valley Comprehensive Plan, or occupied for residential use; shall be of  
 2 sturdy, rustproof construction; shall have sufficient capacity to  
 3 accommodate materials collected; and shall be secure from unauthorized  
 4 entry or removal of materials.

5 (J) Containers shall be clearly marked to identify the type of material that  
 6 may be deposited. The facility shall display a notice stating that no  
 7 material shall be left outside the recycling containers.

8 (K) No dust, fumes, smoke, vibration, or odor from the facility shall be  
 9 detectable on neighboring properties.

10 Section 11. Section 9-6-12, "Conditional Use and Use Review Standards – Agriculture  
 11 and Natural Resource Uses," B.R.C. 1981, is amended as follows:

12 **9-6-127. Conditional Use and Use Review Specific Use Standards - Agriculture and Natural**  
 13 **Resource Uses.**

14 **(a) Community Gardens:**

15 (1) Standards: The following ~~criteria~~ standards apply to all community garden uses:

16 (A) Retail ~~use~~ ~~Use prohibited~~ ~~Prohibited~~:- Sales of goods or products are  
 17 prohibited on the community garden unless otherwise permitted by  
 18 Subsection 9-6-5(eh), "Temporary ~~Sales or Outdoor Entertainment~~ Event,"  
 19 B.R.C. 1981, or within any commercial use permitted within a  
 20 nonresidential zoning district.

21 (B) Use of ~~manure~~ ~~Manure~~:- No person shall store or use manure in a  
 22 community garden unless it is dried and unless it is tilled into the ground  
 23 within forty-eight hours of delivery.

24 (C) Water ~~conveyance~~ ~~Conveyance~~:- The site must be designed and  
 25 maintained so that water is conveyed off-site into a city right-of-way or  
 26 drainage system without adversely affecting adjacent property.

27 (D) Water ~~conservation~~ ~~Conservation~~:- No person shall use sprinkler irrigation  
 28 between the hours of 10 a.m. and 6 p.m. Drip irrigation or watering by  
 29 hand with a hose may be done at any time.

30 (E) Mechanized ~~equipment~~ ~~Equipment~~:- No person shall operate mechanized  
 31 equipment, including, without limitation, lawn mowers, roto-tillers, garden  
 32 tractors, and motorized weed trimmers, between the hours of 8 p.m. and 8  
 33 a.m. Monday through Friday, and between the hours of 8 p.m. and 10 a.m.  
 34 Saturday and Sunday.

35 (F) Maintenance:- No person shall fail to maintain the community garden in

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

an orderly manner, including necessary watering, pruning, pest control, and removal of dead or diseased plant materials and otherwise in compliance with the provisions of Title 6, "Health, Safety and Sanitation," B.R.C. 1981.

(G) ~~Trash/compost~~ Compost:- No person shall fail to screen trash and compost receptacles from adjacent properties through landscaping, fencing, or storage within structures and remove trash and compost from the site weekly. Compost piles shall be set back at least ten feet from any property line.

(H) ~~Setbacks~~:- Structures accessory to the community garden use, such as accessory storage or utility buildings, gazebos, trellises, or accessory greenhouse structures, and activity areas exclusive of garden plots, shall comply with all applicable principal structure form and bulk standards in the applicable zoning district per Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981.

(I) ~~Identification and Contact Information~~:- No person shall establish the use until the community garden operator or coordinator has executed and filed an affidavit with the city manager confirming compliance of the use with the standards of this subsection. A sign shall be posted clearly visible from the public right-of-way that includes the name and contact information of the garden manager or coordinator. ~~No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C 1981, is required.~~

(b) Oil and Gas Operations: The following criteria apply to oil and gas operations:

.....

(4) Pre-Application Meeting Required: No person shall file an application for an oil and gas operations use, including an application for geophysical exploration pursuant to this subsection (b), until a pre-application review has been completed including a meeting with the city manager. The purpose of the meeting is for the city manager to review the proposed oil and gas operation use in a manner that ensures compliance with city standards and applicable state and federal regulations. The meeting will also enable the operator and city to explore site-specific concerns associated with the proposed locations, discuss project impacts and potential mitigation methods, including field design and infrastructure construction to avoid, minimize and mitigate adverse impacts, to discuss coordination of field design with other existing or potential development and operators, to identify sampling and monitoring plans for air and water quality, and other elements as required by these rules. The meeting shall occur at least sixty days before any development review application is filed. Any applicant of a pre-application shall submit registration materials meeting the requirements of

Section 9-6-127(b)(14)(A), B.R.C. 1981 and which must be accepted as complete by the city at least 60 days prior to scheduling a pre-application meeting.

(11) Use Review Application Requirements for Oil and Gas Operations: In addition to any information required by Section 9-2-15, "Use Review," B.R.C. 1981, the applicant shall provide the following information:

(AA) The following detailed reports and plans prepared by independent experts, engineers, or consultants referenced in this section to be retained by the applicant and subject to approval by the city manager and necessary to determine compliance with the standards and criteria of this section:

(ii) Odor Plan: A list of all odor reduction measures that will be used to address the predicted odors from the proposed oil and gas facilities and operations and meet Section 9-6-127(b)(12)(E), B.R.C. 1981. Identification of all natural features (e.g., topography, prevailing wind patterns, vegetation) that will aggravate or mitigate odor impacts on the areas within two thousand feet of the parcel(s) where the oil and gas facilities are proposed to be located. At a minimum, the plan shall indicate that the applicant will notify the city manager in writing of any complaints no later than twenty-four hours after receipt.

**Table 6-7: WATER QUALITY ANALYTES**

General Water Quality	Alkalinity Conductivity & TDS pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, including Total Coliform and E. Coli, Hydrogen Sulfide
Major Ions	Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, Nitrate + Nitrite as N (total)
Metals (to be analyzed in dissolved form)	Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium
Dissolved Gases and Volatile Organic Compounds	Methane, Benzene, Toluene, Ethylbenzene, Xylenes (BTEX); Total Petroleum Hydrocarbons (TPH)
Other	Water Level, Stable isotopes of water (Oxygen, Hydrogen), Carbon Phosphorus,

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

	Radionuclides, Tracing materials associated with operator's fracking fluid as identified in the water quality report and plan pursuant to Section 9-6- <del>127</del> (b)(11)(AA)(x), B.R.C. 1981.
--	--

.....

(xii) Water Management Plan: An independent expert's recommendation of measures that will avoid or minimize the impacts identified in subsection (b)(11)(AA)(xi)d. above and address the water use standards in Subparagraph 9-6-~~127~~(b)(12)(M), B.R.C. 1981. The plan shall include an estimate of the amount of produced water and other wastewater that will be generated by the proposed oil and gas operations, including a description and evaluation of potential flowback and produced water volume reduction options through recycling, reuse or other beneficial uses and the rationale for the methods to be employed.

.....

(13) Conditions of Approval and Operating Standards for Oil and Gas Operations Use: The approving authority will not approve an application unless the applicant demonstrates that the oil and gas operation use will avoid or minimize and mitigate impacts to the public health, safety and welfare and the environment. If the application is approvable, the approving authority may add conditions if they are necessary for the application to meet the review criteria or to ensure compliance with the standards in this subsection (b). Conditions may include but are not limited to the following:

.....

(U) Odor:

.....

(i) Compliance with Section 9-6-~~127~~(b)(12)(E), B.R.C. 1981, including on-going monitoring for compliance.

.....

Section 12. Section 9-7-2, "Setback Standards," B.R.C. 1981, is amended as follows:

**9-7-2. Setback Standards.**

.....

(g) Oil and Gas Operations and Other Uses: Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-127(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in pre-production, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in pre-production, closer than five hundred feet from any well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-127(b)(16), B.R.C. 1981.

.....

Section 13. Section 9-8-4, “Housing Types and Density Bonuses Within an RMX-2 Zoning District,” B.R.C. 1981, is amended as follows:

**9-8-4. Housing Types and Density Bonuses Within an RMX-2 Zoning District.**

(a) ~~Minimum Number of Housing Types: No person shall develop land in the RMX-2 zoning district with residential uses unless the following housing types are provided:~~

(1) ~~For lots or parcels one acre or less, at least one housing type;~~

(2) ~~For lots or parcels that are greater than one acre but less than five acres, at least two housing types; and~~

(3) ~~For lots or parcels that are five acres or more, at least three housing types. The minimum number of any housing type for lots or parcels that are more than five acres shall be five dwelling units.~~

(b) ~~Maximum Percentage of Any One Housing Type: No person shall develop a lot or parcel of one acre or more with more than fifty percent of any one housing type in the RMX-2 zoning district.~~

(ea) Density Bonus for the Provision of Additional Affordable Housing: The approving authority may approve a maximum density increase up to ten additional dwelling units per acre if all of the following standards are met:

.....

Section 14. Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981, is amended as follows:

**9-8-5. Occupancy of Dwelling Units.**

.....

(b) Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit, detached accessory dwelling unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-43~~(am)~~, B.R.C. 1981.

(d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit pursuant to Section 10-11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits or any exceptions as set forth in this section; and an attached accessory dwelling unit or detached accessory dwelling unit licensed with such dwelling unit as a cooperative housing unit shall not be subject to the occupancy standards of Subparagraph 9-6-43~~(am)~~(1)(A)(ii), "Occupancy Requirements," B.R.C. 1981. All such dwelling units together with any attached accessory dwelling unit or detached accessory dwelling unit so licensed shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

Section 15. Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981, is amended as follows:

**9-8-6. Occupancy Equivalencies for Group Residences.**

(c) Custodial Care and Residential Care Facilities: The occupancy of a custodial care or a residential care facility must meet the requirements of Subsection 9-6-3~~(ei)~~, B.R.C. 1981.

(d) Group Home Facilities: The occupancy of a group home facility must meet the requirements of Subsection 9-6-43~~(ek)~~, B.R.C. 1981.

Section 16. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended as follows:

**9-9-6. Parking Standards.**

**TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
Roomers within a single-unit dwelling	1 space per 2 roomers
Residential developments in which 1-bedroom units are 60 percent or more of the total	1.25 spaces per 1-bedroom unit
Rooming house, boarding house, fraternity, sorority, group quarters living, and hostels	2 spaces per 3 occupants

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1	Efficiency <u>living</u> units, transitional housing	1 space per DU
2	Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
3	Attached accessory dwelling unit, detached accessory dwelling unit	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory unit, see Subsection 9-6-3( <del>am</del> ), B.R.C. 1981
4	Group homes: residential, custodial, or congregate care	Off-street parking appropriate to use and needs of the facility and the number of vehicles used by its occupants, as determined through review
5		
6	Overnight shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time
7		
8		
9	Day shelter	Use the same ratio as general nonresidential uses in the zone
10	Emergency shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time, plus 1 space for each attached type dwelling unit
11		
12		
13	Existing duplexes or multi-family dwelling units in the RL-1 zoning district	Greater of 1.5 spaces per unit or number of spaces required when units were established

14 .....

15 (g) Bicycle Parking:

16 (1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by  
17 Table 9-8 of this section.

18 **TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS**

19	<i>Land-Use Category</i> <i>Type</i> (based on use categories of Table 6-1 of Section 9-6-1), "Schedule of Permitted Land Uses," B.R.C. 1981)	<i>Minimum Number of Off-Street Bicycle Spaces</i>	<i>Long-Term</i>	<i>Short-Term</i>
20	<b>Residential Uses</b>			
21	Dwelling units <sup>(a)</sup> with a private garage <sup>(b)</sup>	no requirement	n/a	n/a
22	Dwelling units without a private garage <sup>(b)</sup>	2 per unit	75%	25%
23	Accessory units	no requirement	n/a	n/a
24	Group <del>quarters</del> <u>living</u> - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per 3 beds	75%	25%
25	Group <del>quarters</del> <u>living</u> - all others	1 per 5 beds	75%	25%

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx



<b>Dining and entertainment</b>			
Restaurants, brewpubs and taverns	1 per 750 square feet of floor area, minimum of 4	25%	75%
Lodging uses	1 per 3 guest rooms, minimum of 4	50%	50%
All other dining and entertainment uses	1 per 1,500 square feet of floor area	25%	75%
Mobile food vehicle and temporary outdoor entertainment	no requirement	n/a	n/a
<b>Public and Institutional Uses</b>			
Daycare centers, <del>daycares,</del> <del>home</del> home daycares	Determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	50%	50%
Public and private elementary, <del>junior</del> middle, and <del>senior</del> -high schools	5 per classroom	50%	50%
Public and private colleges and universities	5 per classroom	50%	50%
Hospitals	1 per 1,500 square feet of floor area, minimum of 4	75%	25%
Open space, park, and recreation uses	1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	25%	75%
Religious assemblies	The greater of 1 per 15 seats or 1 per 150 square feet of assembly area	25%	75%
All other public and institutional uses	1 per 1,500 square feet of floor area, minimum of 4	50%	50%
<b>Commercial Uses</b>			
<b>Office, Medical and Financial Uses</b>			
Restaurants, brewpubs, and taverns	1 per 750 square feet of floor area, minimum of 4	25%	75%
Bed and breakfasts, hostels, and hotels or motels	1 per 3 guest rooms, minimum of 4	50%	50%
All other food, beverage, and lodging uses	1 per 1,500 square feet of floor area	25%	75%
Mobile food vehicle and temporary events	no requirement	n/a	n/a
<del>Data processing facilities, financial institutions, hospitals, medical and dental laboratories, medical or dental clinics or offices, addiction recovery facilities, all office uses, and all other medical and financial uses</del> Office uses	1 per 1,500 square feet of floor area, minimum of 4	75%	25%
<b>Parks and Recreation Uses</b>			
Campgrounds, outdoor recreation or entertainment, <del>park and recreation uses,</del> indoor recreational or athletic facilities	1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately	25%	75%

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

	served through on- or off-street parking, minimum of 4		
<b>Commercial, Retail, and Industrial Uses</b>			
<u>Financial institutions</u>	<u>1 per 1,500 square feet of floor area, minimum of 4</u>	<u>75%</u>	<u>25%</u>
Service uses and retail sales uses	1 per 750 square feet of floor area, minimum of 4	25%	75%
Vehicle-related uses <del>and industrial uses</del> and all other <u>commercial uses</u>	1 per 1,125 square feet of associated office space or production areas	25%	75%
<b>Industrial Uses</b>			
<u>Industrial uses</u>	<u>1 per 1,125 square feet of associated office space or production areas</u>	<u>25%</u>	<u>75%</u>
<b>Agriculture &amp; Natural Resource Uses</b>			
<u>Agriculture &amp; Natural Resource Uses</u>	no requirement	n/a	n/a
<b>Other Uses Not Listed in Table 9-8</b>			
Other uses not listed in Table 9-8	1 per 1,500 square feet of floor area, minimum of 4	50%	50%

.....  
Section 17. Section 9-10-2, “Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots,” B.R.C. 1981, is amended as follows:

**9-10-2. Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots.**

.....  
 (d) Drive-Thru Facilities: A drive-thru facility that was established prior to July 31, 1986, on a property not abutting Canyon Boulevard in the DT zoning districts, and has not expired pursuant to subsection (a) of this section, shall be considered a nonconforming use, and may:

(1) Be renovated or remodeled, by improvements the cumulative total of which increases the structure's fair market value by no more than twenty-five percent of the value of the structure, without meeting the criteria for drive-thru uses in Subsection 9-6-105~~(ex)~~, B.R.C. 1981;

(2) Be renovated or remodeled by improvements the cumulative total of which increases the facility's structure's fair market value by more than twenty-five percent of the value of the structure; or be relocated on site if the development meets the criteria for drive-thru uses in Subsection 9-6-105~~(ex)~~, B.R.C. 1981; or

.....  
Section 18. Section 9-10-3, “Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses,” B.R.C. 1981, is amended as follows:

**9-10-3. Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.**

Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:

(a) Nonstandard Buildings and Structures:

(1) Criteria: The city manager will grant a request for a building modification for a nonstandard building or structure if such modification meets the following requirements:

(A) The proposed modification complies with all of the applicable requirements of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," 9-9, "Development Standards," B.R.C. 1981, and Sections 9-6-2 through 9-6-9~~7~~, B.R.C. 1981, dealing with specific use standards ~~and criteria~~; and

.....

Section 19. Section 9-14-2, "General Provisions," B.R.C. 1981, is amended as follows:

**9-14-2. General Provisions.**

A system of managing the issuance of residential building permits in the city is established with the following general provisions:

(a) Building Permits: No building permit for the construction of a new dwelling unit may be issued unless applied for in compliance with this chapter.

(b) Allocations Needed: One allocation is needed to secure a building permit to construct each dwelling unit, except as set forth below. The living quarters set forth below shall require:

(1) One-half allocation for an efficiency living unit; one-third allocation for a group residence; and one-sixth allocation or one-eighth allocation for each occupant for a group care facility or a residential care facility respectively, according to the density and occupancy restrictions of subsection 9-6-3(~~f~~), B.R.C. 1981;

.....

Section 20. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended as follows:

**9-16-1. General Definitions.**

(a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

(b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- (1) Airport influence zone (AIZ).
- (2) Floodplain regulations (Floodplain).
- (3) Historic preservation (Historic).
- (4) Inclusionary housing (Inclusionary Housing).
- (5) Residential growth management system (RGMS).
- (6) Solar access (Solar).
- (7) Wetlands Protection (Wetlands).
- (8) Signs (Signs).

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

...

*Accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit or within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located, permitted under the provisions of Subsection 9-6-43(am), B.R.C. 1981.

...

~~*Addiction recovery facility* means a facility that may permit short-term overnight stays that provides for the treatment of persons having drug or alcohol abuse problems under the supervision of professional health care or social services providers.~~

...

~~*Adult education facility* means an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older.~~

...

*Animal hospital and/or veterinary clinic* means a place where animals or pets are given medical or surgical treatment and where the boarding of animals is limited to those receiving medical care or treatment.

...

~~*Art or craft studio space*~~ means the workshop of an artist, sculptor, photographer, craftsperson, furniture maker, or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery.

...

*Attached accessory dwelling unit* means a separate and complete single housekeeping unit within a detached dwelling unit, permitted under the provisions of Subsection 9-6-3(am), B.R.C. 1981.

...

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1 Building and landscaping contractors means the various trades that make up the  
2 construction and landscape industry such as plumbing, carpentry, electrical, mechanical,  
painting, roofing, concrete, landscaping, and irrigation.

3 ...  
4 Car-pool lot means a facility used for parking of vehicles where the occupants of such  
vehicles are transported to and from other destinations via mass transit or carpool.

5 Care and shelter means a use category that includes uses characterized by providing  
6 temporary care and shelter facilities on a short-term basis.

7 ...  
8 Car wash means a facility used for the washing and cleaning of passenger vehicles,  
9 recreational vehicles, or other light-duty equipment, by hand or with manually operated  
10 equipment or automatic machinery.

11 ...  
12 Cleaning and laundry plant means an establishment that cleans garments, fabrics, or  
13 draperies. The plant is generally not visited by individual customers, but rather by  
14 commercial dry cleaning drop-off services. This definition includes uses such as rug  
15 cleaning or repair service, pressing of garments or fabrics, carpet or upholstery, industrial  
16 launderers, and linen supply.

17 ...  
18 Club or lodge means a nonprofit organization with established formal membership  
19 requirements and bylaws, and with the objective of providing for the interests of its  
20 members.

21 ...  
22 Cold storage locker means an establishment primarily engaged in the warehousing and  
23 storage of perishable goods under refrigeration. The establishment may also rent locker  
24 space for the storage of food products for individual households and provide incidental  
25 services for processing, preparing, or packaging such food for storage.

26 ...  
27 College or university means a post-secondary education provided by a public or private  
28 institution which awards associate, baccalaureate, or higher degrees, but does not include  
29 an adult education facility or vocational or trade school or a specialized instruction facility.

30 ...  
31 Community, cultural, and educational means a use category that includes uses providing  
32 local services directly to people of the community. They are typically of a public, non-  
33 profit, or charitable nature but may also include for-profit institutions.

34 ...  
35 Community services means an organization whose activities are conducted for the benefit  
of the community and not for the gain of any private person or organization, and may  
include, without limitation, patriotic, philanthropic, social service, welfare, benevolent,  
educational, cultural, charitable, scientific, historical, athletic, or medical activities.

1 *Conditional use* means a use that is allowed within a zoning district after demonstrating  
2 compliance with specific ~~criteria~~use standards.

3 *Congregate care facility* means a facility for long-term residence:

- 4 (a) Where at least eighty percent of the occupied units are occupied by at least one  
5 person who is sixty-five years of age or older;
- 6 (b) The facility is in compliance with the requirements of the federal Fair Housing  
7 Act, 42 U.S.C. § 3601, et seq., and the Colorado Housing Practices Act, § 24-34-  
8 501, et seq., C.R.S., with respect to housing for older ~~persons~~adults; and
- 9 (c) Which shall include, without limitation, common dining and social and  
10 recreational features, special safety and convenience features designed for the  
11 needs of ~~the elderly~~older adults, such as emergency call systems, grab bars, and  
12 handrails, special door hardware, cabinets, appliances, passageways, and  
13 doorways designed to accommodate wheelchairs, and the provision of social  
14 services for residents which must include at least three of the following: meal  
15 services, transportation, housekeeping, linen, and organized social activities.

16 ... *Data processing ~~facilities~~facility* means a ~~facilities~~facility where electronic data is  
17 processed by employees, including, without limitation, data entry, storage, conversion or  
18 analysis, subscription and credit card transaction processing, telephone sales and order  
19 collection, mail order and catalog sales, and mailing list preparation.

20 ... *Daycare, home* means a facility:

- 21 (1) Licensed by the state, if applicable;
- 22 (2) Which is located within a dwelling unit; and
- 23 (3) Providing care for twelve or fewer children or adults who (except for family  
24 members) do not reside in the facility, are present primarily during daytime hours,  
25 and do not regularly stay overnight. Family members who receive care in the  
facility are included in the total.

26 ... *Detached accessory dwelling unit* means a separate and complete single housekeeping unit  
27 within an accessory structure to the principal dwelling unit of the lot or parcel upon which  
28 the unit is located that is permitted under the provisions of Paragraph 9-6-3(~~am~~)(3), B.R.C.  
29 1981.

30 ... ~~*Developmentally disabled person* means a person with a temporary or permanent,  
31 emotional or mental disability such as mental retardation, cerebral palsy, epilepsy, autism,  
32 Alzheimer's disease, and emotional disturbances, but does not include mentally ill persons  
33 who are dangerous to others.~~

34 ... *Duplex* means a structure containing only two dwelling units.

35 ... *Equipment repair and rental ~~with outdoor storage~~* means a business that rents and/or  
repairs items such as tools, construction, lawn, garden, building maintenance, party

1 equipment, and the rental of moving trucks and trailers, but does not include an automobile  
2 repair or rental facility, and may include outdoor storage of equipment.

3 *Essential municipal and public utility services* means distribution, collection,  
4 communication, supply or disposal systems, including, without limitation, poles, wires,  
5 transformers, disconnects, regulators, mains, drains, sewers, pipes, conduits, cables, fire  
6 alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and  
7 accessories that are reasonably necessary for public utilities or the city to furnish adequate  
8 service or for the public health, safety, or welfare.

9 ...  
10 *Firewood operation* means a commercial facility where wood is cut, processed, and/or  
11 stored in any form for use as firewood primarily at other locations.

12 ...  
13 *Food*, for the purposes of Subparagraph 9-6-5(~~be~~)(~~27~~)(~~HB~~)(~~ii~~)h., B.R.C., 1981, means  
14 nourishment in solid form consumed for the purpose of sustenance, but also includes soup,  
15 coffee and tea drinks, soft drinks, water, fruit juice and smoothies, ~~milk~~, and milk and  
16 yoghurt products.

17 ...  
18 *Food, beverage, and lodging* means a use category that includes uses serving prepared food  
19 or beverages for consumption on or off the premises or providing lodging, meals, and  
20 similar services to transient visitors for a defined period.

21 ...  
22 *Fraternity or sorority* means a building which is occupied only by a group of university or  
23 college students and support staff who are associated together in a social organization,  
24 which is officially recognized by a college or university, and includes services such as  
25 lodging or meals on the premises for compensation from the fraternity or sorority.

26 ...  
27 *Group home facility* means a residential facility providing custodial care and treatment in  
28 a protective living environment for the handicapped people living with disabilities or the  
29 aged person for older adults. This category of facility includes, without limitation, group  
30 homes for persons-people who are sixty years of age or older, group homes for the people  
31 with intellectual and developmentally disabled disabilities or mentally illness, drug or  
32 alcohol abuse or rehabilitation centers, substance use disorder treatment centers, and  
33 facilities for persons-people with acquired immune deficiency syndrome (AIDS) or human  
34 immunodeficiency virus-(HIV) infection.

35 ...  
36 *Group living* means a use category that includes uses characterized by residential  
37 occupancy of a structure by a specified group of people. The residents may receive any  
38 combination of care, meals, or treatment, as long as they also reside at the site.

39 ...  
40 *Heliport* means a designated takeoff and landing area for helicopters. A heliport includes  
41 only tie down space and additional facilities required by law, ordinance, or regulation.

42 ...  
43 *Hotel or motel* means an establishment that offers temporary lodging in rooms, for less  
44 than one month, and may include a restaurant, meeting rooms, and accessory uses and  
45 services, including, without limitation, newsstands, gift shops, and similar incidental uses

1 conducted entirely within the principal building but excludes a bed and breakfast, as  
2 defined in this section.

3 Household living means a use category that includes uses characterized by the residential  
4 occupancy of a dwelling unit that functions as a single household, and includes mobile  
5 home parks.

6 ...  
7 ~~Indoor amusement commercial recreation establishment~~ means a commercial operation  
8 ~~for entertainment~~ open to the public without membership requirements, including, without  
9 limitation, bowling alleys, indoor arcades, theaters, pool halls, skating rinks, dance halls,  
10 and reception/banquet facilities.

11 ~~Indoor recreational or athletic facility~~ means an indoor facility where persons participate  
12 in ~~recreational or athletic~~ activities, including, without limitation, a martial arts school,  
13 dance studio, and an exercise and health club.

14 Industrial service center means nonresidential uses in an industrial district that are  
15 constructed and operated in accordance with the standards in Section 9-6-5(v), B.R.C.  
16 1981.

17 Industrial services means a use category including uses that involve the repair, servicing,  
18 or storage of industrial, business, or consumer machinery, equipment, products, or by-  
19 products. Services may be performed off-site. Few customers from the general public come  
20 to the site.

21 Infrastructure means a use category that includes uses characterized by infrastructure that  
22 keeps the city operating.

23 ...  
24 Limited accessory unit means an existing nonconforming duplex or two detached dwelling  
25 units located on the same lot and within the R1 use module that has been approved in  
26 compliance with the standards in Section 9-6-3(m)(4).

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

29 ...  
30 ~~Manufacturing use with potential off-site impacts~~ means all research and development  
31 facilities, testing laboratories and facilities for the manufacturing, fabrication, processing,  
32 or assembly of products which may produce effects on the environment that are measurable  
33 at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare,  
34 vibration, fumes, or other environmental contamination is controlled in accordance with  
35 applicable city, state, or federal regulations, ~~but not including computer design and~~  
36 ~~development facilities nor telecommunications and electronic communications uses.~~

37 ~~Manufacturing uses~~ means research and development facilities, testing laboratories, and  
38 facilities for the manufacturing, fabrication, processing, or assembly of products, provided



1 that such facilities are completely enclosed and provided that any noise, smoke, vapor,  
2 dust, odor, glare, vibration, fumes, or other environmental contamination produced by such  
3 facility is confined to the lot upon which such facilities are located and is controlled in  
4 accordance with applicable city, state, or federal regulations, ~~but not including computer  
5 design and development facilities nor telecommunications and electronic communications  
6 uses.~~

...

5 ~~Medical and dental laboratory~~ means a facility that provides services to the medical  
6 community such as pathological testing, dental services including the manufacturing of  
7 orthodontic appliances, crowns, and dentures, and the manufacturing of prosthetics and  
8 orthopedic appliances.

...

7 ~~Neighborhood business center~~ means nonresidential uses in a residential district that are  
8 constructed and operated in accordance with the standards of Subsection 9-6-95(fw),  
9 B.R.C. 1981.

...

10 ~~Nonprofit membership club~~ means a nonprofit organization with established formal  
11 membership requirements and bylaws, and with the objective of providing for the interests  
12 of its members.

...

12 ~~Non-vehicular repair and rental services~~ means a business that primarily provides services  
13 rather than goods and does not include outdoor storage, such as: appliance repair,  
14 electronics repair, furniture repair, small power equipment repair, and tool and equipment  
15 rental without outdoor storage.

...

16 ~~Office~~ means the principal use of a room or rooms for the conduct of business by persons,  
17 including, without limitation, administrative offices, professional offices, and technical  
18 offices where there is no display of merchandise and the storage and sale of merchandise  
19 is clearly incidental to the service provided, but excluding medical or dental clinics or  
20 offices.

18 Office uses means a use category characterized by uses providing executive, management,  
19 medical, administrative, or professional services. Office uses may or may not offer services  
20 to the public and are not materially involved in fabricating, assembling, or warehousing of  
21 physical products for the retail or wholesale market, and are not engaged in the repair of  
22 products or retail services. There is no display of merchandise and the storage and sale of  
23 merchandise is clearly incidental to the service provided.

22 ~~Office, accessory~~ means an office subordinate to, a necessary part of, and in the same  
23 building on the same lot with as the principal business, commercial, or industrial use,  
24 including, without limitation, administrative, record-keeping, drafting, and research and  
25 development offices. An accessory office is considered an accessory use.

24 ~~Office, other~~ means office uses not included in the administrative, professional, or technical  
25 office categories.

1 Office, ~~A medical or dental clinic or office~~ means the clinic or office of physicians, medical  
 2 doctors, chiropractors, or dentists licensed to practice medicine or dentistry in the State of  
 3 Colorado, where the primary use is the delivery of health care services, where sale of  
 4 merchandise is incidental to the delivery of services, ~~and where no overnight~~  
 5 ~~accommodations are provided.~~ This use includes addiction recovery facilities that provide  
 6 for the treatment of persons having drug or alcohol abuse problems under the supervision  
 7 of professional health care or social services providers. With the exception of addiction  
 8 recovery facilities which may permit short-term overnight stays, no overnight  
 9 accommodations are provided.

6 Office, professional means offices of firms or organizations providing professional service  
 7 to individuals and businesses, ~~—~~. Examples including include, without limitation,  
 8 accountants accounting, architects, attorneys legal, insurance brokers, realtors real estate,  
 9 investment counselors, and therapists counseling services. ~~, where a majority of eClient~~  
 10 contact may occurs regularly at the office, ~~, but not including~~ Facilitated arrangements such  
 11 as shared coworking spaces, typically with membership fees, are included within this use.  
 12 This use does not include technical, medical, ~~dental,~~ or administrative offices, or uses  
 13 otherwise listed in the use table.

11 Office, technical means offices of businesses providing professional services in a technical  
 12 field, ~~—~~. This use is characterized by activities that focus on science, technology, and design  
 13 services associated with the production of physical or digital goods. These establishments  
 14 primarily provide services to other businesses. Examples include including, without  
 15 limitation, publishers, architecture, engineering, graphic, ~~design,~~ industrial, and interior  
 16 design, biotechnology or life sciences, ~~and~~ surveying, telecommunications, computer  
 17 design and development, and data processing. These establishments ~~do not~~ require  
 18 customers or clients to visit the site; any such visits are infrequent and incidental. ~~offices,~~  
 19 ~~where a majority of client contact occurs at the client's place of business or residence, but~~  
 20 ~~not~~ This use does not include including professional, ~~—~~ medical, ~~dental,~~ or administrative  
 21 offices, or uses otherwise listed in the use table.

17 ...  
 18 Open space, ~~p~~Park,s and recreation uses means uses which include playfields,  
 19 playgrounds, athletic facilities, ~~and~~ golf courses, and open space, which are owned by a  
 20 public agency, a neighborhood or homeowners association and is operated for the benefit  
 21 of the residents of the community, neighborhood or homeowners association.

20 ...  
 21 Outdoor recreation or entertainment means a use of land which provides recreation or  
 22 entertainment services partially or entirely outside of an enclosed building operated as a  
 23 business and open to the public for a fee or admission charge, including, without limitation,  
 24 batting cages, driving ranges, miniature golf facilities, private golf course, outdoor tennis  
 25 clubs or other court games, skating rinks, archery ranges, amusement parks, or go-cart  
 tracks.

24 Outdoor storage means an area of land or unenclosed building where goods may be stored  
 25 as a principal use in an unclimatized ~~environment~~ without climate control, including,

without limitation, automobiles, boats, recreational vehicles, and contractors' supplies, but does not include junk yards.

Pasture means land that is primarily unimproved, except for limited passive agricultural uses such as the feeding of livestock or horses.

~~Personal service use means an establishment that provides personal services for the convenience of the neighborhood, including, without limitation, hair salons, barber and beauty nail or skin care shops, tattoo parlors, shoe repair shops, bicycle repair shops, dry cleaners, laundries, laundromats, self-service laundries, bakeries, travel agencies, newsstands, pharmacies, photographic studios, duplicating services, or automatic teller machines, and. These uses also include personal goods repair such as bicycle, watch, shoe, phone, or similar goods. Personal service uses also include alternative healthcare providers, the healing arts (health treatments or therapy generally not performed by a medical doctor or physician such as physical therapy, massage, acupuncture, nutritionists, aromatherapy, yoga, audiology, and homeopathy), or similar health and wellness services not performed by a medical doctor or physician.~~

Principal parking facility means an area that provides short-term or long-term off-street parking for motor vehicles and is not accessory to the use on the lot where the parking is located or to a use located in the same approved planned unit development or site review. A principal parking facility may be a parking lot, garage, or carpool lot.

Production and processing means a use category including uses involved in the processing, fabrication, packaging, or the assembly of goods, and uses receiving recoverable resources from others for on-site disposal, storage, or processing, or for transfer to another location for recycling. In manufacturing, natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for businesses or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Few customers come to the site.

~~Public or private office uses providing social services means an organization whose activities are conducted for the benefit of the community and not for the gain of any private person or organization, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, cultural, charitable, scientific, historical, athletic, or medical activities.~~

Recreation and entertainment means a use category that includes uses characterized by indoor or outdoor facilities providing recreation or entertainment activities to the general public or to their members.

1 *Recycling collection facility* means a bin or other weather-tight container enclosed with  
2 a door or lid for the acceptance by donation, redemption, or purchase of recyclable  
material for transshipment to a recycling center, or an industrial processing facility.

- 3 (1) A "small" recycling collection facility is ~~an~~ accessory to a principal building  
4 and use on its lot which complies with the provisions of Section 9-7-1,  
5 "Schedule of Form and Bulk Standards," B.R.C. 1981, concerning  
6 accessory buildings and uses, does not occupy a permanent building, and  
7 does not have containers occupying more than two hundred fifty square feet.
- 8 (2) A "large" recycling collection facility may be a principal or an accessory  
9 use or building of any size, may occupy a permanent structure, may also  
accept used motor oil in accordance with applicable health and safety  
10 regulations, and may include such power-driven light processing including  
11 aluminum foil and can compacting, baling, plastic shredding, or other light  
12 processing activities necessary for efficient temporary storage and shipment  
13 of materials as is approved by use review.

14 ...  
15 Residential accessory means a use category that includes uses characterized as always  
16 accessory to the principal use on a site. The principal use or the accessory use may be  
17 residential.

18 *Residential care facility* means a facility providing social services in a protective living  
19 environment for adults or children, including, without limitation, group foster care  
20 homes; shelters for abused children or adults; nursing homes; or; intermediate care  
21 facilities; ~~or residential care facilities.~~

22 ...  
23 Retail sales uses means a use category that includes uses involved in the sale, rental,  
24 and incidental servicing of products that are generally provided on the premises to a  
25 consumer.

26 ...  
27 *School, elementary, junior, and senior high* ~~middle, or high~~ means any public or private  
28 school for any grades between first and twelfth which satisfies state compulsory  
29 education requirements.

30 ...  
31 *Service of vehicles with limited outdoor storage* ~~means~~ the repair, servicing,  
32 maintenance, or installation of accessories for vehicles including motorcycles,  
33 motorbikes, automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles,  
34 sailboats, and powerboats where outdoor storage of a vehicle does not exceed five  
35 consecutive days.

36 *Service of vehicles with no outdoor storage* ~~means~~ the repair, servicing, maintenance,  
37 ~~or installation of accessories for vehicles including motorcycles, motorbikes,~~  
38 ~~automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles, sailboats,~~  
39 ~~powerboats, and where there is no outdoor storage of vehicles between the hours of 9~~  
40 ~~p.m. and 7 a.m. of the following day.~~

1 Service uses means a use category characterized by establishments that provide services  
2 directly to the final consumer for the conduct or improvement of the consumer's home  
3 or business or personal life.

4 ...  
5 Setback means the minimum distance in linear feet measured on a horizontal plane  
6 between the outer perimeter of a structure, above grade, and each of its lot lines. ~~Where~~  
7 ~~a lot abuts a major roadway, the building and use setback is measured as prescribed in~~  
8 ~~Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.~~

9 ...  
10 Specialized instruction facility means an academic educational use providing  
11 instruction in a vocational, professional, commercial, or specialized subject or skills  
12 such as art, cooking, driving, or performing arts, but does not include a college or  
13 university.

14 ...  
15 Storage, distribution, and wholesaling means a use category that includes uses engaged  
16 in the storage or movement of goods for themselves or other businesses. Goods are  
17 generally delivered to other businesses or the final consumer, except for some will-call  
18 pickups. There is little on-site sales activity.

19 ...  
20 Temporary ~~outdoor entertainment~~ event means an outdoor use open to the public such  
21 as a carnival, amusement rides, fair, outdoor theater, promotional event, musical  
22 performance, or dance for a limited duration of time. This use of land also includes  
23 sales from a tent, canopy, trailer, temporary structure, or a parked vehicle, or sales on  
24 a vacant parcel of land, or any parking lot regardless of location. Not included are sales  
25 from push carts or mobile food vendors which are subject to different regulations and  
licensing.

~~Temporary sales means a use of land that results in sales from a tent, canopy, trailer,  
temporary structure, or a parked vehicle, or sales on a vacant parcel of land, or any  
parking lot regardless of location. Not included are sales from push carts or mobile  
food vendors which are subject to different regulations and licensing.~~

...  
Vehicle-related means a use category that includes uses characterized by the  
maintenance, sale, or rental of motor vehicles and related equipment, or facilities which  
accommodate parking, fueling, or conducting business from a motor vehicle.

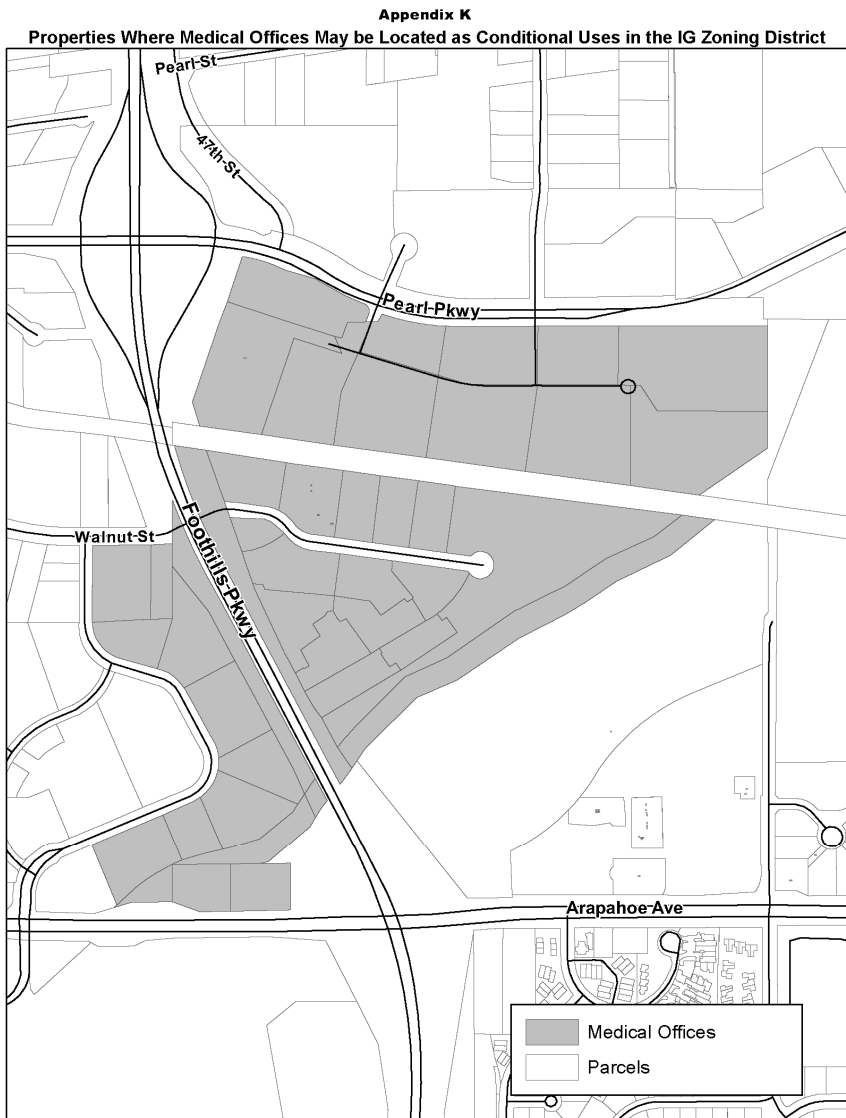
...  
Visible beyond the boundaries of the property upon which it is located means any sign  
which can be read by a person with 20/20 vision from or beyond any property line. For  
the purposes of applying Section 9-9-21, "Signs," B.R.C. 1981, any letters, figures, or  
symbols which are not larger than two inches in height are deemed not to be visible

1 even though they are due to their close proximity to a property line, up to an aggregate  
2 of ten square feet in total area of such visible but small lettering on the property. (Signs)

3 ~~Vocational or trade school means a secondary or higher education facility primarily~~  
4 ~~teaching useable skills that prepare students for jobs in a trade to be pursued as a career~~  
5 ~~or occupation but does not include a college or university.~~

6 Warehouse or distribution facility means an establishment primarily engaged in the  
7 storage and distribution of goods and materials in large quantity to retailers or other  
8 businesses for resale to individual or business customers.

9 **Section 21.** Appendix K, "Properties in the IG Zoning District," to Title 9, "Land Use  
10 Code," B.R.C. 1981, is repealed and reenacted with the following Appendix K, "Properties  
11 Where Medical Offices May Be Located as Conditional Uses in the IG Zoning District":



K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1           Section 22. This ordinance shall apply to any building permit, conditional use, use review,  
2 and site review applied for after the effective date of this ordinance. Any project for which a  
3 complete site review, use review, or conditional use application has been submitted to the city  
4 prior to the effective date of this ordinance that proposes a use inconsistent with the provisions of  
5 this ordinance will be permitted to establish the proposed use under the use standards of Chapter  
6 9-6, " Use Standards," B.R.C. 1981, in effect at the time the site review, use review, or conditional  
7 use application was submitted to the city. Such applicants shall be required to pursue such  
8 development approvals and meet all requirements deadlines set by the city manager and the  
9 Boulder Revised Code necessary to establish the proposed use. The applications for such project  
10 shall demonstrate compliance with all applicable laws. Any failure to meet requirements of the  
11 city manager or this section of this ordinance will result in a denial of such application. Any  
12 subsequent application shall meet the requirements in place at the time of the application.  
13

14           Section 23. If any section, paragraph, clause, or provision of this ordinance shall for any  
15 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
16 provisions of this ordinance.

17           Section 24. This ordinance is necessary to protect the public health, safety, and welfare  
18 of the residents of the city and covers matters of local concern.

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

K:\PLCU\o-8523 1st rdg Amending Title 9 Use Table and Standards-.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 7<sup>th</sup> day of June 2022.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
Elesha Johnson,  
City Clerk

READ ON SECOND READING, PASSED AND ADOPTED this 21<sup>st</sup> day of June 2022.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
Elesha Johnson,  
City Clerk



# Annotated Ordinance Changes

NOTE: This document shows tracked changes to existing code language in Chapter 9-6, 9-16, and various other code sections throughout the Land Use Code that are being updated in accordance with the Use Table and Standards changes. The footnotes describe each change and list the current location of the code text that is being modified. This version of the document does not show the reorganization of the chapter and the use table into new classifications and categories or updated cross-references.

## Chapter 9-6: Use Standards

### 9-6-1. Schedule of Permitted Land Uses<sup>1</sup>

The schedule in Table 6-1 shows the uses ~~which-that~~ are permitted, ~~permitted with limitations~~, conditionally permitted, prohibited, or ~~which-that~~ may be permitted through use review ~~pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.~~<sup>2</sup>

(a) Explanation of Table Abbreviations: The abbreviations and symbols used in Table 6-1 of this section have the following meanings:<sup>3</sup>

(1) Allowed Uses: An "A" in a cell indicates that the use type is permitted by right in ~~the~~ respective-that zoning district, subject to compliance with any applicable specific use standards set forth in this chapter. ~~Permitted uses are subject to all other applicable regulations of this title.~~

~~(2) (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.~~<sup>4</sup>

~~(3) (2) 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~~any applicable specific use standards-standards set forth in Sections 9-6-3 through 9-6-11, B.R.C. 1981set forth in this chapter., ~~for "Conditional Use and Use Review Standards," or other sections of this title.~~~~

~~(4) (3) 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~~any applicable specific use standards-standards set forth in Sections 9-6-3 through 9-6-11, B.R.C. 1981set forth in this chapter., ~~for~~~~

<sup>1</sup> Existing language from 9-6-1, with changes tracked.

<sup>2</sup> Removed this reference to simplify the language as the other processes do not reference another part of the code here (and it is referenced below already).

<sup>3</sup> Most cities incorporate a legend of these abbreviations in the header rows of the table. This change has been made to the table but this more detailed explanatory language preceding the table has been retained and updated.

<sup>4</sup> The limited use category has been replaced by the consolidated specific use standards approach.

- ~~"Conditional Use and Use Review Standards." In addition to Table 6-1, Table 6-2, "Use Review Thresholds," B.R.C. 1981, applies to use review applications and adds standards to specific use types. The applicable limitations of Table 6-2 are identified by superscript numbers following the applicable "U" in Table 6-1.<sup>5</sup>~~
- ~~(4) Prohibited Uses: An asterisk symbol ("\*") hyphen ("-") in a cell indicates that the use type is prohibited in the that zoning district.<sup>6</sup>~~
- ~~(5) Specific Use Standards Brackets: Cells containing bracket symbols ("[ ]") indicate that there are specific use standards associated with the use type in that district that must be complied with. Regardless of whether or not a use is allowed by right, conditional use, or use review, specific use standards may apply. The standards may require a different review process or impose certain limitations. The applicable specific use standards are identified and cross-referenced in the right-most column of Table 6-1. Several specific use standards may apply to a use type. If there is any inconsistency between the bracket designation in Table 6-1 and the specific use standards in Chapter 9-6, the specific use standards shall control.~~
- ~~(b) Additional Additional Standards Regulations:~~
- ~~(1) Uses are also subject to all other applicable requirements of this title. There may be additional regulations that are applicable to a specific use type. The existence of these additional use regulations is noted through a reference in the last column of the use table entitled "Additional References." References refer to subsections of Sections 9-6-3 through 9-6-11, B.R.C. 1981, for "Conditional Use and Use Review Standards," or other sections of this title. Such standards apply to all districts unless otherwise specified.~~
- ~~(2) Additional Use Standards in Form-Based Code Areas or Overlay Districts:~~
- ~~(A) Uses in Form-Based Code Areas: Uses located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," are subject to the requirements of this chapter, but may also be subject to additional use regulations standards pursuant to Appendix M, "Form-Based Code."~~
- ~~(A)(B) Uses in Overlay Districts: Uses located on a lot or parcel located within an overlay district designated in Chapter 9-3, "Overlay Districts," B.R.C. 1981, are subject to the requirements of this chapter, but may also be subject to additional use standards pursuant to the overlay district standards described in that chapter.<sup>7</sup>~~
- ~~(6) n/a: Not applicable; more specific use applications apply.<sup>8</sup>~~
- ~~(c) Structure of the Use Classification System<sup>9</sup>: Land uses are organized according to a three-tiered hierarchy consisting of use classifications, use categories, and use types. This classification system is intended to provide a structure that groups similar uses together for ease in locating or identifying a use and to simplify the classification of new uses.~~

<sup>5</sup> The use review thresholds have now been integrated into the specific use standards for each use, so this has been deleted.

<sup>6</sup> Almost all other cities with modern use tables simply have blank cells to indicate prohibited uses. A hyphen approach will reduce the visual clutter of the table while not leaving the cells entirely blank.

<sup>7</sup> This new language has been added to alert users that there may be additional use-related regulations located within overlay district standards, such as those for floodplains or for the medium density overlay district.

<sup>8</sup> Deleted as the new approach to abbreviation will eliminate the need for "n/a".

<sup>9</sup> This section has been added to explain the new classification system and categories that will organize the table.

(1) Use Classifications: Each use is grouped under one of these seven broad use classifications: Residential Uses; Public, Institutional, and Community Uses; Commercial Uses; Industrial Uses; Agricultural and Natural Resource Uses.

(2) Use Categories: Use categories are subgroups of uses in each classification that have common functional or physical characteristics, such as the type and amount of activity, types of goods, services, occupants or users/customers, or operational characteristics.

(3) Use Types: Use types are the specific land uses that can be established in a zoning district, such as duplex, restaurant, or building material sales.

~~(b)~~(d) \_\_\_\_\_ Interpretation:<sup>10</sup> The city manager may decide questions of interpretation as to which ~~category~~ use types that a use not specifically listed in Table 6-1 ~~are~~ is properly assigned to, based on precedents, similar situations, and relative impacts. Upon written application, a city manager interpretation as to which use type a use not specifically listed is properly assigned to may be appealed to the BOZA pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. ~~may determine whether a specific use not listed in Table 6-1 of this section is included in a specific use type 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~~ type as provided by this section.

~~(c)~~(e) \_\_\_\_\_ Multiple Uses of Land Permitted and Accessory Uses: Allowed uses, ~~limited uses,~~ conditional uses, and uses permitted by use review may be located in the same building or upon the same lot. Any use may be allowed as an accessory use if it meets the definition of an accessory use.<sup>11</sup>

<sup>10</sup> This is the only part of the land use code that currently references a "use category". Based on the new classification system, the text has been edited to reflect that interpretation applies to use types, rather than categories. Some additional clarifying language also added.

<sup>11</sup> Many cities call out accessory uses specifically in their use table through either an abbreviation or a specific category. Rather than make that change, this text intends to add some clarity that any use in the table can potentially be an accessory use, which is consistent with current practice in Boulder.

Table 6-1: Use Table

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   * = Prohibited <sup>12</sup>																													
Zoning District <sup>13</sup>	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	P	A	Specific Use Standards	
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	P	A	Additional References	
Form-Based Code Areas/Uses <sup>14</sup>																												Appendix A	
<b>RESIDENTIAL USES</b>																													
Detached dwelling units/Dwelling unit, detached <sup>15</sup>	[A]	[A]	A	A	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	A	[A]	[U]	[U]	[A]	[U]	[U]	[U]	9-6-4(h), (i) 9-6-119-6-3(c) 9-6-3(a) 9-6-3(b)
Detached dwelling unit with two kitchens	C	C	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	A	[A]	[U]	[U]	[A]	[U]	[U]	[U]	9-6-4(h)
Duplexes	[A]	A	A	A	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	A	[A]	[U]	[U]	[A]	[U]	[U]	[U]	9-6-4 9-6-4(f), (i) 9-6-119-6-3(d) 9-6-2(c) 9-6-3(a) 9-6-3(b)
Attached dwellings/Dwelling unit, attached <sup>18</sup>	[A]	A	A	A	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	A	[A]	[U]	[U]	[A]	[U]	[U]	[U]	9-6-4 9-6-4(f), (i) 9-6-119-6-3(e) 9-6-2(c) 9-6-3(a) 9-6-3(b)
Mobile home parks	[A]	U	U	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	
Townhouses	[A]	A	A	A	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	A	[A]	[U]	[U]	[A]	[U]	[U]	[U]	9-6-4 9-6-4(f), (i) 9-6-119-6-3(f) 9-6-2(c) 9-6-3(a) 9-6-3(b)
Live-work unit <sup>20</sup>	[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]	[A]	[A]	9-6-3(a)
Attached dwelling units outside of the University Hill general improvement district <sup>21</sup>	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	n/a	
Attached dwelling units and efficiency living units in the University Hill general improvement district	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	n/a	9-6-4(h)
Efficiency living unit <sup>22</sup>	[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]	[A]	[A]	9-6-3(g) 9-6-2(c) 9-6-3(a) 9-6-3(b)
Efficiency living units outside of the University Hill general improvement district																													
A. If <40% of total units	[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]	[A]	[A]	9-6-4(h), (i) 9-6-11
B. If ≥40% of total units	[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]	[A]	[A]	9-6-11
Accessory units:																													

<sup>12</sup> Most cities with modern use tables incorporate a legend into the table itself for easy reference. This has been added to improve the user-friendliness of the table.

<sup>13</sup> For consistency, all use names have been made singular.

<sup>14</sup> Removed from table as this is covered in text preceding table and the reference row was infrequently used.

<sup>15</sup> Name updated to match how it appears in the definitions.

<sup>16</sup> These formerly L15 uses are allowed if they existed prior to 2019 or where more than one is on the lot or parcel, otherwise use review.

<sup>17</sup> "Detached dwelling unit with two kitchens" was previously a C in the P and A districts. This is believed to have been a mistake, as all detached dwelling units require use review in the P and A districts. Detached dwelling units with two kitchens remain a conditional use in the R1 and R2 modules.

<sup>18</sup> Name updated to match how it appears in the definitions.

<sup>19</sup> Although this was previously noted as a "C" in the table, it did not require a conditional use process, but rather just compliance with the standards in 9-6-4(h) related to attached dwelling units in corner townhouse units. The current table is missing the reference in the right-most column. It is believed the intent therefore is just to make this allowed subject to those standards from 9-6-4(h) which have been carried forward into the specific use standards for this use.

<sup>20</sup> Name modified to be consistent with definitions section.

<sup>21</sup> These rows have been eliminated and the BMS regulations for attached dwelling units and efficiency living units instead incorporate these specifics related to University Hill in their specific use standards.

<sup>22</sup> The efficiency living unit lines have been consolidated and all of these differentiations are incorporated in the specific use standards instead.

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   * = Prohibited <sup>23</sup>																												
Zoning District <sup>23</sup>	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	IMH	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	P	A	Specific Use Standards Additional References
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	P	A	
Accessory dwelling unit <sup>24</sup>	[C]	[C]	-	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	9-6-3(h)
A. Attached accessory dwelling unit	€	€	*	€	€	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	€	€	9-6-4(a)
B. Detached accessory dwelling unit	€	€	*	€	€	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	€	€	(a)
C. Limited accessory unit	€	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6-4(a)
Caretaker dwelling unit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A	
Group quarters:																												
A. Congregate care facilities	*	*	[C]	[C]	[C]	[C]	[C]	[C]	*	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	*	[U]	[U]	[U]	[U]	*	9-2-2(i) 9-6-4(e), 9-6-3(i)
B. Custodial care facility	*	*	[U]	[U]	[U]	[U]	[U]	[U]	*	[U]	[U]	[U]	[U]	[U]	*	[U]	*	[U]	*	[U]	[U]	*	[U]	[U]	[U]	[U]	*	9-6-4(e), 9-6-3(i)
C. Group homes facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	*	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	*	*	*	*	*	*	9-2-2(i) 9-6-4(e), 9-6-3(i)
D. Residential care facilities	*	*	[C]	[C]	[C]	[C]	[C]	[C]	*	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	*	[U]	[U]	[U]	[U]	*	9-6-4(e), 9-6-3(i)
E. Fraternities, sororities, and dormitories	*	*	*	*	*	A	A	*	*	U	*	*	*	[11 A]	[11 A]	[11 A]	[11 A]	[16 A]	*	*	A	*	[U]	[U]	[U]	[U]	*	9-2-2(i) 9-6-119-6-2(c) 9-6-3(k)
F. Boarding houses	*	*	U	U	A	A	A	*	*	U	A	A	A	[11 A]	[11 A]	[11 A]	[11 A]	[16 A]	*	*	A	*	[U]	[U]	[U]	[U]	*	9-6-119-6-2(c) 9-6-3(l)
Fraternities, sororities, dormitories, and boarding houses outside the University Hill general improvement district	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	
Fraternities, sororities, dormitories, and boarding houses in the University Hill general improvement district	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	
Home occupation	[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]	[A]	9-6-4(d), 9-6-3(m)
Transitional housing	[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]	9-6-4(e), 9-6-3(n)
<b>DINING AND ENTERTAINMENT USES</b>																												
Art or craft studio space <sup>25</sup>	*	U	U	U	U	U	U	U	*	[6 A]	[6 A]	[6 A]	A	A	A	A	A	A	A	A	A	A	A	A	A	U	*	9-6-4(a)
Breweries, distilleries or wineries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[8 A]	[7 A]	[7 A]	[9 A]	*	*	9-6-6(b)(4) 9-6-4(b)
Commercial kitchens and catering	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	U	U	U	U	U	U	U	U	A	A	A	
Indoor amusement establishment commercial recreation <sup>26</sup>	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	A	U	U	U	*	*	*	*	*	*	
Mobile food vehicle <sup>27</sup> on private property	[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]	[A]	9-6-6(d), 9-6-4(c)
Mobile food vehicle on public right-of-way <sup>28</sup>	€	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	€	€	€	€	€	*	9-6-6(d)
Museums	*	*	*	*	*	*	*	*	*	*	*	*	A	U	A	[A]	A	A	A	A	A	U	U	U	U	U	*	9-6-119-6-2(c)
Restaurant, brewpub, and tavern	-	-	-	-	-	U <sup>29</sup>	[A]	-	[A]	A	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[C]	[C]	[C]	[A]	-	9-6-4(d)	
Restaurants in industrial and public zones <sup>30</sup>	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	€	€	€	€	[18	n/a	9-6-6(b)
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 1/4 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	*	

<sup>23</sup> All of the types of accessory dwelling units have been consolidated into one row of the table as the only difference in their allowances is that limited accessory units are prohibited in a few of the districts; this stipulation is carried forward in the specific use standards instead.

<sup>24</sup> This specificity of when a use review is required for the BMS, BC-1 and BC-2 Districts is found within the standards for care facilities.

<sup>25</sup> Updated use type title to be more concise, definition will not change aside from the name.

<sup>26</sup> Updated use type title to be more clear about intent of use.

<sup>27</sup> Changed to "[A]" as these do not require a conditional use permit – just licensing, and there are standards.

<sup>28</sup> Consolidated with "mobile food vehicle on private property". The prohibition of these vehicles on public right-of-way, except in the lowest intensity residential districts and the industrial and public districts, has been incorporated in the specific use standards instead.

<sup>29</sup> There are no specific standards for restaurants, brewpubs, or taverns (RBT) in RH-1/2/4/5 because use review was required whether smaller or larger than 1,000 square feet so they canceled each other out.

<sup>30</sup> Each of the following lines for various types of restaurants has been consolidated into the row above, with all of the limitations previously outlined by the different lines instead moved to the specific use standards.

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   * = Prohibited <sup>12</sup>																														
Zoning District <sup>13</sup>	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	P	A	Specific Use Standards Additional References		
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	P	A			
Restaurants, brewpubs, and 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 ¼ the floor area, and which close no later than 11 p.m.	*	*	*	*	*	n/a	*	*	*	*	*	*	*	U	A	A	A	A	A	A	C	n/a	n/a	n/a	n/a	n/a	*	9-6-6(b)		
Restaurants, brewpubs, and taverns over 1,000 square feet in floor area, or which close after 11 p.m., or with an outdoor seating area of 300 square feet or more	*	*	*	*	*	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	n/a	n/a	n/a	*		
Restaurants, brewpubs, and taverns outside of the University Hill general improvement district that are over 1,500 square feet in floor area or which close after 11 p.m.	*	*	*	*	*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U	U	U	A	A	A	A	A	U	n/a	n/a	n/a	n/a	n/a	n/a	*		
Restaurants, brewpubs, and taverns in the University Hill general improvement district	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	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	*	9-6-6(b)(2)	
Restaurants, brewpubs, and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	U	U	U	U	U	U	U	U	U	n/a	n/a	n/a	n/a	n/a	n/a	*		
Small theater or rehearsal space	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	A	U	U	U	A	A	U	A	*	*			
Taverns in industrial zones	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	n/a		
Temporary outdoor entertainment event <sup>31</sup>	*	*	*	*	*	*	*	*	*	*	*	*	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	*	9-6-6(e), 9-6-4(e)	
<b>LODGING USES</b>																														
Hostels	*	*	*	*	*	U	U	*	*	U	A	U	[A]	U	[A]	*	*	A	[A]	[A]	U	*	U	U	*	*	*	*	9-3-2(i), 9-6-5(a)	
Bed and breakfasts	*	*	*	*	*	[U]	[C]	*	*	[U]	[C]	[C]	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-3-2(i), 9-6-6(a), 9-6-5(b)	
Motels and hotels <sup>32</sup> Hotel or motel <sup>32</sup>	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	A	A	U	*	*	*	*	*	*	*	*	9-3-2(i)	
Airports and heliports	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	9-3-2(i)		
Cemeteries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	*			
Daycare, home	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	A	A		
Daycare center <sup>33</sup>	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[U]	[C]	[C]	[U]	[U]	[U]	[U]	[U]	[U]	9-3-2(i), 9-6-7(a), 9-6-6(b)	
Day shelter	*	*	[U]	*	[U]	[C]	[C]	*	*	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	*	9-6-7(b), 9-6-6(a)		
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]	[U]	*	9-3-2(i), 9-6-7(b), 9-6-6(a)		
Essential municipal and public utility services <sup>34</sup>	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	A	U	U	9-3-2(i), 9-6-11, 9-6-2(c)	
Governmental facilities	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	U	*	9-3-2(i), 9-6-11, 9-6-2(c)		
Mortuaries and funeral chapels	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	*	*	U	*	*	*	*	*	*	*		
Nonprofit membership clubs <sup>33</sup> Club or lodge <sup>33</sup>	*	*	*	*	*	*	*	*	*	*	*	*	A	U	[A]	A	A	A	A	A	A	*	*	*	*	U	*	9-6-6(c)		
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), 9-6-7(b), 9-6-6(a)		
Private elementary, junior and senior middle, or high schools	U	U	U	U	U	A	U	*	*	U	U	U	A	A	[A]	A	A	A	U	A	U	*	*	*	*	*	*	*	9-3-2(i)	
Public elementary, junior and senior middle, or 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	A	*	9-3-2(i)	
Public colleges and/or universities	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	A	*		

<sup>31</sup> This has been consolidated with “temporary sales” as the city currently processes the same permit for them and they are already subject to the same standards.  
<sup>32</sup> Reordered to match more commonly used order of phrase throughout the code.  
<sup>33</sup> Changed to a “U” in some modules because existing standards in 9-6-7(a) said they could only be approved by use review in those districts, so table now reflects that.  
<sup>34</sup> New name proposed for this use that is more consistent with other cities.

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   * = Prohibited <sup>42</sup>																												
Zoning District <sup>33</sup>	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	P	A	Specific Use Standards Additional References
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	P	A	
Private colleges and/or universities <sup>34</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	A	*	A	*	U	U	*	U	U	*	A	*	
Public and private office uses providing social services <sup>35</sup> Community services <sup>35</sup>	*	*	*	*	*	*	*	*	U	U	U	C	A	A	[AC]	A	A	A	[A]	A	A	*	U	*	U	U	*	9-6-11 9-6-2(c) 9-6-6(d)
Religious assemblies	A	A	A	A	U	A	A	*	*	A	U	U	A	A	A	A	A	A	A	A	A	*	*	*	*	*	*	
Adult educational facilities <sup>36</sup> Specialized instruction facility <sup>36</sup>	U	U	U	*	U	U	U	*	*	U	U	U	U	L-10 [A]	L-11 [A]	[AC]	A	A	U	A	U	L-11 [A]	L-11 [A]	L-11 [A]	L-11 [A]	A	*	9-6-11 9-6-2(c) 9-6-6(e)
Vocational and trade schools <sup>37</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	L-1A [U]	C	U	A	U	U	U	A	A	A	A	U	9-6-11
<b>OFFICE, MEDICAL AND FINANCIAL USES:</b>																												
Data processing facilities <sup>38</sup> facility <sup>38</sup>	*	*	*	*	*	*	*	*	*	*	*	*	C/U	A	L-1A [U]	C/A/ [U]	L-5A [U]	A	L-1A [U]	A	A	*	A	A	A	*	*	9-6-8 9-6-11
Financial institutions	*	*	*	*	*	*	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	L-2 [A]	C[A]	U	L-1 [A]	C[A]	A	A	L-1 [A]	L-1 [A]	*	*	*	*	*	*	9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(b)
Hospitals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	9-6-2(i)
Office, medical or dental clinics or offices or addiction-recovery facilities <sup>39</sup>	*	U	U	U	*	U	U	*	*	L-2 [A]	U	U	C[A]	L-17 [A]	L-17 [A]	C[A]	L-5 [A]	L-17 [A]	L-1 [A]	A	A	*	[C]	*	*	U	*	9-6-2(i) 9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(c)
Medical and dental laboratories <sup>40</sup> laboratory <sup>40</sup>	*	*	*	*	*	*	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	C[A]	L-17 [A]	L-17 [A]	C/U	A	L-17 [A]	*	*	*	U	A	*	U	*	9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(d)	
Offices, administrative	*	*	*	*	*	*	*	*	*	*	*	*	C/U	L-17 [A]	L-17 [A]	C[A]	L-5 [A]	L-17 [A]	L-1 [A]	A	A	*	A	A	*	*	9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(e)	
Offices, professional	*	U	U	U	U	U	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	C[A]	L-17 [A]	L-17 [A]	C[A]	L-5 [A]	L-17 [A]	L-1 [A]	A	A	*	*	*	*	*	9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(f)	
Offices, technical; with <5,000 square feet of floor area	*	U	U	U	U	U	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	[A]	L-17 [A]	L-17 [A]	C[A]	L-5 [A]	L-17 [A]	L-1 [A]	A	A	[A]	A	A	A	*	9-6-8 9-6-11 9-6-2(c) 9-6-7(a) 9-6-7(g)	
Offices, technical; with >5,000 square feet of floor area <sup>41</sup>	*	U	U	U	U	U	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	U	L-17 [A]	U	C	L-5	L-17	L-1	A	A	*	A	A	A	*	9-6-8 9-6-11	
Offices—other <sup>42</sup>	*	U	U	U	U	U	L-2 [A]	*	*	L-2 [A]	L-2 [A]	L-2 [A]	C	L-17 [A]	L-17 [A]	C	L-5	L-17	L-1	A	A	*	*	*	*	*	9-6-8 9-6-11	
<b>PARKS AND RECREATION USES:</b>																												
Campgrounds	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	U		
Outdoor recreation or entertainment <sup>43</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	U	U	U	U	*	*	*	*	U	*	
Park Open space, park, and recreation uses <sup>44</sup>	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	A	
Indoor recreational or athletic facilities <sup>45</sup> facility <sup>45</sup>	*	[U]	[U]	[U]	*	U	[AU]	*	*	[AU]	[AU]	[AU]	A	[AU]	[AU]	A	A	A	A	A	A	U	U	U	U	*	9-6-8(a)	

<sup>35</sup> Renamed use to more commonly understood and concise term.  
<sup>36</sup> This use consolidates both “adult education facility” and “vocational and trade schools” into a single use. Uses that would formerly be defined as vocational schools would now be permitted in the same districts as adult educational facilities.  
<sup>37</sup> Consolidated with “Adult educational facility”.  
<sup>38</sup> Consolidated within “technical office”.  
<sup>39</sup> Addiction recovery facilities have been included within the definition of “medical office” and thus are not separately called out within the table. Also has shortened this use name (the definition still clarifies that dental offices are included).  
<sup>40</sup> Removed “and dental” from title. This is specified in the definition instead.  
<sup>41</sup> Consolidated with “offices, technical, with <5,000 sf of floor area”.  
<sup>42</sup> Deleted this use as it is infrequently utilized, unclear, and shares the exact same permissions as professional office.  
<sup>43</sup> Name updated to provide more clarity on vague definition.  
<sup>44</sup> Name updated as open space is now incorporated in this definition.  
<sup>45</sup> Changes made in this line are intended to address a common issue with inconsistency of interpretation of small fitness studios being classified as either “personal services” or “indoor recreational or athletic facility.” Maximum size limits have been added to the specific use

A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   * = Prohibited <sup>42</sup>																														
Zoning District <sup>13</sup>	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	P	A	Specific Use Standards Additional References		
<b>COMMERCIAL, RETAIL AND INDUSTRIAL USES</b>																														
<b>Service Uses:</b>																														
Animal hospital or veterinary clinic	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	A	U	A	*	*	U	A	A	U	A	*	*		
Animal kennel	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	U	U	A	U	*	*	*	A	A	U	A	*	*		
Broadcasting and recording facilities <sup>45</sup>	*	U	U	*	U	U	U	*	*	[A]	[A]	[A]	A	A	[A]	[A]	A	A	A	A	A	A	A	A	A	A	*	*	9-6-119-6-2(c) 9-6-9(a)	
Business support services	*	*	*	*	*	*	*	*	*	*	*	*	[A]	[A]	[A]	[A]	A	A	A	A	A	A	[A]	U	U	[A]	*	*	9-6-119-6-2(c) 9-6-9(b)	
Industrial service center	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[C]	[C]	*	*	*	*	9-6-10(f), 9-6-9(c)	
Non-vehicular repair and rental services without outdoor storage <sup>46</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[A]	[U]	[U]	[U]	[U]	[A]	[U]	*	[A]	*	*			
Neighborhood business center	*	[U]	[U]	*	*	[U]	[U]	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6-10(f), 9-6-9(d)	
Personal service uses	*	U	U	U	*	U	A	U	U	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	*	*	*	*		
Wireless communications facilities <sup>47</sup>	[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]	9-6-10(e), 9-6-9(e)	
<b>Retail Sales Uses:</b>																														
Accessory sales	*	*	*	*	*	A	A	*	*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*	*	9-16
Convenience retail sales	*	[U]	[U]	[U]	*	U	[A]	*	*	[A]	[A]	[A]	A	A	A	A	A	A	A	*	A	A	A	A	*	A	*	*	9-6-9(f)	
Fuel sales	*	[U]	[U]	[U]	*	[U]	[U]	*	*	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	*	[U]	[U]	[C]	[C]	[C]	[U]	*	*	*	9-6-10(d), 9-6-9(g)	
Retail sales	*	*	*	*	*	*	*	*	*	[U]	[U]	[A]	[A]	[A]	[A]	A	A	A	A	A	[A]	*	*	*	*	*	*	*	*	9-6-9(h)
Building material sales	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[A]	[A]	[A]	U	*	*	[A]	[A]	[A]	[A]	[A]	*	*	9-6-9(i)
Temporary sales <sup>47</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	9-6-6(c)
<b>Vehicle-Related Uses:</b>																														
Automobile parking lots, garages or car pool lots as a principal use <sup>48</sup>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	U	*	[U]	[U]	A	A	U	U	*	*	9-6-10(b), 9-6-119-6-2(c) 9-6-9(j)		
Car washes	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	A	U	U	U	U	*	*	*	*	*	*	*	
Drive-thru uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	*	*	*	*	*	*	9-6-10(e), 9-6-9(k)
Fuel service stations	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[U]	[U]	[C]	[U]	[C]	*	[U]	[U]	[C]	[C]	*	[U]	*	*	*	9-6-10(d), 9-6-9(l)	
Sales or rental of vehicles	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[A]	[U]	*	*	*	[A]	[A]	*	*	*	*	*	*	9-6-9(m)
Sales or rental of vehicles within 500 feet of a residential use module <sup>49</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	*	*	*	*	*	*	*	*	*	*	9-6-10(i)
Service of vehicles with no outdoor storage	*	*	*	*	*	*	*	*	*	*	*	[U]	*	[U]	U	[A]	U	*	*	*	*	A	A	[A]	A	*	*	*	9-6-9(n)	
Service of vehicles with limited outdoor storage <sup>50</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	*	*	*	A	A	*	A	*	*	*		
<b>Industrial Uses:</b>																														
Building and landscaping contractors	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	A	A	A	A	*	*	*		
Cleaning and laundry plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	*	
Cold storage lockers	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	U	A	A	A	A	*	*	*		

standards in the districts that have been modified to allow for small fitness studios, which currently are often classified as “personal services” and thus permitted in these districts, but where a classification of indoor athletic facility would be more consistent and clear to users of the code. Name has also been updated to be more concise and better differentiate it from “indoor amusement facility” which has been renamed “indoor commercial recreation”.

<sup>46</sup> Removed qualifier of outdoor storage from use category name, and instead added a specific use standard that outdoor storage is prohibited.

<sup>47</sup> Consolidated with “temporary outdoor entertainment” into a single “temporary event” use.

<sup>48</sup> Renamed use to simpler and more concise title.

<sup>49</sup> Consolidated with “sales or rental of vehicles”. Specific use standards have been incorporated when within 500 feet of residential module.

<sup>50</sup> Consolidated with “Service of vehicles with no outdoor storage.” The different allowances based on storage are incorporated in specific use standards instead.



A = Allowed   C = Conditional Use   U = Use Review   [ ] = Specific Use Standards Apply   *- = Prohibited <sup>12</sup>																														
Zoning District <sup>13</sup>	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	P	A	Specific Use Standards Additional References		
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	P	A			
Computer design and development facilities <sup>51</sup>	*	*	*	*	*	*	*	*	*	*	*	*	A	L-17 A/U	A/U L-17	C/A C/U	L-5A /	L-17 A/U	L-1A /U	A	A	*	A	A	A	*	*		9-6-11	
Equipment repair and rental with outdoor storage <sup>52</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	U	A	A	A	A	*	*			
Lumber yards	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	*	*	*	*		
Manufacturing uses	*	*	*	*	*	*	*	*	*	*	*	*	*	L-14 [A]	*	*	*	L-14 [A]	*	*	*	*	L-13 [A]	A	A	A	*	*	9-6-9(o)	
Manufacturing uses with potential off-site impacts	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[U]	*	*	*		9-6-10(e)9-6-9(p)	
Outdoor storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	A	*	*			
Outdoor display of merchandise	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C[A]	*	[A]C	*	*	*	*	[A]C	[A]C	[A]C	[A]C	*	*		9-6-10(e)9-6-9(q)
Printers and binders	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	*	*		
Recycling centers	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	U	U	U	*	*		
Recycling collection facilities <sup>53</sup> - large	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[U]	[U]	*	*	*	[U]	[U]	[U]	[U]	[U]	*		9-6-10(h)9-6-9(r)
Recycling collection facilities <sup>53</sup> - small	*	*	*	*	*	*	*	*	*	*	*	*	[C]	*	[C]	[C]	[C]	[U]	[U]	[U]	[U]	[C]	[C]	[C]	[C]	[C]	*			9-6-10(h)9-6-9(s)
Recycling processing facilities <sup>53</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	[U]	[U]	[U]	[U]	*			9-6-10(h)9-6-9(t)
Self-service storage facilities <sup>53</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	U	*	*	*	*			
Telecommunications use <sup>53</sup>	*	*	*	*	*	*	*	*	*	*	*	*	L-1A /U	A	L-1A /U	C/A C/U	U	A	L-1A /U	A	A	*	A	A	A	*	*			9-6-8 9-6-11
Warehouse or distributions facilities <sup>53</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*			
Wholesale business	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*	*	*	*	A	A	A	A	*	*			
<b>AGRICULTURE AND NATURAL RESOURCE USES</b>																														
Open space, grazing and pastures <sup>54</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A			
Community gardens <sup>55</sup>	C[A]	[A]C	C[A]	C[A]	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C	[A]C		9-6-5(a)9-6-11(a)
Crop production	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	A			
Mining industries	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	*	*	U			
Oil and gas operations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	[U]	*	*	[U]			9-6-11(b)
Firewood operations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A			
Greenhouse and plant nurseries <sup>56</sup>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	A	A			
<b>ACCESSORY USES</b>																														
Accessory buildings and/or uses	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	A			9-16

A: Allowed use.

L: Limited use. See Section 9-6-2, B.R.C. 1981, for review procedures.

C: Conditional use. See Section 9-2-2, B.R.C. 1981, for administrative review procedures.

U: Use review. See Section 9-2-15, B.R.C. 1981, for use review procedures.

\*: Use prohibited.

n/a: Not applicable; more specific use applications apply.<sup>56</sup>

TABLE 6-2 USE REVIEW THRESHOLDS<sup>57</sup>

Use Limitations, per Table 6-1, "Use Table"

U-1	Use Review required for 2,000 square feet or less of floor area per lot or parcel, otherwise prohibited.
-----	--

<sup>51</sup> Folded into "technical office" definition.

<sup>52</sup> Removed qualifier of outdoor storage because this is described already in the definition of this use.

<sup>53</sup> Folded into "technical office" definition.

<sup>54</sup> Definition has been updated to clarify open space as part of "park and recreation use" instead, and name has been made more concise.

<sup>55</sup> These are not conditional uses and do not require an administrative review, so they have been changed to "A" with brackets. Specific use standards do apply.

<sup>56</sup> Because of the restructuring of the table, these "n/a" cells will no longer be necessary. A legend has been added that will permanently be located at the top of the table, so this legend after the table has been removed.

<sup>57</sup> These thresholds have been reconfigured as specific use standards for the uses to which they currently are applied.

U-2	Use Review required for 5,000 square feet or less of floor area per individual use, otherwise prohibited.
U-3	Use Review required for 15,000 square feet or less of floor area per lot or parcel, otherwise prohibited.

**9-6-2. Limited Use Standards-General.<sup>58</sup>**

(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<sup>59</sup>

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.

<sup>58</sup> Removing Limited Uses. Uses that are permitted by-right, but subject to some specific use standards, will now appear as "A" in the table with the brackets used to indicate applicable standards.

<sup>59</sup> All of these limitations have been reconfigured as specific use standards and moved to the appropriate sections for each use.

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	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 provided that the approval authority for the lease by the public agency owning the regional park finds that the lease and management plan ensure that the use is reasonably compatible with and has minimal negative impacts that are material in nature on surrounding uses, natural areas and wildlife. 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.

### **9-6-2. Conditional Use and Use Review Specific Use Standards – General.<sup>60</sup>**

- (a) Purpose: The purpose of this chapter is to set forth additional requirements for specified uses of land. The requirements are intended to ensure that the use is compatible with the surrounding area.
- (b) Scope: ~~Conditional use and use review~~ Specific use standards are the standards contained in Sections 9-6-23 through 9-6-11<sup>61</sup>, B.R.C. 1981. Specific use standards apply as follows:; they apply to conditional use reviews and use reviews.<sup>62</sup>
- (1) Allowed Uses: Uses that are permitted by right and are subject to specific use standards in this chapter shall be established, operated, and maintained in compliance with any applicable specific use standards. The establishment of these uses is not subject to a review procedure.
- (1)(2) Conditional Uses: Uses which that require a may be approved as a conditional use review (C) are those uses which that are appropriate in a given zoning district if the applicant demonstrates that the use meets the applicable conditional specific use standards of this chapter have been satisfied. Conditional use reviews uses will be reviewed pursuant to the procedures in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.

<sup>60</sup> Existing language from 9-6-3.

<sup>61</sup> Note that throughout the document there are references highlighted in yellow. These will each be updated when the document is reorganized, but reflect current references in this annotated version.

<sup>62</sup> This reference will need to be updated. The "(C)" and "(U)" have been deleted from the subsections as there are many instances when the table may say A, but there is a conditional or use review required due to some limitation of the use, so the table may not always say (C) when a conditional use ends up being required.

~~(2)~~(3) Use Review Uses: Uses ~~which that~~ require a use review ~~(U)~~ are ~~those~~ uses ~~which that~~ 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 applicable specific use and use review standards and criteria~~ of this chapter. Use reviews will be reviewed pursuant to the procedures in Section 9-2-15, B.R.C. 1981.

(c) Specific Use Standards that Apply to Several Use Types:<sup>63</sup> The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).

~~(3)~~(1) Specific Use Standards for Uses in the BC Zoning Districts:<sup>64</sup>

(A) Review Process: In the BC-1 and BC-2 zoning districts, the following standards apply to the uses listed in Table XX.

Table XX: Uses with Specific Use Standards in the BC-1 and BC-2 Zoning Districts<sup>65</sup>

<u>Residential uses</u>		<u>Nonresidential uses</u>		
<u>Household living</u>	<u>Dwelling units, detached</u>	<u>Public and institutional</u>	<u>Essential municipal and public utility services</u>	
	<u>Duplexes</u>		<u>Governmental facilities</u>	
	<u>Dwelling units, attached</u>		<u>Public and private office uses providing social services</u>	
	<u>Townhouses</u>		<u>Adult educational facilities</u>	
	<u>Efficiency living units</u>		<u>Vocational and trade schools</u>	
<u>Group living</u>	<u>Fraternalities, sororities, dormitories</u>	<u>Office, medical, financial</u>	<u>Data processing facilities</u>	
	<u>Boarding houses</u>		<u>Financial institutions</u>	
			<u>Medical or dental clinics or offices,</u> <u>Addiction recovery facilities,</u>	
			<u>Medical and dental laboratories</u>	
			<u>Administrative offices</u>	
			<u>Professional offices</u>	
			<u>Technical offices</u>	
			<u>offices - other</u>	
			<u>Commercial, retail, and industrial</u>	<u>Broadcasting and recording facilities,</u>
				<u>Business support services</u>
		<u>Computer design and development facilities</u>		
		<u>Telecommunication uses</u>		
			<u>Automobile parking lots, garages or car pool lots as a principal use</u>	
			<u>Museum</u>	

~~(a) In the BC zoning districts, detached dwelling units, duplexes, attached dwellings, townhouses, efficiency living units, fraternalities, sororities, dormitories, boarding houses, museums, essential municipal and public utility services, governmental facilities, public and private office uses providing social services, adult educational facilities, vocational and trade schools, data processing facilities, financial institutions, medical or dental clinics or offices, addiction recovery facilities, medical and dental laboratories,~~

<sup>63</sup> From this point on, the tracked changes do not correspond with the order of the current code language for simplicity of review as they have been reorganized and alphabetized. Any redlined text represents a change to existing code language. References have been provided to the part of the code that each subsection has been pulled from.

<sup>64</sup> Carries forward the existing 9-6-11 standards related to BC zones and Appendix N. This reorganizes the language for clarity and places the list of uses in table format for ease of use, rather than the long paragraph.

<sup>65</sup> These use names will be updated when the document is reorganized.

~~administrative offices, professional offices, technical offices, offices—other, broadcasting and recording facilities, business support services, computer design and development facilities, telecommunication uses, and automobile parking lots, garages or car pool lots as a principal use are permitted by right, provided that, if the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions," the use is a conditional use, unless in a use review process, and the following conditional use standards apply:~~

- ~~(i) Allowed Use: The uses listed in Table XX are allowed by right unless the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions."~~
- ~~(ii) Conditional Use: If located in one of the mapped areas in Appendix N, the use may be approved as a conditional use if it meets the following standards:~~
- ~~a. The use shall not be located on the ground floor, with the exception of minimum necessary ground level access.~~
- ~~b. The combined floor area of any non-residential uses in Table XX subject to this section shall be limited to ten percent of the total floor area on the lot or parcel except that if the use is located within an approved site review or planned unit development, the combined floor area of any non-residential uses subject to this section shall be limited to ten percent of the total floor area within the boundaries of the site review or planned unit development approval.~~
- ~~c. A principal use of any automobile parking lot or garage shall be a park and ride facility.~~
- ~~(iii) Use Review: A use that is not allowed by right or as a conditional use may be approved only pursuant to a use review. The standards of Paragraphs (1), (2), and (3) do not apply if the use is 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 on the ground floor or with a combined floor area larger than ten percent of the total floor area, as applicable, will not adversely affect the intended function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor.<sup>66</sup> 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.~~

### **9-6-3. ~~Conditional Use and Use Review~~ Specific Use Standards – Residential Uses.**

#### **(a) Residential Uses:**<sup>67</sup>

- ~~(1) This subsection (a) sets forth standards for uses in the residential use classification that are subject to specific use standards pursuant to Table 6-1, Use Table.~~
- ~~(2) Residential Uses in Development in Industrial Zoning Districts the IG and IM Zoning Districts~~<sup>68</sup>:

~~(A) Applicability: The following standards apply in the IG and IM zoning districts to residential uses that may be approved pursuant to a use review. The following standards and criteria apply to any residential development including attached or detached dwelling units, custodial care units, residential care units, congregate care units, boarding and rooming houses, cooperative housing units, fraternities, sororities, dormitories and hostels proposed to be constructed in the IG or the IM zoning district classifications.~~<sup>69</sup>

<sup>66</sup> Clarity added about this being only on the ground floor retail as was the intent when this language was added. Note that this language mirrors the description of the BC zoning districts in 9-5-2, with the clarity about ground floor added.

<sup>67</sup> Rather than repeating these standards under each residential use, this approach incorporates sections unique to the industrial districts, with which all residential uses will also need to comply.

<sup>68</sup> Existing language from 9-6-4(f). The header has been changed from "Industrial Districts" to "IG and IM" because the standards only specify those districts.

<sup>69</sup> 9-6-4(f) "Residential Development in Industrial Zoning Districts" currently applies to "any residential development including attached or detached dwelling units, custodial care units, residential care units, congregate care units, boarding and rooming houses, cooperative housing units, fraternities, sororities, dormitories and hostels". This specificity has been removed as it is believed that the intent is to apply these to all residential uses, however this list has not been kept up to date as the use table has changed over time.

~~(A)~~(B) Application Requirements: An applicant ~~for a dwelling unit in an IG or IM zoning district~~ shall apply on forms provided by the city manager showing how and in what manner the standards and criteria of this subsection have been met. In addition to any information required by Sections ~~9-2-2, "Administrative Review Procedures," and~~<sup>70</sup> 9-2-15, "Use Review," B.R.C. 1981, the applicant shall provide the following information:

- (i) Environmental Assessment: A report that addresses each of the items required by the American Society for Testing and Materials Standards (ASTM) E-1527 and E-1528. The report shall be current and with a completion date within five years of the date of application.
- (ii) Contiguity Map: A map that demonstrates that the proposed residential development meets the contiguity requirements of Paragraph (f)(2) of this section.

~~(B)~~(C) Location Within the Industrial Districts: Dwelling units ~~within the IG or IM zoning district classifications~~ may be constructed if located on a parcel that has ~~not less than at least~~ one-sixth of the perimeter of the parcel contiguous with ~~the~~ residential use that includes one or more dwelling units or ~~if~~ contiguous to a residential zone or to a City- or county-owned park or open space.<sup>71</sup> Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way or a public or private transportation right-of-way or area. If a parcel meets this standard, the approving authority shall presume that the standard in Paragraph 9-2-15(e)(5), B.R.C. 1981, has been met.

~~(C)~~ Requirement for Certain Residential Uses: The following uses shall also meet the requirement for such uses in Sections ~~9-6-2 through 9-6-9, B.R.C. 1981: custodial care units, residential care units, congregate care units and cooperative housing units.~~<sup>72</sup>

- (D) Residential and Nonresidential Uses Within a Project: If residential uses are to be placed on the property, the entire property shall be used exclusively for residential purposes except as otherwise provided in this paragraph. Nonresidential uses are permitted, provided that site design is approved pursuant to the site review criteria in Section 9-2-14, "Site Review," B.R.C. 1981, in order to ensure that the site design and building layout will result in compatibility among uses or to mitigate potential impacts between such uses.
- (E) Limited Retail Uses Permitted: Convenience store, personal service, or restaurant uses may be permitted as accessory uses to a residential development permitted by this subsection if all of the following standards are met:
  - (i) Each convenience store, personal service, or restaurant use does not exceed two thousand five hundred square feet in floor area, and in the case of restaurants, such restaurants shall close no later than 11:00 p.m. unless otherwise approved in a city review process.
  - (ii) The total amount of floor area used for all of the convenience store, personal service, or restaurant uses does not exceed five percent of the total residential floor area of the development.
  - (iii) The uses are permitted only if development is located no closer than one thousand three hundred twenty feet from another property that is described as a business district in Section 9-5-2, "Zoning Districts," B.R.C. 1981, or another convenience store, personal service, or restaurant use in another development created pursuant to this subsection.
- (F) Bulk and Density Requirements: All residential development shall be subject to the bulk and density standards set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the landscaping for the underlying zoning district, except as modified by the following:
  - (i) Lot Size: The minimum lot size shall be at least two acres. Projects over five acres shall also be required to complete a site review pursuant to Section 9-2-14, "Site Review," B.R.C. 1981.
  - (ii) Side Yard Adjacent to a Street: The minimum side yard landscaped setback from a street for all buildings that contain residential uses shall be twenty feet.

<sup>70</sup> All residential uses require use review in these districts, so this reference to administrative reviews has been deleted.

<sup>71</sup> Minor changes for clarity.

<sup>72</sup> The standard about meeting specific use requirements has been removed and rewritten more generally at the beginning of the section. All uses must also meet their specific use requirements (attached, congregate, etc.)

- (iii) Interior Side Yard: The minimum side yard setback from an interior lot line for all principal buildings and uses shall be twenty feet. If an existing building is converted to residential uses, the side yard setback may be reduced to twelve feet for the existing portion of the building.
- (iv) Floor Area Ratios: The floor area regulations for the underlying zoning district classification shall only apply to the nonresidential floor area on the site.
- (v) Open Space: If the site is not located within the service area of a neighborhood park, as identified in the Parks and Recreation Master Plan, a minimum of forty percent of the required usable open space shall be configured as a common contiguous area that will provide for the active and passive recreational needs of the residents.
- (vi) Setbacks from Existing Oil and Gas Operations: The use is located no closer than two thousand feet from a well pad of an existing single-well oil and gas operations use in pre-production, no closer than two thousand five hundred feet from any well pad of an existing multi-well (two or more) oil and gas operations use in pre-production, and no closer than five hundred feet from any well pad of an existing oil and gas operations use in production. The use is located no closer than two hundred fifty feet from any oil and gas operations use that is capped and abandoned pursuant to the requirements of Section 9-6-12(b)(15), B.R.C. 1981.
- (G) Buffers From Adjacent Land Uses: The applicant shall provide visual screening, which may include, without limitation, walls, fences, topographic changes, horizontal separation, or plantings for those areas that are adjacent to loading docks, truck or other delivery vehicle ingress or egress areas, dumpsters or other recycling vessels and outdoor storage areas.
- (H) Environmental Suitability: The applicant shall demonstrate that the proposed use will not be affected by any adverse health or safety impacts associated with potential on-site pollution or contamination beyond that which is customarily acceptable for land that is used for residential purposes. This shall be demonstrated through the use of the environmental assessment required to be submitted with the application. If such environmental assessment identifies any potential adverse health or safety impacts on future residents of the site, the applicant shall also be required to submit further assessments that demonstrate that such concerns are not present or submit a plan for the mitigation measures that are necessary to alleviate any adverse impacts to public health, safety and welfare.
- (I) Construction Standards for Noise Mitigation: The applicant shall utilize construction standards that will achieve an interior day-night average noise level of no more than forty-five decibels, anticipating potential exterior day-night average industrial noise levels of seventy-three decibels measured at the property line. Such standards shall be in compliance with Chapter 10-5, "Building Code," B.R.C. 1981. Noise shall be measured in a manner that is consistent with the federal Housing and Urban Development's standards in Sections 24 CFR §§ 51.100 to 51.106 for the "measure of external noise environments," or similar standard adopted by the city manager in the event that such rule is repealed. The applicant shall provide written certification prior to the issuance of a certificate of occupancy that the sound abatement and attenuation measures were incorporated in the construction and site design as recommended by a professional engineer.
- (J) Declaration of Use Required: Before receiving a building permit, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice to potential purchasers and tenants of the owner's property status as a residential use within an industrial zoning district classification.
- (K) Modification of Standards: The approving authority is authorized to modify the standards set forth in Section 9-2-14, "Site Review," B.R.C. 1981, or Paragraphs (f)(6), (f)(7), (f)(8) and (f)(9) of this section, upon finding that:
  - (i) The strict application of these standards is not possible due to existing physical conditions;
  - (ii) The modification is consistent with the purpose of the section; and
  - (iii) The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this chapter.

- (iv) The city manager shall require that a person requesting a modification supply the information necessary to substantiate the reasons for the requested modification.

(b) Household Living Uses:<sup>73</sup>

(1) This subsection (b) sets forth specific use standards that apply to uses listed in the household living use category of Table 6-1, Use Table.

(2) Household Living Uses in the RMX-2 Zoning District:<sup>74</sup>

(A) Applicability: The following standards apply in the RMX-2 zoning district to uses in the household living use category that are allowed by right.

~~(A)~~(B) Minimum Number of Housing Types: No person shall develop land in the RMX-2 zoning district with ~~residential household living~~<sup>75</sup> uses, with the exception of mobile home parks, unless the following housing types are provided:

- (i) For lots or parcels one acre or less, at least one housing type;
- (ii) For lots or parcels that are greater than one acre but less than five acres, at least two housing types; and
- (iii) For lots or parcels that are five acres or more, at least three housing types. The minimum number of any housing type for lots or parcels that are more than five acres shall be five dwelling units.

~~(B)~~(C) Maximum Percentage of Any One Housing Type: No person shall develop a lot or parcel of one acre or more with more than fifty percent of any one housing type in the RMX-2 zoning district. This standard does not apply to mobile home parks.

(3) Residential Household Living Uses in the MU-3 Zoning District:<sup>76</sup>

(A) Applicability: The following standards apply in the MU-3 zoning district to uses in the household living use category that front onto Pearl Street and may be approved as a conditional use:

~~(A)~~ Any new dwelling unit that is constructed in the MU-3 zoning district shall be constructed and used in a manner that meets the following standards:

- (i) ~~For properties that front onto Pearl Street, t~~he first floor above the finished grade at the street level fronting onto Pearl Street shall be constructed to permit a portion of the first floor as specified in Subsection (j)(2) to be used for ~~dining and entertainment~~ a restaurant, brewpub, or tavern use, personal service use, or retail sales use that is permitted in the MU-3 zoning district.
- (ii) The nonresidential spaces shall have a minimum depth of twenty feet measured from the front of the building along the Pearl Street frontage to the inside wall opposite of the street frontage. Building entries for uses above the first floor may be permitted to the extent necessary to provide access.
- (iii) Additional parking will not be required to be provided for the floor area that is necessary to meet the required minimum depth of the first floor nonresidential use. All floor area beyond the required minimum depth shall meet the parking requirements of Section 9-9-6, "Parking Standards," B.R.C. 1981.
- (iv) The nonresidential space required by this section shall be used as a nonresidential principal use as permitted by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, and not be used for any residential principal or accessory uses.

(v) No existing nonresidential space fronting onto Pearl Street shall be converted to residential space inconsistent with this paragraph.<sup>77</sup>

<sup>73</sup> These are standards that apply to all uses within the future "household living" category in certain zoning districts – rather than repeat them in several different uses, they have been consolidated here.

<sup>74</sup> This language has been pulled from 9-8-4(a) and (b), which is currently cross-referenced in the use table. Because it relates to housing type/use and residential uses are all listed as "C" in the use table, intending reference to this section, it is proposed to be relocated into this chapter instead of 9-8.

<sup>75</sup> Specification of only "household living" category uses (not accessory or group living). Exceptions added for mobile home parks, which fall within "household living" category but for which these standards would be infeasible.

<sup>76</sup> Existing standards from 9-6-4(j). Added clarification that this only applies to "household living" uses that front on Pearl Street, as previous language was vague and this section was only referenced within household living uses in the current table.

<sup>77</sup> This language added to clarify that conversions to residential space is not permitted, as that would be against the intent of these standards to preserve nonresidential space.



(vi) The first floor frontage requirements for nonresidential uses of this section and the requirements for window location, door location, and minimum lot frontage in "Table 7-1: Form and Bulk Standards" may be modified for an individual landmark or a building within a historic district that has received a landmarks alteration certificate<sup>78</sup> as required by Chapter 9-11, "Historic Preservation," B.R.C. 1981.

(c) Dwelling Unit, Detached:<sup>79</sup>

(1) In the RR-1, RR-2, RE, RL-1, RL-2, RM-2, P, and A Zoning Districts:<sup>80</sup>

~~(B)(A)~~ Applicability: The following standards apply in the RR-1, RR-2, RE, RL-1, RL-2, RM-2, P, and A zoning districts, the following standards apply to a detached dwelling unit with two kitchens that may be requires a conditional use review approved as a conditional use or pursuant to a use review:

~~(i)~~ The following criteria apply to any detached dwelling units with two kitchens:

~~(ii)~~(i) Second Kitchen Shall Not Create an Additional Dwelling Unit: The second kitchen shall be incidental to occupancy of the entire house in common by all occupants and shall not be designed or used to create or allow for the creation of a second dwelling unit. In determining whether the second kitchen creates or may create an additional dwelling unit, the city manager shall consider whether the proposed kitchen can be separated from the remainder of the dwelling unit, with other rooms, including a bathroom, with a separate exterior access.

~~(iii)~~(ii) Owner Occupied: The detached dwelling unit within which the second kitchen is located is actually and physically occupied as a principal residence by at least one owner of record of the lot or parcel upon which the detached dwelling unit is located who possesses at least an estate for life or a fifty-percent fee simple ownership interest.

(iii) Agreement Required: If such use is approved, the city manager and the property owner shall record an agreement with the Boulder County Clerk and Recorder, whereby the property owner acknowledges and agrees that the dwelling unit shall only be used as a single dwelling unit and in compliance with the conditional use approval. The agreement shall also bind the owner and occupants and the owner's heirs, successors-in-interest, assigns and lessees.

(2) Detached Dwelling Units in the~~In the~~ RH, MU-1, MU-2, and MU-4 Zoning Districts:<sup>81</sup>~~In the RH, MU-1, MU-2, and MU-4 zoning districts,~~

(A) Review Process: In the RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, MU-1, MU-2, and MU-4 zoning districts, the following review process applies to detached dwelling units:

(i) Allowed Use: A detached dwelling unit is a~~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.<sup>82</sup>

(ii) Use Review: a~~A~~ new detached dwelling unit that is not allowed by right may be approved pursuant to a use review if the approving authority finds that:<sup>83</sup>

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

<sup>78</sup> Fixed typo. "Landmark Alteration Certificate" is the name of the application, not Landmarks Alteration Certificate.

<sup>79</sup> Name changed to match name in definitions section.

<sup>80</sup> When consolidating this with "detached dwelling units," an issue was discovered. "Detached dwelling units with two kitchens" is conditional in P and A districts, but a typical detached dwelling unit is a Use Review in P & A. This is believed to have been a mistake after multiple iterations and amendments made to the use table over the years. As now drafted, all detached dwelling units (including those with two kitchens) require a Use Review in the P and A districts.

<sup>81</sup> Existing language from 9-6-4(k) for new dwelling units. Also includes language from L15.

<sup>82</sup> This language is from L15 and applies to these districts.

<sup>83</sup> Existing language from 9-6-4(k).

- b. 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
- c. The dwelling unit is located in an area where detached dwelling units predominate.

(3) In the BT-1 and BT-2 Zoning Districts:

(A) Review Process: In the BT-1 and BT-2 zoning districts, a detached dwelling unit is 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. ~~A detached dwelling unit that is not allowed by right may be approved only pursuant to a use review otherwise by use review only.~~<sup>84</sup>

(4) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to detached dwelling units:

(i) Allowed Use: A detached dwelling unit is Allowed by right if the use meets the following standards; otherwise by use review only:

- a. ~~the~~All units on the lot or parcel ~~meet the requirements for~~are permanently affordable units ~~set forth meeting the requirements~~ in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
- b. ~~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.~~<sup>85</sup>

(ii) Use Review: A detached dwelling unit that is not allowed by right may be approved only pursuant to a use review.

(d) Duplexes:

(1) In the BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a duplex is 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. A duplex that is not allowed by right may be approved only pursuant to a use review.~~<sup>86</sup>

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to duplexes:

(i) Allowed Use: A duplex is Allowed by right if the use meets the following standards:

- a. ~~the~~All units on the lot or parcel ~~meet the requirements for~~are permanently affordable units ~~set forth meeting the requirements~~ in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
- b. ~~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.~~<sup>87</sup>

(ii) Use Review: A duplex that is not allowed by right may be approved only pursuant to a use review.

(3) In the IMS Zoning District:

(A) Review Process: In the IMS zoning district, a duplex is Allowed by right if at least ~~50~~fifty percent% of the floor area of the building is for nonresidential use, ~~otherwise by use review only. A duplex that is not allowed by right may be approved only pursuant to a use review.~~<sup>88</sup>

(e) Attached dwellings Dwelling Unit, Attached:

<sup>84</sup> Existing L1 language with clarifying language added.

<sup>85</sup> Current language from L16 with clarifying language added.

<sup>86</sup> Existing L1 language with clarifying language added.

<sup>87</sup> Current language from L16 with clarifying language added.

<sup>88</sup> Existing L3 language with clarifying language added.

(1) In the RH-6 Zoning District:<sup>89</sup>

~~(C) Attached dwelling units in corner townhouse units in the RH-6 zone district. The following criteria apply to any attached dwelling units in the RH-6 zoning district:~~

~~(i) Density: The maximum number of dwelling units shall be the same as is permitted in the RH-6 zone district.<sup>90</sup>~~

~~(D)(A) Location of Units: The In the RH-6 zoning district, attached dwelling units shall be located in a development that includes townhouse dwelling units. Attached dwelling units shall may only be located on a corner that has street frontage on two sides.~~

~~(i) Parking: Attached units must meet the parking requirement of one space per dwelling unit.<sup>91</sup>~~

(2) In the BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, attached dwelling units are 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. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.<sup>92</sup>~~

(3) In the BMS Zoning District:

(A) Review Process Outside UHGID: Attached dwelling units located in the BMS zoning district and outside the University Hill general improvement district are 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. Attached dwelling units not allowed by right may be approved only pursuant to ~~otherwise by a~~ use review ~~only.<sup>93</sup>~~

(B) Review Process Within UHGID: Attached dwelling units located in the BMS zoning district and within the University Hill general improvement district are subject to the following review process:

(i) Conditional Use: Attached dwelling units may be approved as a conditional use if the units meet the following standards:<sup>94</sup>

a. The units ~~meet the requirements are for all~~ permanently affordable units meeting the requirements set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; and<sup>95</sup>

b. With the exception of minimum necessary ground level access, the use ~~shall is~~ not be located on the ground floor facing a street, ~~otherwise by use review only.<sup>96</sup>~~

(ii) Use Review: Attached dwelling units that may not be approved as a conditional use may be approved only pursuant to a use review.

(4) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to attached dwelling units:

(i) Allowed Use: Attached dwelling units are Allowed by right if the use meets the following standards:

a. ~~the~~All units on the lot or parcel ~~meet the requirements for are~~ permanently affordable units ~~set forth~~meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; ~~or~~

b. ~~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.<sup>97</sup>~~

<sup>89</sup> This language is existing from 9-6-4(h), with some clarifying language.

<sup>90</sup> This subparagraph has been removed as it does not change the underlying requirements, so it is not necessary to repeat this here.

<sup>91</sup> Removed as this is the current parking requirement, so this is duplicative.

<sup>92</sup> Current language from L1.

<sup>93</sup> Current language from L1.

<sup>94</sup> In the UHGID, attached dwelling units AND efficiency living units are conditional in the BMS. To consolidate the table, this specification is noted here instead of in the table. It also appears in the efficiency living unit section.

<sup>95</sup> Existing language from 9-6-4(i) which applies to any attached dwelling units and efficiency living units within the UHGID in the BMS.

<sup>96</sup> Existing language from 9-6-4(i) which applies to any attached dwelling units and efficiency living units within the UHGID in the BMS.

<sup>97</sup> Current language from L16 with some clarifying language.

(ii) Use Review: Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

(5) In the IMS Zoning District:

~~(E)~~(A) Review Process: In the IMS zoning district, attached dwelling units are allowed by right if at least 50-fifty percent% of the floor area of the building is for nonresidential use, otherwise by use review only. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.<sup>98</sup>

~~(b)~~(f) Townhouse:s

(1) In BT-1, BT-2, IS-1, and IS-2 Zoning Districts:

(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a townhouse isA 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. A townhouse that is not allowed by right may be approved only pursuant to a use review.<sup>99</sup>

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process:

(i) Allowed Use: In the BR-1 and BR-2 zoning districts, a townhouse is A allowed by right if the use meets the following standards:

a. theAll units on the lot or parcel meet the requirements for are permanently affordable units set forth meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, or

b. 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.

(ii) Use Review: A townhouse that is not allowed by right may be approved only pursuant to a use review.<sup>100</sup>

(3) In the IMS Zoning Districts:

(A) Review Process: In the IMS zoning district, a townhouse is A allowed by right if at least 50-fifty percent% of the floor area of the building is for nonresidential use, otherwise by use review only. A townhouse that is not allowed by right may be approved only pursuant to a use review.<sup>101</sup>

(g) Efficiency Living Unit:<sup>102</sup>

(1) In the RMX-2 Zoning District:

(A) In the RMX-2 zoning district, efficiency living units shall not exceed 40 percent of total units in a building.<sup>103</sup>

(2) In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2, DT-4, DT-5, DT-1, DT-2, and DT-3 Zoning Districts:

(A) Review Process: In the RH-1, RH-2, RH-4, RH-5, MU-4, BT-1, BT-2, DT-4, DT-5, DT-1, DT-2, and DT-3 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units. -Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

(3) In the MU-3 Zoning District:

(A) Review Process: In the MU-3 zoning district, the following review process applies to efficiency living units: in the MU 3 zoning district:

<sup>98</sup> Current language from L3.

<sup>99</sup> Existing L1 language.

<sup>100</sup> Current language from L16 with some clarifying language.

<sup>101</sup> Existing L3 language.

<sup>102</sup> 9-6-4(k) is referenced in the right-hand column of "if <40% of total units" for efficiency living units outside of UHGID. However, (k) refers only to detached dwelling units, so this is believed to be a mistake and those standards have not been carried forward here.

<sup>103</sup> The use table notes that ELUs "if <40% of total units" are only permitted by use review, and over 40% is prohibited. To consolidate rows, this specification has been added here instead of in the table.

~~(i) Allowed Use: Efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units, and if at least 50-fifty percent% of the floor area of the building is for residential uses, and the total floor area of nonresidential uses in the building is less than 7,000 square feet-per building, otherwise by use review only.<sup>104</sup>~~

~~(ii) Use Review: Efficiency living units that are not allowed by right may be approved only pursuant to a use review.~~

~~— If efficiency living units are more than 40 percent of total units, use review is required.~~

#### (4) In the BMS Zoning District:

~~(A) Review Process Outside UHGID: Efficiency living units located in the BMS zoning district and outside the University Hill general improvement district are allowed by right if efficiency living units are less than 40 percent of total units in the building are efficiency living units, and if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review only.<sup>105</sup>~~

~~(B) Review Process Within UHGID: The following review process applies to efficiency living units located in the BMS zoning district and within the University Hill general improvement district:~~

~~(i) Conditional Use: Efficiency living units may be approved as a conditional use if less than 40 percent of total units in the building are efficiency living units, the units are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and the use is not located on the ground floor facing a street.~~

~~(ii) Use Review: Efficiency living units that may not be approved as a conditional use may be approved only pursuant to a use review.<sup>106</sup> In addition to meeting the use review criteria, the units must be permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.~~

~~(i) The following criteria apply to efficiency living units in the University Hill general improvement district permitted as a conditional use or pursuant to a use review:~~

~~a. The units meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.~~

~~— 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.~~

~~b. Requirement for Efficiency Living Units: Where efficiency living units comprise 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.~~

#### (5) In the BC-1 and BC-2 Zoning Districts:

~~(A) Review Process: In the BC-1 and BC-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.<sup>107</sup>~~

#### (6) In the BR-1 and BR-2 Zoning District:

~~(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to efficiency living units:~~

<sup>104</sup> Existing L2 language with specificity from use table added that this only applies to projects with less than 40% ELUs. Note that they can also be conditional in RMX-2 due to the RMX-2 regulations that apply to all household living uses.

<sup>105</sup> Existing L1 language with specificity from use table added that this only applies to projects with less than 40% ELUs.

<sup>106</sup> In the UHGID, attached dwelling units AND efficiency living units are conditional in the BMS. To consolidate the table, this specification is noted here instead of in the table. Also, existing language from 9-6-4(i)(3) about when a use review is required, which applies to attached dwelling units or efficiency living units in UHGID in the BMS, is incorporated.

<sup>107</sup> In the current use table, efficiency living units that comprise less than 40% of a development are a "C" use and those that comprise over 40% are a "U". To consolidate the different rows, we have captured the need for a use review if ELUs comprise over 40% of the building here instead. The "C" indicated the need for compliance with the BC-1 and BC-2 districts standards relating to Appendix N in former 9-6-11, which is now at the beginning of the use standards section, but they are permitted by right unless they are located in Appendix N areas, so that has been reflected here.

(i) Allowed Use: Efficiency living units are allowed by right if the use meets the following standards:

a. Less than 40 percent of total units in the building are efficiency living units and:<sup>108</sup>

1. ~~the~~All units on the lot or parcel ~~meet the requirements for~~are permanently affordable units ~~set forth~~meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
2. ~~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.~~<sup>109</sup>

(ii) Use Review: Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

**(7) In the IS-1 and IS-2 Zoning Districts:**

(A) Review Process: In the IS-1 and IS-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review. otherwise by use review only.<sup>110</sup>

**(8) In the IMS Zoning District:**

(A) Review Process: In the IMS zoning district, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units, and if at least 50-fifty percent% of the floor area of the building is for nonresidential use, otherwise by use review only. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.<sup>111</sup>

**(h) Accessory Dwelling Unit:**<sup>112</sup>

~~(c) Accessory Units:~~

(1) General Requirements: Three types of accessory units may be approved as are permitted as a conditional uses: Attached-attached accessory dwelling units, detached accessory dwelling units, and limited accessory units. The following standards apply to all three types of accessory units:

(A) Standards:

- (i) Owner-Occupied: The principal dwelling unit or accessory unit on the parcel or lot must be owner-occupied.
- (ii) Occupancy Requirement: For purposes of determining occupancy requirements under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory unit.
- (iii) Rental License: No owner of the property shall allow, or offer to allow through advertisement or otherwise, any person to occupy the accessory unit or the principal dwelling unit as a tenant or lessee or otherwise for a valuable consideration unless such rented unit has been issued a valid rental license by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.

<sup>108</sup> The current use table specifies that ELUs < 40% are L16, and ELUs > 40% require use review. This specificity has been combined with the L16 language that differentiate between when allowed by right or by use review.

<sup>109</sup> Current language from L16 with some clarification added.

<sup>110</sup> Existing L1 language with specificity from use table added that this only applies to projects with less than 40% ELUs.

<sup>111</sup> Existing L3 language with specificity from use table added that this only applies to projects with less than 40% ELUs.

<sup>112</sup> Existing language from 9-6-4(a).

- (iv) Short-Term Rental: Short-term rental of an accessory unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory unit are prohibited except as specifically authorized in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.
  - (v) No Independent Conveyance: No person shall convey an accessory unit independently of the principal dwelling unit on the lot or parcel.
  - (B) Application: All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and submit plans as may be required by the manager.
  - (C) Public Notice: Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.
  - (D) Review and Approval: All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.
  - (E) Declaration of Use Required: Before obtaining approval, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice of the legal status of the owner's property. If the unit is to be an affordable accessory unit, the declaration shall include a sworn certification that the unit will meet the affordability standard and a statement of the number of bedrooms.
  - (F) Amendments: The site plan for an accessory unit may be modified and an affordable accessory unit may be converted to an accessory unit that is not an affordable accessory unit provided that an application is filed and reviewed by the manager under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981. The application must demonstrate that the proposed accessory unit meets the requirements of this section except that it shall not be subject to the saturation limitations of **Subparagraphs (a)(2)(A) and (E) and (a)(3)(A) and (E).**
  - (G) Floor Area: For the purpose of calculating the floor area of an attached accessory unit or detached accessory unit under this **subsection (a)**, floor area shall mean the total square footage of all levels measured to the outside surface of the exterior framing, to six inches beyond the interior wall on an exterior wall, or to the outside surface of the exterior walls if there is no exterior framing, of a building or portion thereof, which includes stairways, elevators, the portions of all exterior elevated above grade corridors, balconies, and walkways that are required for primary or secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage and mechanical rooms, whether internal or external to the structure, but excluding an atrium on the interior of a building where no floor exists, a courtyard, the stairway opening at the uppermost floor of a building, and floor area that meets the definition of uninhabitable space.
- (2) Attached Accessory Dwelling Units: In addition to the general accessory unit standards **in Paragraph (a)(1)** of this section, the following standards apply to attached accessory dwelling units. The owner or the owners of a lot or parcel with a single-family dwelling unit may establish and maintain an attached accessory dwelling unit within the principal structure of a detached dwelling unit in the RR, RE, RL, RMX, A<sub>2</sub> or P districts if all of the following conditions are met and continue to be met during the life of the attached accessory dwelling unit:
- (A) Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:
    - (i) The "neighborhood area" in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any accessory unit will be located. Within the "neighborhood area" only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.
    - (ii) For the purpose of calculating the twenty percent limitation factor, the following shall apply:

- a. A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;
  - b. A cooperative housing unit is counted as an accessory unit;
  - c. An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and
  - d. The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.
- (iii) If an application for an accessory unit exceeds the twenty percent requirement set forth in this **Subparagraph (a)(2)(A)**, the manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within a neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.
- (B) Parking: The attached accessory dwelling unit shall have the following off-street parking:
- (i) The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and
  - (ii) One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located.
  - (iii) The parking spaces required under this **Subparagraph (a)(2)(B)** shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way.
- (C) CriteriaStandards: The attached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following criteriastandards:
- (i) The attached accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of five thousand square feet or more.
  - (ii) The attached accessory dwelling unit does not exceed one-third of the total floor area of the principal structure or one thousand square feet, whichever is less, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
  - (iii) If there is an interior connection between the attached accessory dwelling unit and the principal dwelling prior to the creation of the attached accessory dwelling unit, the connection shall be maintained during the life of the attached accessory dwelling unit.
  - (iv) Any additional entrance resulting from the creation of an attached accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling unit.
- (D) Affordable Accessory Units: If the attached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:
- (i) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.
  - (ii) The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
  - (iii) If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
- (E) Designated Historic Property: If the attached accessory dwelling unit is located within a principal structure that is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this **Paragraph (a)(2)** apply:



- (i) In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of **Subparagraph (a)(2)(A)** provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;
  - (ii) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and
  - (iii) The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
- (3) **Detached Accessory Dwelling Units:** In addition to the general accessory unit standards in **Paragraph (a)(1)** of this section, the following standards apply to detached accessory dwelling units. An owner or the owners of a lot or parcel with a single-family detached dwelling unit may establish and maintain a detached accessory dwelling unit within an accessory structure meeting the size restrictions described below, on a lot or parcel in the RR, RE, RL, RMX, A<sub>2</sub> and P districts if all of the following conditions are met and continue to be met during the life of the detached accessory dwelling unit:
- (A) **Neighborhood Area:** In the RL-1 and RL-2 zoning districts, no more than twenty percent of the lots or parcels in a neighborhood area contain an accessory unit. For the purpose of this subparagraph:
    - (i) The "neighborhood area" in RL-1 and RL-2 zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which an accessory unit will be located. Within the "neighborhood area" only accessory units within the RL-1 and RL-2 zoning districts are counted towards the twenty percent limitation factor.
    - (ii) For the purpose of calculating the twenty percent limitation factor, the following shall apply:
      - a. A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;
      - b. A cooperative housing unit is counted as an accessory unit;
      - c. An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and
      - d. The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.
    - (iii) If an application for a detached accessory dwelling unit exceeds the twenty percent requirement set forth in Subparagraph **(a)(3)(A)**, the manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within the neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.
  - (B) **Parking:** The detached accessory dwelling unit shall have the following parking:
    - (i) The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and
    - (ii) One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located.
    - (iii) The parking spaces required under this **Subparagraph (a)(3)(B)** shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way. To the extent practical, any additional off-street parking that is constructed in the RR or RE zoning district required for the detached accessory dwelling unit shall be screened from the view of properties that directly abut a property line of the detached accessory dwelling unit.

- (C) Incidental to Principal Dwelling Unit: The detached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following criteria standards:
- (i) The detached accessory dwelling unit is created on a lot of five thousand square feet or larger.
  - (ii) The detached accessory dwelling unit's floor area does not exceed five hundred and fifty square feet, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
  - (iii) The following design standards apply to detached accessory dwelling units:
    - a. Maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet unless the roof pitch is greater than 8:12 and the resulting ratio of the height of the roof (measured from the eave line to the top of the roof) to the height of the side walls (measured from the low point of grade to the eave line) is less than a 1:2 ratio. The city manager may modify this height standard for a legal existing accessory building that is being converted to a detached accessory dwelling unit to the extent that the existing accessory building's height and size is not proposed to be modified. In no case may a building height exceed twenty-five feet.
    - b. A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas. Decks, porches, patios, terraces, and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage.
    - c. Setbacks shall comply with accessory building setbacks. Where the rear yard of a property in the RR or RE zoning district directly abuts an RL zoning district, the rear yard accessory building setback shall be the same as the side yard setback for accessory buildings for applicable RR or RE zoning districts.
- (D) Affordable Accessory Units: If the detached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:
- (i) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.
  - (ii) The unit's floor area may be up to eight hundred square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
  - (iii) If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
- (E) Designated Historic Property: If either the accessory structure the detached accessory dwelling unit is located in or the principal structure on the lot or parcel is designated as an individual landmark or recognized as contributing to a designated historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following modifications to the standards of this **Paragraph (a)(3)** apply:
- (i) In the RL-1 and RL-2 zoning district, the unit is not subject to the twenty percent limitation factor of **Subparagraph (a)(3)(A)** provided that no more than thirty percent of the lots or parcels in the neighborhood area contain an accessory unit;
  - (ii) The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit; and
  - (iii) The unit's floor area may be up to one thousand square feet. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.
- (4) Limited Accessory Units: In addition to the general accessory unit standards in **Paragraph (a)(1)** of this section, the following standards apply to limited accessory units that may be approved as a conditional use in the RR-1, RR-2, RE, and RL-1 Zoning Districts only.<sup>113</sup> An

<sup>113</sup> Since all of the types of accessory dwelling units have been consolidated in the table, added this to clarify the only districts in which limited accessory units are permitted by conditional use.

existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module may be converted to limited accessory dwelling units. A limited accessory dwelling unit may be modified and expanded as a conditional use. Conversion to a limited accessory dwelling unit is subject to compliance with all of the following standards:

- (A) Applicability: This ~~subsection-subparagraph (a)(3)~~ is only applicable to dwelling units that legally existed, were actively used as multiple dwelling units, and had a valid rental license on January 1, 2005.
- (B) Expansion Limitation: The cumulative total of any expansion shall not exceed twenty percent of the total floor area that was documented at the time of the initial expansion. Any expansion of the restricted accessory unit shall not exceed ten percent. In no case shall any expansion cause the cumulative size of the restricted dwelling units to exceed the maximum allowable floor area ratio of the underlying zoning district as set forth in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.
- (C) Parking: The minimum number of off-street parking spaces shall not be less than three spaces. All parking shall comply with the design and access requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981. A minimum of one off-street parking space shall be available for use by the restricted accessory dwelling unit.
- (D) Loss of Prior Nonconforming Status: If a nonconforming duplex or two detached dwelling units are converted to limited accessory units through the conditional use process, any prior nonconforming status is lost.

## GROUP QUARTERS

### (i) Congregate Care Facilities, Custodial Care Facilities, and Residential Care Facilities:

(1) Residential Care, Custodial Care and Congregate Care Facilities:-Applicability: This subsection (i) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Standards: The following criteria-standards apply to any such residential care facility, custodial care facility or congregate care facility that may be approved as a conditional use or pursuant to a use review:<sup>114</sup>

~~(F)(A)~~ \_\_\_\_\_ For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, six occupants, including staff, in any custodial, residential<sub>2</sub> or congregate care facility constitute one dwelling unit, but the city manager may increase the occupancy of a residential care facility to eight occupants, including staff, if:

- (i) The floor area ratio for the facility complies with standards of the Colorado State Departments of Health and Social Services and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981-; and
- (ii) Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.

~~(F)(B)~~ \_\_\_\_\_ In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential<sub>2</sub> or congregate care facility may locate within seven hundred fifty feet of another custodial, residential<sub>2</sub> or congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department

<sup>114</sup> Existing standards from 9-6-4(e) group the standards for these three uses. Although a departure from the other uses which are divided by each individual use type, rather than repeat these three times, these have been kept grouped.

will maintain a map showing the locations of all custodial, residential, or congregate care facilities in the ~~City~~city.

(3) In the BMS Zoning District:

- (i) Review Process: In the BMS zoning district, ~~Congregate care facilities, custodial care facilities, and residential care facilities~~ Uses may be approved as a conditional use ~~if in the BMS district the use shall~~is not be located on the ground floor facing a street, with the exception of minimum necessary ground level access; ~~otherwise by use review only.~~ Congregate care facilities, custodial care facilities, or residential care facilities that may not be approved as a conditional use may be approved only pursuant to a use review.

~~(5)~~(4) In the BC-1 and BC-2 Zoning Districts:

(A) Review Process: In the BC-1 and BC-2 zoning districts, the following review process applies to congregate care facilities, custodial care facilities, and residential care facilities:

- (i) Conditional Use: In the BC-1 and BC-2 districts, ~~Congregate care facilities, custodial care facilities, or residential care facilities~~ the use shall not be located on the ground floor, with the exception of minimum necessary ground level access.
- (ii) Use Review: Congregate care facilities, custodial care facilities, or residential care facilities that may not be approved as a conditional use may be ~~The use may be located on the ground floor only if~~ approved only pursuant to Section 9-2-15, "Use Review," B.R.C. 1981a use review. In addition to meeting the use review criteria, the applicant shall demonstrate that the use on the ground floor will not adversely affect the intended function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor. 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 property and in the area.

~~(d)~~(j) C. Group Home Facility:<sup>115</sup>

(1) The following ~~criteria standards~~ apply to any group home facility that may be approved as a conditional use or pursuant to a use review:

(A) General Standards: Any group home facility approved as a conditional use or pursuant to a use review shall meet the following standards:

- (i) For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, eight occupants, not including staff, in any group home facility constitute one dwelling unit, but the city manager may increase the occupancy of a group home facility to ten occupants, not including staff, if:
- a. The floor area ratio for the facility complies with standards of the Colorado State Departments of Public Health and Environment and ~~Social-Human~~ Social-Human Services<sup>116</sup> and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and
  - b. Off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.
- (ii) In order to prevent the potential creation of an institutional setting by concentration of group homes in a neighborhood, no group home facility may locate within three hundred feet of another group home facility, but the city manager may permit two such facilities to be located closer than three hundred feet apart if they are separated by a physical barrier, including, without limitation, an arterial, a collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all group home facilities in the ~~City~~city.

<sup>115</sup> Existing language from 9-6-4(c).

<sup>116</sup> Updated to reflect name change to Colorado Department of Human Services.

(iii) No person shall make a group home facility available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. A determination that a person poses a direct threat to the health or safety of others or a risk of substantial physical damage to property must be based on a history of overt acts or current conduct of that individual and must not be based on general assumptions or fears about a class of disabled persons.

(B) In the BMS Zoning District:

a. Review Process: In the BMS zoning district, ~~Group home uses allowed in In the BMS district,~~ ~~Group home facilities may be approved as a conditional use if the use is shall not be~~ located on the ground floor facing a street, with the exception of minimum necessary ground level access, ~~otherwise by use review only.~~ Group home facilities that are not approved as a conditional use may be approved only pursuant to a use review.

(C) In the BC-1 and BC-2 Zoning Districts:

~~(iii)~~(i) Review Process: In the BC-1 and BC-2 zoning districts, the following review process applies to group home facilities:

a. Group home uses allowed in Conditional Use: In the BC-1 and BC-2 districts, ~~Group home facilities may be approved as a conditional use if they are shall not be~~ located on the ground floor, with the exception of minimum necessary ground level access.

~~a.b.~~ Use Review: Group home facilities that are not approved as a conditional use may be approved only pursuant to a use review. ~~The use may be located on the ground floor only if 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 on the ground floor will not adversely affect the intended function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor. 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 property and in the area.

(k) ~~E-Fraternities, sororities Sorority, and dormitories Dormitory:~~

(1) In the BT-1, BT-2, and BMS Zoning Districts:

(A) Applicability: In the BT-1, BT-2, and BMS zoning districts, fraternities, sororities, and dormitories shall meet the following standards:

(i) Review Process: Fraternities, sororities, and dormitories are ~~A~~ 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.~~ Fraternities, sororities, and dormitories that are not allowed by right may be approved only pursuant to a use review.<sup>117</sup>

(ii) General Standard: The use shall not be located in the University Hill general improvement district.<sup>118</sup>

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to fraternities, sororities, and dormitories:

(i) Allowed Use: Fraternities, sororities, and dormitories are ~~A~~ allowed by right if the use meets the following standards:

a. ~~the~~All units on the lot or parcel ~~meet the requirements for~~ are permanently affordable units ~~set forth~~ meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981;<sup>117</sup> or

b. ~~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

<sup>117</sup> Existing L1 language.

<sup>118</sup> Reflects current use table row that differentiates between "Fraternities, sororities, dormitories, and boarding houses in the UHGID" (prohibited) and those outside the UHGID (L1). Consolidating into one row, but maintaining this prohibition in the standards.

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.~~<sup>119</sup>

- (ii) ~~Use Review: Fraternities, sororities, and dormitories that are not allowed by right may be approved only pursuant to a use review.~~

~~(e)(l)~~ F. Boarding Houses:

(1) In the MU-4, BT-1, BT-2, and BMS Zoning Districts:

(A) Applicability: In the MU-4, BT-1, BT-2, and BMS zoning districts, a boarding house shall meet the following standards:

- (i) Review Process: A boarding house is ~~A~~ 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. A boarding house that is not allowed by right may be approved only pursuant to a use review.~~<sup>120</sup>
- (ii) General Standard: The use shall not be located in the University Hill general improvement district.<sup>121</sup>

(2) In the BR-1 and BR-2 Zoning Districts:

(A) Review Process: In the BR-1 and BR-2 zoning districts, the following review process applies to boarding houses:

- (i) Allowed Use: A boarding house is ~~A~~ allowed by right if the use meets the following standards:
- a. ~~the~~All units on the lot or parcel ~~meet the requirements for~~are permanently affordable units ~~set forth~~meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, ~~or~~
- b. ~~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.~~
- (ii) Use Review: A boarding house that is not allowed by right may be approved only pursuant to a use review.<sup>122</sup>

~~(f)(m)~~ Home Occupation:<sup>123</sup>

(1) Standards: A home occupation is allowed by right if the accessory use meets the following standards: A home occupation is a permitted accessory use if the following conditions are met:<sup>124</sup>

(A) Standards:

- (i) Such use is conducted entirely within a principal or accessory building and is not carried on by any person other than the inhabitants living there.
- (ii) Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
- (iii) The total area used for such purposes does not exceed one-half the first floor area of the user's dwelling unit.
- (iv) There is no change in the outside appearance of the dwelling unit or lot indicating the conduct of such home occupation, including, without limitation, advertising signs or displays.
- (v) There is no on-site sale of materials or supplies except incidental retail sales.
- (vi) There is no exterior storage of material or equipment used as a part of the home occupation.

<sup>119</sup> Current language from L16 with some clarifying language.

<sup>120</sup> Existing L1 language.

<sup>121</sup> Reflects current use table row that differentiates between "Fraternities, sororities, dormitories, and boarding houses in the UHGID" (prohibited) and those outside the UHGID (L1). Consolidating into one row, but maintaining this prohibition in the standards.

<sup>122</sup> Current language from L16 with some clarifying language.

<sup>123</sup> Home occupations are unique in that they are noted as "C" in the use table, but do not require an administrative review process. Propose modifying table to note that it is essentially allowed with limitations, [A].

<sup>124</sup> Existing standards from 9-6-4(d).

- (vii) No equipment or process is used in such home occupation that creates any glare, fumes, odors or other objectionable condition detectable to the normal senses at the boundary of the lot if the occupation is conducted in a detached dwelling unit, or outside the dwelling unit if conducted in an attached dwelling unit.
- (viii) No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the district.
- (B) Cottage Food and Fresh Produce Exception: A home occupation use meeting the requirements of Chapter 6-17, "Cottage Foods and Fresh Produce," B.R.C. 1981, is exempt from the requirements of Subparagraphs (1)(A), (D), (E), (F) and (G) above. Gardens are exempt from Subparagraph (C) above. Such use shall be permitted as an allowed use in all zoning districts in which a home occupation is permitted as a conditional use.
- (C) Identification and Contact Information: No person shall engage in a home occupation unless such person has filed an affidavit with the city manager affirming compliance with the standards of this subsection, including identification and contact information of the person operating the home occupation. No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, is required.
- (D) Prohibitions: No person shall engage in a home occupation except in conformance with all of the requirements of Paragraph (d)(1) of this section, except as provided in Paragraph (d)(2) of this section.

(n) Transitional Housing:

(1) The following ~~criteria-standards~~ apply to any transitional housing facility ~~that may be approved as a conditional use or pursuant to a use review~~:<sup>125</sup>

~~(E)(A)~~ General Standards: Any transitional housing approved as a conditional use or pursuant to a use review shall meet the following standards:

- (i) Density: The maximum number of dwelling units with transitional housing facility shall be the same as is permitted within the underlying zoning district, except that for any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the number of dwelling units permitted shall not exceed one dwelling unit for each one thousand six hundred square feet of lot area on the site.
- (ii) Occupancy: No person shall occupy such dwelling unit within a transitional housing facility except in accordance with the occupancy standards set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for dwelling units.
- (iii) Parking: The facility shall provide one off-street parking space for each dwelling unit on the site. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

(B) In the BC-1 and BC-2 Zoning Districts:

(i) Review Process: In the BC-1 and BC-2 zoning districts, the following review process applies to transitional housing:

a. Conditional Use: No Ground Floor: In the BC-1 and BC-2 districts, Transitional housing may be approved as a conditional use if the use ~~shall-is~~ not ~~be~~ located on the ground floor, with the exception of minimum necessary ground level access.

a.b. Use Review: Transitional housing that may not be approved as a conditional use may be approved only pursuant to a use review. The use may be located on the ground floor only if 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 on the ground floor will not adversely affect

<sup>125</sup> Existing criteria from 9-6-4(b).

the intended function and character of the area as a neighborhood serving business area where retail-type stores predominate on the ground floor. 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 property and in the area.

#### **9-6-4. ~~Conditional Use and Use Review~~ Specific Use Standards – Temporary Lodging, Dining, Entertainment, and Cultural Uses**

(a) Art or Craft Studio: ~~space~~<sup>126</sup>

(1) In the MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, art or craft studios are ~~allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only. Art or craft studios that are not allowed by right may be approved only pursuant to a use review.~~<sup>127</sup>

(b) Breweries ~~Brewery, distilleries~~ Distillery, and wineries ~~Winery:~~

(1) In the IS-1 and IS-2 Zoning Districts:

(A) In the IS-1 and IS-2 zoning districts, breweries, distilleries, and wineries shall meet the following standards:

(i) Review Process: In the IS-1 and IS-2 zoning districts, the following review process applies ~~and:~~

a. Allowed Use: ~~Breweries, distilleries, and wineries are allowed by right for if the use does not exceed there is 15,000 square feet or less of in~~ floor area ~~per use and if the use does not include without~~ a restaurant.

b. Conditional Use: ~~Breweries, distilleries, and wineries that are not allowed by right 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 as a conditional use, review if the use does not exceed 15,000 square feet in floor area and it meets the criteria of Paragraph 9-6-6(b)(4), B.R.C. 1981.~~ any restaurant is closed between the hours of 11 p.m. and 5 a.m.

c. Use Review: ~~If the use is not allowed by right or as a conditional use, the use may be approved only pursuant to use exceeds 15,000 square feet in floor area, it requires a use review subject to the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.~~<sup>128</sup>

(ii) General Standards: Any restaurant within a brewery, distillery, and winery approved as a conditional use or pursuant to a use review must also meet the following standards:<sup>129</sup>

a. The restaurant does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas; and

b. Parking for the restaurant meets the parking requirements for restaurants, brewpubs, or taverns in Section 9-9-6, "Parking Standards," B.R.C. 1981.

(2) In the IG and IM Zoning Districts:

(A) In the IG and IM zoning districts, breweries, distilleries, and wineries shall meet the following standards:

(i) Review Process: In the IG and IM zoning districts, the following review process applies:

a. Allowed Use: ~~Breweries, distilleries, and wineries are allowed Allowed by right for if the use does not exceed 15,000 square feet or less of in~~ floor area ~~per use and without if the use and does not include~~ a restaurant.

b. Conditional Use: ~~If the use exceeds 15,000 square feet in floor area and includes a restaurant, the use it may be approved pursuant to as a conditional use, review if it any restaurant is closed~~

<sup>126</sup> Updated use type title to be more concise.

<sup>127</sup> Existing L6 language.

<sup>128</sup> Existing L8 language.

<sup>129</sup> L8 previously referred to 9-6-6(b)(4) when this was a conditional use or use review, which is standards for "Restaurants in Breweries, Distilleries, and Wineries". The applicable standards have been pulled forward to this section rather than cross-referencing to the other section. 9-6-6(b)(4)(C) and (D) only apply if a use review, so those standards have been incorporated in the Conditional Use and Use Review subparagraphs of this subsection. (D) also cross-references the outdoor seating requirements, but those are required of all restaurants and are listed as such later in the chapter, so that has not been pulled forward here.



between the hours of 11 p.m. and 5 a.m. meets the criteria standards of Paragraph 9-6-6(b)(4), B.R.C. 1981.<sup>130</sup>

c. Use Review: If the use is not allowed by right or as a conditional use, the use may be approved only pursuant to a use review subject to the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.<sup>131</sup>

(ii) General Standards: Any restaurant within a brewery, distillery, and winery approved as a conditional use or pursuant to a use review must also meet the following standards:

a. The restaurant does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas; and

b. Parking for the restaurant meets the parking requirements for restaurants, brewpubs, or taverns in Section 9-9-6, "Parking Standards," B.R.C. 1981.

### (3) In the IMS Zoning District:

(A) In the IMS zoning district, breweries, distilleries, and wineries shall meet the following standards:

(i) Review Process: In the IMS zoning district, the following review process applies:

a. Allowed Use: Breweries, distilleries, or wineries are allowed. ~~Allowed by right for if 15,000 square feet or less of floor area per use and without the use does not exceed 15,000 square feet in floor area and does not include a restaurant.~~<sup>132</sup>

b. Conditional Use: If the use is not allowed by right, it may be approved less than or equal to 15,000 square feet in floor area and has a restaurant, the use may be approved pursuant as to a conditional use review if it meets the criteria standards of Paragraph 9-6-6(b)(4), B.R.C. 1981, provided any restaurant is closed between the hours of 11 p.m. and 5 a.m. <sup>133</sup>

c. Use Review: If any restaurant is open between the hours of 11 p.m. and 5 a.m., the use may be approved only pursuant to a use review subject to the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.<sup>134</sup>

(ii) General Standards: Any restaurant within a brewery, distillery, and winery approved as a conditional use or pursuant to a use review must also meet the following standards:

a. The restaurant does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas; and

b. Parking for the restaurant meets the parking requirements for restaurants, brewpubs, or taverns in Section 9-9-6, "Parking Standards," B.R.C. 1981; and

c. ~~Standard:~~ The use is prohibited to shall not exceed 15,000 square feet in floor area.<sup>135</sup>

### (c) Mobile Food Vehicle:

~~(1) Mobile Food Vehicle Sales.~~ The following ~~criteria applies~~ to any mobile food vehicle sales use:

(A) Standards: ~~The city manager will permit mobile.~~ Mobile food vehicle sales on private property, public property, or in the public right-of-way ~~are allowed by right~~ if the use ~~is permitted in the applicable zoning district and~~ meets the following standards ~~and conditions~~:

<sup>130</sup> Existing L7 language previously referred to 9-6-6(b)(4) when this was a conditional use, so rather than cross-reference, the applicable standards from 9-6-6(b)(4) have been incorporated directly here. There is no option for Use Review in the IG or IM districts in the table, but 9-6-6(b)(4) indicates that use review is possible to extend hours. The standards from 9-6-6(b)(4) that apply to conditional uses have been pulled forward here.

<sup>131</sup> Existing L8 language, with standards from 9-6-6(b)(4) pulled into this section as well as noted above.

<sup>132</sup> In the IMS district, L9 specifies that this use is prohibited to exceed 15,000 square feet, making this specificity about size for when it is an allowed use unnecessary.

<sup>133</sup> Rather than cross-reference 9-6-6(b)(4), the applicable standards for conditional uses have been pulled directly into this subparagraph, similar to above.

<sup>134</sup> Existing L8 language.

<sup>135</sup> Existing L9 language – prohibited to exceed 15,000 square feet regardless of review process.

(i) Mobile food vehicles within the public right-of-way shall only operate in the RR-1, RR-2, RE, RL-1, IS-1, IS-2, IG, IM, IMS, and P zoning districts.<sup>136</sup>

~~(i)~~(ii) The use shall be located at least:

- a. One hundred fifty feet from any residential zoning districts, except as provided in Subsection **(d)(1)(C)** of this section;
- b. One hundred fifty feet from any existing restaurant except as provided in Subsection **(d)(1)(F)** below; and
- c. Two hundred feet from any other mobile food vehicle with regard to public right-of-way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, and DT-5 zoning districts, and no limitation on the number of mobile food vehicles per private property with the owner's permission in the Industrial zoning districts.
- d. Distances shall be measured by the city on official maps as the radius from the closest points on the perimeter of the applicant's mobile food vehicle to the closest point of the designated residential zone or property of the restaurant. For purposes of this section, the term restaurant shall include "eating places" and "retail bakeries" as defined by the Standard Industrial Classification Manual, the edition of which shall be determined by the city manager. With regard to measurement between two or more mobile food vehicles in the public right-of-way, measurement shall be in the form of standard measuring devices, including and not limited to, a tape measure.

~~(ii)~~(iii) No person shall operate a mobile food vehicle in a public zoning district unless in connection with an organized event pursuant to Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or at the Boulder Municipal Airport ("Airport") in such areas and manner within the Airport property as approved by the city manager pursuant to Section 11-4-4, "Special Airport Activity Permits," B.R.C. 1981. For purposes of this section, the Airport property shall be defined as Lot 2, Airport South Subdivision.

~~(iii)~~(iv) No person shall operate a mobile food vehicle in a residential zoning district except with prior approval by the city manager in the parking lot or the public right-of-way adjacent to North Boulder Park or in any other park as approved by the manager.

~~(iv)~~(v) No person shall operate a mobile food vehicle sales use without a permit or in violation of the conditions of a permit. The permit will be valid for twelve consecutive months, or such other time as the city manager may by rule designate. Such application shall meet the following requirements:

- a. Provide proof of, and maintain, a valid driver's license, motor vehicle registration, and current motor vehicle insurance;
- b. Or in the case of a bicycle mobile food vehicle; provide proof of, and maintain, a valid driver's license or state issued picture identification card and evidence of insurance coverage required by Section 4-1-8, "Insurance Required," B.R.C. 1981;
- c. Provide proof of, and maintain, a Colorado retail food license for a mobile unit;
- d. Provide proof of, and maintain, a valid sales use tax license;
- e. Provide payment of the fee prescribed by Section 4-20-66, "Mobile Food Vehicle Sales," B.R.C. 1981.

~~(v)~~(vi) As a condition of accepting the permit, the applicant shall sign an agreement, in a form acceptable to the city manager, in which the applicant agrees to meet all requirements under this section and Chapter 4-1, "General Licensing Provisions," B.R.C. 1981, and assume responsibility for the actions and omissions of its agents and employees in the performance of or failure to perform its obligation under the permit.

<sup>136</sup> This sentence was added to allow the consolidation of the two separate lines on the use table ("Mobile food vehicle sales on private property" and "Mobile food vehicle sales on public right-of-way") and clarifies that the public ROW allowance is more limited.

~~(vi)~~(vii) The city manager may, in his or her discretion, waive the requirements of Subsection (d)(1)(a)(ii) above if the applicant at the time of issuance, and each renewal of the permit, submits to the city manager signed statements supporting the issuance of the permit from every restaurant within 150 feet of the proposed food truck location. The city manager may waive such requirements only for the BC-1 zoning district. The city manager may deny a request for waiver for any reason, with or without good cause.

(B) Scope:

- (i) In addition to the zoning districts permitted by this section, mobile food vehicle sales may take place in other public property locations, or in the public right-of-way, but only as part of an approved organized event or street closure permit, and granted pursuant to the authority in Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, or any other relevant code section.
- (ii) The standards set forth in Subparagraphs (d)(1)(A) and (d)(3) shall not apply to mobile food vehicle sales that meet the criteria as indicated in Subparagraph (d)(2)(A) of this section, but shall be subject to any conditions imposed in connection with the event. All other requirements of this subsection shall apply.
- (iii) The city manager may, from time to time, prohibit the issuance of additional licenses in specified areas of the city in the interest of avoiding traffic congestion or preserving the public health, safety, and welfare.

(C) Operating Requirements: No person who operates any mobile food vehicle on public property or private property shall:

- (i) Obstruct the pedestrian or bicycle access or the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, path, or sidewalk;
- (ii) Locate any vehicle, structure, or device upon a public sidewalk within the extended boundaries of a crosswalk, or within ten feet of the extension of any building entranceway, doorway, or driveway;
- (iii) Fail to maintain, and provide proof when requested, of written consent from the private property owner authorizing the property to be used for the proposed use with regard to mobile food vehicle sales on private property;
- (iv) Fail to park legally;
- (v) Operate before 7 a.m. or after 9 p.m. and for more than a maximum of four hours at any one approved location;
- (vi) Set up any structures, canopies, tables, or chairs;
- (vii) Sell anything other than food and nonalcoholic beverages;
- (viii) Provide amplified music;
- (ix) Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle;
- (x) Fail to have the vehicle attended at all times;
- (xi) Fail to permanently display to the public in the food handling area of the mobile food vehicle the permit authorizing such use;
- (xii) Fail to provide at least three separate and clearly marked receptacles for trash, recycling, and compost and properly separate and dispose of all trash, refuse, compost, recycling, and garbage that is generated by the use;
- (xiii) Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;
- (xiv) Sell in transit. "In transit" as used in this section shall mean traveling from one destination to another either by roadway, sidewalk, or path and in the case of a human powered mobile food vehicle shall also include any stops along the way;
- (xv) Fail to abide by all other ordinances of the city.

(D) The general licensing provisions of Chapter 4-1, "Licenses and Permits," B.R.C. 1981, shall apply.

(d) Restaurants, Brewpubs, and Taverns:

(1) Applicability: This subsection (g) sets forth standards for restaurants, brewpubs, and taverns that are subject to specific use standards pursuant to Table 6-1, Use Table.

—Purpose:

~~—The intent purpose of this subsection is to ensure that restaurant, brewpub, and tavern owners and operators in close proximity to residential districts are informed of the effects upon neighboring residential properties of operating a business, and are educated about ways to mitigate, reduce, or eliminate potential impacts of a restaurant or tavern operation upon neighboring properties.<sup>137</sup>~~

(2) Floor Area Measurement:<sup>138</sup>

(A) When determining whether a restaurant, brewpub, or tavern meets the maximum floor area requirements under this subsection, t~~he applicant shall include all areas inside the restaurant use measured to the inside surface of the outside walls, except for floor area that is used exclusively for storage that is located on another floor of the building,~~ when determining whether the floor area thresholds under Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, necessitate review under this subsection.

(3) Standards for Outdoor Seating:<sup>139</sup>

(A) Applicability: The following ~~standards-criteria~~ apply to any outdoor seating area that is within 500 feet (measured from the perimeter of the subject property) of a residential use module. Outdoor ~~dining-seating~~ areas that are within the BMS, DT, and I zoning districts are also subject to the provisions of Subparagraph (b)(4)(A), (b)(4)(B), or (b)(4)(C) of this section, when applicable.<sup>140</sup>

~~(A)(B)~~ Size Limitations: Outdoor seating areas shall not exceed the indoor seating area or seating capacity of the restaurant or tavern.

~~(B)(C)~~ Parking Required: Parking in compliance with Section 9-9-6, "Parking Standards," B.R.C. 1981, shall be provided for all outdoor seating areas except those located in general improvement districts.

~~(C)(D)~~ Music: No outdoor music or entertainment shall be provided after 11 p.m.

~~(D)(E)~~ Sound Levels: The outdoor seating area shall not generate noise exceeding the levels permitted in Chapter 5-9, "Noise," B.R.C. 1981.

~~(E)(F)~~ Trash: All trash located within the outdoor ~~dining-seating~~ area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing.

(4) In the RH-3 and RH-7 Zoning Districts:<sup>141</sup>

(A) In the RH-3 and RH-7 zoning districts, restaurants, brewpubs, and taverns are allowed by right if the use meets the following standards, and are otherwise prohibited:<sup>142</sup>

(i) The use has a maximum floor area of 1,000 square feet;

(ii) Total outdoor seating area is not more than 350 square feet; and,<sup>143</sup>

(iii) The use closes no later than 11 p.m.

<sup>137</sup> This language was removed as this is already covered by 9-2-4(a), "Good Neighbor Meetings and Management Plans."

<sup>138</sup> Existing language – reformatted from paragraph form. Removed reference to use table thresholds in the table as all thresholds have been incorporated in this subsection.

<sup>139</sup> Current standards for outdoor patios near residential districts from 9-6-6(b)(5).

<sup>140</sup> This currently refers to restaurants in breweries, distilleries, wineries use standards about max size, parking, and hours. This was a mistake in cross-referencing, as the 2006 code referred to the size limitations, parking required, and music requirements of its own section. In the 2011 amendment adding brewpubs, this section on outdoor seating was still (4), so the cross-reference was correctly pointing to the subsections within. At some point since 2011, renumbering occurred making the outdoor seating section (5) but the cross-reference was not updated.

<sup>141</sup> In the RH 1/2/4/5, Use Review is currently required for Restaurants, Brewpubs, or Taverns (RBT) no larger than 1,000 sf, outdoor patio no more than 1/3 floor area, close before 11 and any RBT over 1,000 sf, outdoor patio 300 sf or larger, or which close after 11 pm. Together, these specifications are not necessary as they encompass all types of RBT. Note that no standards have been pulled into this section for RH-1, RH-2, RH-4, and RH-5 as any type of restaurant simply requires a use review.

<sup>142</sup> In the RH-3/7, RBT are an allowed use provided they meet the limitations described in the use table, which have been pulled forward here. There is no option for use review.

<sup>143</sup> The use table currently specifies that a patio must be limited to 1/3 of the floor area. To simplify and make more consistent with other districts, and to ensure there are no nonconformities created as the previous maximum patio size for the largest restaurant possible would have been 333 square feet, this has been modified to a maximum of 350 square feet.

(5) In the MU-2 and MU-3 Zoning Districts:<sup>144</sup>

(A) Review Process: In the MU-2 and MU-3 zoning districts, the following review process applies to restaurants, brewpubs, and taverns:

(i) Allowed Use: Restaurants, brewpubs, and taverns are allowed by right if the use meets the following standards:<sup>145</sup>

- a. The use has a maximum floor area of 1,000 square feet;
- b. Total outdoor seating area<sup>146</sup> is not more than 350 square feet; and
- c. The use closes no later than 11 p.m.

(ii) Use Review: Restaurants, brewpubs, and taverns that are not allowed by right may be approved only pursuant to a use review.

(6) In the MU-4 Zoning District:<sup>147</sup>

(A) Review Process: In the MU-4 zoning district, the following review process applies to restaurants, brewpubs, and taverns:

(i) Allowed Use: Restaurants, brewpubs, and taverns are allowed by right if the use meets the following standards:

- a. The use has a maximum floor area of 1,500 square feet;
- ~~a-b.~~ Total outdoor seating area is not more than 500 square feet;<sup>148</sup>
- c. Any outdoor seating area located within 500 ft of a residential zoning district does not exceed 300 square feet; and
- d. The use closes no later than 11 p.m.

(ii) Use Review: Restaurants, brewpubs, and taverns that are not allowed by right may be approved only pursuant to a use review.

(7) In the BMS Zoning District:<sup>149</sup>

(A) Review Process Outside UHGID: In the BMS zoning district, the following review process applies to restaurants, brewpubs, and taverns located outside the University Hill general improvement district:

(i) Allowed Use: Restaurants, brewpubs, and taverns are allowed by right if the use meets the following standards:<sup>150</sup>

- a. The use has a maximum floor area of 1,500 square feet;
- b. Total outdoor seating area is not more than 500 square feet;<sup>151</sup>

<sup>144</sup> No standards have been pulled into this section for the MU-1 District because the use table standards were fully inclusive and allowed RBTs that were both smaller and larger than 1,000 sf, and those larger than 1,500, RBTs that closed before or after 11 pm, and RBTs with outdoor seating either no more than 1/3 of floor area or over 350 sf.

<sup>145</sup> In the MU-3 and MU-2, RBT are an allowed use provided they meet the limitations described in the use table, which have been pulled forward here. A use review is required if the RBT exceeds 1,000 sf, closes after 11 p.m., or has outdoor seating of 300 sf or more. To consolidate and simplify, the threshold of 350 sf has been retained to differentiate between by-right and use review rather than the 1/3 of floor area standard.

<sup>146</sup> Language in the rows of the table now vary between "outdoor seating area" and "patio". It is not believed that this is intentionally different, so this has been made consistently "outdoor seating area" throughout.

<sup>147</sup> In the MU-4, Use Review is currently required for any RBT outside the Hill over 1,500 sf or that closes after 11 pm, or RBTs with outdoor seating areas over 300 sf within 500 ft of a residential district. RBT are currently allowed outside the Hill if no larger than 1,500 sf, limited outdoor patio size, and close by 11. These limitations have been pulled out of the table and placed here.

<sup>148</sup> The use table currently specifies that outdoor patios must not be more than 1/3 of the floor area. To simplify and make more consistent with other districts, this standard has been changed to 500 square feet (1/3 of the maximum size of 1,500 sf for the restaurant). This also clarifies a currently vague part of the code where it is not explained what is required if the patio is larger than 500 square feet. With this language, seating areas larger than 500 sf would trigger use review.

<sup>149</sup> Note that no thresholds for the BT-1 or BT-2 district were pulled from the table as in all circumstances, a use review is currently required.

<sup>150</sup> Use table currently allows restaurants with these characteristics by-right, so these have been pulled out of the table and placed here. The use table also notes that RBTs that exceed 1,500 sf and close after 11 p.m. require use review, so that is reflected here.

<sup>151</sup> The current limitation in the use table specifies that outdoor seating must be 1/3 of the floor area. For simplicity and consistency with other districts, this has been modified to a maximum of 500 square feet (1/3 of the maximum floor area of 1,500).

c. Any outdoor seating area located within 500 feet of a residential zoning district does not exceed 300 feet; and<sup>152</sup>

d. The use closes no later than 11 p.m.

(ii) Use Review: Restaurants, brewpubs, and taverns that are not allowed by right may be approved only pursuant to a use review-, subject to the following standard:

a. Good Neighbor Meetings and Management Plans Required: Owners and operators of restaurant, brewpub, and tavern uses ~~permitted that may be approved as a conditional use or~~ pursuant to a use review in those portions of the BMS zoning district that are outside of the University Hill General Improvement District are required to organize and participate in a meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.<sup>153</sup>

(B) Review Process Within UHGID:

~~(#)(i) Conditional Use: In the BMS zoning district, restaurants, brewpubs, and taverns located within the University Hill general improvement district may be approved only as a conditional use provided they meet following standards~~Restaurants, Brewpubs, and Taverns in the University Hill General Improvement District Within the BMS Zoning District: The following criteria apply to restaurant, brewpub, and tavern uses permitted as a conditional use in the BMS zoning district that is also located within the University Hill General Improvement District:<sup>154</sup>

- a. Meeting With Surrounding Property Owners Required: Restaurant, brewpub, and tavern owners and operators shall be required to organize and participate in a good neighbor meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.
- b. Preparation and Distribution of a Proposed Management Plan: The owner or operator shall prepare a proposed management plan, pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981, and present it to the surrounding property owners at the neighbor meeting.
- c. Size of Establishment: Restaurants, brewpubs, and taverns shall not exceed four thousand square feet in size.
- d. Hours of Operation: Restaurants, brewpubs, and taverns shall close no later than 11 p.m. unless the establishment is operated without a liquor license.
- e. Outdoor ~~Patios~~Seating Areas: Outdoor patio service shall cease no later than 11 p.m. and, when applicable, shall comply with the requirements of **Paragraph (b)(4)** of this section.
- f. Trash, Recyclables, and Compostables: If the use is located within 500 feet of a residential zoning district, trash, recyclables, and compostables shall not be collected between the hours of 10:30 p.m. and 7:30 a.m.
- g. Food Service in Brewpubs and Taverns: In brewpubs and taverns, snacks shall be offered and available for consumption on the premises during all business hours.
- h. Food Service in Restaurants: In restaurants:
  1. A food preparation area shall be in operation on the premises during all business hours, and solid food, prepared in the food preparation area, shall be offered and available for consumption on the premises during all business hours; and
  2. Not less than fifty percent of the gross income from sales of food and drink of the establishment over any thirty-day period of time must be from sales of food; receipts of all sources of income showing the name of the establishment, the date of sale, a description of

<sup>152</sup> The use table currently notes that a use review is required for RBT with outdoor seating of 300 sf or more within 500 sf of residential district, so this has been incorporated here, similarly to MU-4.

<sup>153</sup> These are the current standards for "Restaurants, Brewpubs, and Taverns in the DT-1, DT-2, and DT-3 Zoning Districts and Portions of the BMS Zoning District" in 9-6-6(b)(1). The standard has also been placed in the DT-1, DT-2, and DT-3 section below.

<sup>154</sup> These are the current conditional use standards from 9-6-6(b)(2).

each item sold, and the price paid for each item sold shall be retained for one year and must be provided to the city manager within seven days of request.

(8) In the BC-1, BC-2, BCS, BR-1, BR-2, DT-4, and DT-5 Zoning Districts:<sup>155</sup>

~~(F)(A)~~ Review Process: In the BC-1, BC-2, BCS, BR-1, BR-2, DT-4, and DT-5 zoning districts, restaurants, brewpubs, and taverns are allowed by right unless any outdoor seating area that is located within 500 feet of a residential zoning district is 300 feet or more in size. A restaurant, brewpub, or tavern that is not allowed by right may be approved only pursuant to a use review.<sup>156</sup>

(9) In the DT-1, DT-2, and DT-3 Zoning Districts

(A) Applicability: In the DT-1, DT-2, and DT-3 zoning districts, the following applies to restaurants, brewpubs, and taverns:

(i) Review Process:

a. Conditional Use: Restaurants, brewpubs, and taverns may be approved as a conditional use if the use meets the following standards:<sup>157</sup>

1. The use has a maximum floor area of 1,500 square feet;
2. Total outdoor seating area is not more than 500 square feet;
3. Any outdoor seating area located within 500 feet of a residential zoning district does not exceed 300 feet; and
4. The use closes no later than 11 p.m.

b. Use Review: Restaurants, brewpubs, and taverns that may not be approved as a conditional use may be approved only pursuant to a use review.

~~(+)(ii)~~ General Standard: Owners and operators of restaurant, brewpub, and tavern uses permitted that may be approved as a conditional use or pursuant to a use review in the DT-1, DT-2, and DT-3 zoning districts that are outside of the University Hill General Improvement District are required must to organize and participate in a meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.<sup>158</sup>

(10) Restaurants in the Industrial Zoning Districts:

(A) Brewpubs and Taverns: Brewpubs and taverns are prohibited in the Industrial zoning districts.<sup>159</sup>

(B) Restaurants: In the Industrial zoning districts, the following applies to restaurants that are not within a brewery, distillery, or winery:<sup>160</sup>

(i) Review Process:

~~—~~ Conditional Use: A restaurant may be approved as a conditional use if the use is closed between the hours of 11 p.m. and 5 a.m. The following criteria will apply to restaurant uses located in an industrial district except as provided in Paragraph (b)(4) of this section:

~~a.~~ The use is intended generally to serve the industrial area in which it is located;

<sup>155</sup> Use Review is currently only required in these districts if RBT has outdoor seating area of 300 sf or more within 500 ft of residential district. That requirement has been pulled out of the table and placed here.

<sup>156</sup> In the use table, RBT are allowed if they are smaller OR larger than 1,500 sf, outdoor patio no more than 1/3 floor area if under 1500 sf, close before OR after 11. Specification about location outside the UHGID that is currently in the use table has not been carried forward, as UHGID is not located in these zoning districts.

<sup>157</sup> Limitations for RBT that can be approved by Conditional Use in use table pulled out of table and placed here. Use Review is required if RBT is over 1,500 sf or closes after 11 or if RBT has outdoor seating area of 300 sf or more within 500 ft of residential district, so that is reflected here as well. Specification about location outside the UHGID that is currently in the use table has not been carried forward, as UHGID is not located in these zoning districts.

<sup>158</sup> These are the current standards for "Restaurants, Brewpubs, and Taverns in the DT-1, DT-2, and DT-3 Zoning Districts and Portions of the BMS Zoning District" in 9-6-6(b)(1). The standard has also been placed in the BMS section above. The UHGID is not located in these districts, so this specification has been removed.

<sup>159</sup> This allows us to consolidate both "Restaurants in Industrial Zones" (conditional uses) and "Taverns in Industrial Zones" (prohibited uses) lines of the use table with the general RBT line.

<sup>160</sup> These existing standards from 9-6-6(b)(3) that have been reorganized to specify which standards apply when a different review process is necessary. Standards related to restaurants in breweries, distilleries, and wineries have been relocated to the brewery section of this chapter.

- ~~b. The use is not located along a major street or higher classification street as shown in Appendix A, "Major Streets," of this title;~~
  - ~~c. In the IMS district only, the use shall be limited to a maximum size of two thousand square feet of floor area;~~
  - ~~d. Parking for restaurants in industrial districts shall meet the minimum number of off-street parking spaces per square foot of floor area for nonresidential uses. The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-Street Parking Requirements," B.R.C. 1981, shall not be applied to industrial service centers;~~
  - ~~e. The use may operate daily between the hours of 5 a.m. and 11 p.m.; and~~
  - ~~f. No person shall operate the use between the hours of 11 p.m. and 5 a.m., unless the use is:~~
    - ~~g. Approved through a use review process; and~~
    - ~~a. Located more than 500 feet from an adjacent residential use or zone.~~
    - ~~b. Use Review: A If the restaurant that may not be approved as a conditional use may be approved only pursuant to a use review. In addition to meeting the use review criteria, the use must be is located more than 500 feet from any adjacent residential use or zoning district, the use may operate between 11 p.m. and 5 a.m. only pursuant to a use review.~~
  - ~~(ii) General Standards: All restaurants in the industrial zoning district that are not within a brewery, distillery, or winery, approved as a conditional use or pursuant to a use review, must also meet the following standards:~~
    - ~~a. The use is intended generally to serve the industrial area in which it is located;~~
    - ~~b. The use is not located along a major street or higher classification street as shown in Appendix A, "Major Streets," of this title;~~
    - ~~c. In the IMS district only, the use shall be limited to a maximum size of two thousand square feet of floor area; and~~
    - ~~d. Parking for restaurants in industrial districts shall meet the minimum number of off-street parking spaces per square foot of floor area for nonresidential uses. The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-Street Parking Requirements," B.R.C. 1981, shall not be applied to industrial service centers.;~~
- ~~— Restaurants in Breweries, Distilleries, and Wineries: The following criteria will apply to any restaurant use located in a brewery, distillery, or winery in an industrial district: for Restaurants In the Industrial zoning districts, the following review process applies to restaurants within a brewery, distillery, or winery: Review Process:~~
- ~~h. Conditional Use: A restaurant approved if the is closed between the hours 11 p.m. and 5 a.m. meet the following standards:<sup>363</sup>~~
    - ~~i. The restaurant shall be limited to a maximum size of thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas;~~
    - ~~j. Parking for the restaurant shall meet the parking requirements for restaurants, brewpubs, or taverns in Section 9-9-6, "Parking Standards," B.R.C. 1981;~~
    - ~~k. The use may operate daily is closed between the hours of 11 p.m. and 5 a.m. and 11 p.m.; unless the extended hours are approved through a use review process; and~~
      - ~~— If the restaurant requires a use review, the applicant shall demonstrate that it meets use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981, as well as the use standards in Paragraph (b)(4) for outdoor seating areas within 500 feet of a residential use module.~~



~~— Brewpubs or taverns are prohibited.<sup>162</sup> that may not be approved as a conditional use may be approved only~~

~~— General Standards: All restaurants in an industrial zoning district within a brewery, distillery, or winery, approved as a conditional use or pursuant to a use review, must also meet the following standards:~~

~~— The restaurant does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas;~~

~~— Parking for the restaurant meets the parking requirements for restaurants, brewpubs, or taverns in Section 9-9-6, "Parking Standards," B.R.C. 1981;~~

(11) In the P Zoning District:

(A) ~~Brewpubs and Taverns: Brewpubs and taverns are prohibited in the P zoning district.~~<sup>163</sup>

(B) ~~Restaurants: In the P zoning district, the following applies to restaurants in regional parks:~~

(i) ~~Review Process: In the P zoning district, the following review process applies:~~

a. ~~Allowed Use: Restaurants are allowed by right if the use meets the following standards:~~

1. ~~The restaurant is 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; and, provided that~~

2. ~~The approval authority for the lease by the public agency owning the regional park finds that the lease and management plan ensure that the use is reasonably compatible with and has minimal negative impacts that are material in nature on surrounding uses, natural areas, and wildlife.~~

b. ~~Use Review: Restaurants that are not allowed by right may be approved only pursuant to a use review. In addition to meeting the use review criteria, the use must be 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.~~<sup>164</sup>

(ii) ~~General Standard: A restaurant that is not located in a regional park is prohibited.~~

~~(d)(e)~~ Temporary outdoor entertainment Event:<sup>165</sup>

(1) Standards: The city manager may permit temporary sales or outdoor entertainment events may be approved as a conditional use if the following conditions-standards are met:<sup>166</sup>

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

<sup>163</sup> Added to clarify that these standards only apply to restaurants and brewpubs and taverns are not permitted.

<sup>164</sup> Existing L18 language for restaurants in regional parks.

<sup>165</sup> Renaming this use to consolidate both "Temporary sales" and "Temporary outdoor entertainment" as the city processes the same permit for these and they are subject to the same standards already.

<sup>166</sup> Standards and prohibitions pulled directly from existing 9-6-6(c).

(G) Temporary sales shall only be conducted by the owner or lessee of the property on which it is conducted and only in conjunction with the principal use of the property;~~z- and~~

~~(G)~~ In the P zoning district, temporary sales are prohibited.<sup>167</sup>

(H)

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

## 9-6-5. Specific Use Standards - Lodging Uses

(a) Hostel:<sup>168</sup>~~s~~

(1) In the MU-4, BMS, DT-4, and DT-5 Zoning Districts:

(A) Review Process: In the MU-4, BMS, DT-4, and DT-5 zoning districts, a hostel is aAllowed 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. A hostel that is not allowed by right may be approved only pursuant to a use review.~~<sup>169</sup>

~~(a)~~(b) Bed and Breakfast:<sup>170</sup>~~s~~

(1) The following ~~criteria standards~~ apply to bed and breakfast uses that may be approved as a conditional use or pursuant to a use review.<sup>171</sup>

- (A) The structure is compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure are compatible with the character of the neighborhood.
- (B) One parking space is provided for each guest bedroom, and one space is provided for the operator or owner's unit in the building.
- (C) No structure contains more than twelve guest rooms. The number of guest rooms shall not exceed the occupancy limitations set forth in Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981.
- (D) No cooking facilities including, without limitation, stoves, hot plates, or microwave ovens are permitted in the guest rooms. No person shall permit such use.
- (E) One attached exterior sign is permitted to identify the bed and breakfast, subject to the requirements of Section 9-9-21, "Signs," B.R.C. 1981.
- (F) No long-term rental of rooms is permitted. No person shall permit a guest to remain in a bed and breakfast for a period in excess of thirty days.
- (G) No restaurant use is permitted. No person shall serve meals to members of the public other than persons renting rooms for nightly occupancy and their guests.
- (H) No person shall check in or check out of a bed and breakfast or allow another to do so except between the times of 6 a.m. and 9 p.m.

## ~~9-6-6. Conditional Use and Use Review~~Specific Use Standards – Public and Institutional Uses.

<sup>167</sup> This was the only difference between temporary sales and temporary outdoor entertainment, so this has been reflected here to allow the rows to be consolidated. Temporary sales is a defined term.

<sup>168</sup> In 9-6-4(f), hostels are included with a list of residential uses that have standards in industrial districts (they are the only lodging use allowed in industrial districts, and only by use review). Hostels are no longer a residential use and the use table currently does not refer to 9-6-4(f) for hostels, so the standards for residential units in the industrial districts have not been carried forward here.

<sup>169</sup> Existing L1 language.

<sup>170</sup> Currently, the table references the floodplain regulations (Standards for Critical Facilities and Lodging Facilities in the Five Hundred-Year Floodplain) in the "additional references" column. These have not been pulled over or referred to, because it is inconsistent to refer to another part of the code (everything has to comply with the rest of the code). Confirmed with Engineering staff that they do not use the use table to identify critical facilities, so removing this would not impact their work functions.

<sup>171</sup> Existing language from 9-6-6(a).

(a) Day Shelters, Emergency Shelters, and Overnight Shelters:<sup>172</sup>

(1) This subsection (a) sets forth standards for day shelters, emergency shelters, and overnight shelters that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) General Requirements for All Shelters: The following criteria apply to any day, emergency, or overnight shelters:

- ~~(A)~~ Good Neighbor Meeting and Management Plan: The intent of a good neighbor meeting and management plan is to ensure that shelter owners and operators are informed of the effects upon neighboring properties of operating such a facility, and are educated about ways to mitigate, reduce, or eliminate potential impacts upon neighboring properties. Owners and operators shall implement a good neighbor plan when establishing a shelter that meets the following standards:
- (i) Meeting With Surrounding Property Owners Required: The owners or operators of a shelter shall be required to organize and participate in a meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.
  - (ii) Preparation and Distribution of a Proposed Management Plan: The owner or operator shall prepare a proposed management plan pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981, and present it to the surrounding property owners at the neighbor meeting.
  - (iii) School Safety Plan: Any facility that is within six hundred feet from a school that proposes to admit clients that may be under the influence of alcohol shall also develop a safety plan, in consultation with the school and the superintendent of the Boulder Valley School District, if applicable, to ensure safety of the school's students. For the purpose of this subsection, school means a public, parochial, or nonpublic school that provides a basic academic education in compliance with the school attendance laws for students in grades kindergarten through the eighth grade. "Basic academic education" has the same meaning as set forth in § 22-33-104(2)(b), C.R.S.
  - (iv) Resubmission and Amendment of a Management Plan: Every three years, or when the owner or operator changes the operating characteristics in a manner that does not comply with the approved management plan, whichever occurs first, the owner or operator shall resubmit a management plan. No owner or operator shall fail to resubmit a management plan that meets the requirements of this subsection. The city manager is authorized to require an owner or operator to organize, host, and participate in a good neighbor meeting if the manager determines that such a meeting will be of assistance in identifying additional adverse impacts that may have been created by the facility. The management plan shall address how the facility will address any additional adverse impacts that have been identified by the manager. The manager will approve the management plan upon finding that any such additional adverse impacts will be mitigated by amendments to the management plan.

~~(B)~~ Additional Requirements for Day Shelters: The following additional criteria apply to any day shelter:

- (i) Onsite Staffing: No facility shall be open for use by clients unless there is staff on site to supervise and oversee the clients.
- (ii) Waiting Areas: No person shall allow or permit clients of a facility to queue or otherwise wait for the facility to open or to otherwise be admitted into the facility in the public right-of-way. The facility shall provide an indoor or outdoor waiting area in a size adequate to prevent the anticipated number of clients from queuing into or otherwise waiting in the public right-of-way.
- (iii) Outdoor Area: The facility shall provide an outdoor area, screened from the surrounding properties and the public right-of-way for use of clients once admitted to the facility.
- (iv) Parking: The facility shall provide off-street parking at the rates set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981, for a nonresidential use. The approving authority may grant a parking deferral

<sup>172</sup> This is a slightly different approach than other uses as the 3 shelter types share these general requirements, so they have been grouped here rather than repeat them 3 times. This comes before the specific use standards for each of these individual uses.

of the higher of up to fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

~~(K)(C)~~ Additional Requirements for Emergency Shelters: The following additional requirements apply to any emergency shelter:

- (i) **Waiver of Good Neighbor Meeting and Management Plan Requirement:** The city manager may waive the requirement that the applicant organize, host, and participate in a good neighbor meeting upon finding that the applicant will not require a use review, and that the needs of the facility's clients for anonymity and a safe and secure environment will be compromised by such a meeting.
- (ii) **Parking:** The facility shall provide off-street parking at the rates set forth below. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.
  - a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time;
  - b. One parking space for each twenty occupants, based on the maximum occupancy of sleeping rooms and the dormitory type sleeping areas; and
  - c. One parking space for each attached type dwelling unit.
- (iii) **Maximum Occupancy:** No person shall permit the maximum occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:
  - a. **Sleeping Areas:** For emergency shelter facilities that operate with sleeping rooms or with open air dormitory type sleeping areas, the following occupancy standards apply:
    - 1. **Residential Districts:** For any zoning district that is classified as a residential zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site.
    - 2. **Business Districts:** For any zoning district that is classified as a commercial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site. Up to two additional persons per dwelling unit equivalents in the business zoning districts is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.
    - 3. **Industrial Districts:** For any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed six persons for each one thousand six hundred square feet of lot area on the site. Up to two additional persons for each one thousand six hundred square feet of lot area on the site in an industrial zoning district is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.
    - 4. **Occupancy Increase:** For an applicant that cannot meet the conditional standards for occupancy increases set forth in this subparagraph, or otherwise is limited to six occupants

per dwelling unit equivalent, the maximum occupancy of a facility may be increased from six up to ten occupants per dwelling unit equivalents upon approval of a use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

- b. Attached Housing: For emergency shelter facilities that are located in zoning districts that permit attached housing, that operate as separate attached dwelling units, each dwelling unit equivalent shall constitute two attached dwelling units. No person shall occupy such dwelling unit except in accordance with the occupancy standards set forth in Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981, for dwelling units.
  - c. Detached Housing: For emergency shelter facilities that are located in zoning districts that do not permit attached housing, each detached dwelling unit shall constitute one dwelling unit. No person shall occupy such a dwelling unit except in accordance with the occupancy standards set forth in Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981, for a dwelling unit.
  - d. Calculating Occupancy: The maximum occupancy for a facility shall include the occupants of the facility in addition to the occupants of overnight shelter uses and transitional housing uses that are also located on the property.
- (iv) Review Standards: Uses designated as conditional uses in Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be processed under the provisions of this paragraph unless the applicant makes a request to increase the maximum occupancy per dwelling unit equivalent from six persons per dwelling unit equivalent up to ten occupants for sleeping room or dormitory type sleeping areas.
- ~~(D)~~ (D) Additional Standards for Overnight Shelters: The following additional criteria apply to any overnight shelter:
- (i) On-Site Staffing: No facility shall be open for use by clients unless there is staff on-site to supervise and oversee the clients.
  - (ii) Waiting Areas: No person shall allow or permit clients of a facility to queue or otherwise wait for the facility to open or to otherwise be admitted into the facility in the public right-of-way. The facility shall provide an indoor or outdoor waiting area in a size adequate to prevent the anticipated number of clients from queuing into or otherwise waiting in the public right-of-way.
  - (iii) Parking: The facility shall provide off-street parking at the rates set forth below. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the underlying zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.
    - a. One space for each employee or volunteer that may be on the site at any given time computed on the basis of the estimated maximum number of employees and volunteers on the site at any given time; and
    - b. One parking space for each twenty occupants, based on the maximum occupancy of the facility.
  - (iv) Maximum Occupancy: No person shall permit the maximum occupancy of a facility to exceed the following unless approved pursuant to an occupancy increase:
    - a. Residential Districts: For any zoning district that is classified as a residential zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed four persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site.
    - b. Business Districts: For any zoning district that is classified as a commercial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed four persons for each dwelling unit that would otherwise be permitted based on the lot area or open space on the site. Up to two additional persons per dwelling unit equivalent in the business zoning districts is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or

lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.

- c. Industrial Districts: For any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the maximum number of residents of the facility shall not exceed four persons for each one thousand six hundred square feet of lot area on the site. Up to two additional persons for each one thousand six hundred square feet of lot area on the site in an industrial zoning district is permitted if the property is not adjacent to a residential zoning district classification as set forth in Section 9-5-2, "Zoning Districts," B.R.C. 1981. For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.
  - d. Calculating Occupancy: The maximum occupancy for a facility shall include the occupants of the facility in addition to the occupants of emergency shelter uses and transitional housing uses that are also located on the property.
  - e. Occupancy Increase: For an applicant that cannot meet the conditional standards for occupancy increases set forth in this subparagraph, or otherwise is limited to four occupants per dwelling unit equivalent, the maximum occupancy of a facility may be increased from four or six up to eight occupants per dwelling unit equivalents upon approval of a use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.
- (v) Review Standards: Uses designated as conditional uses in Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, shall be processed under the provisions of this paragraph unless the applicant proposes to exceed the following standards. In such cases, the applicant will also be required to complete the use review process pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.
- a. High Density Residential: In the RH zoning districts, a use review will also be required if the applicant requests the maximum occupancy per dwelling unit equivalent be increased from four up to eight occupants.
  - b. Business - Community, Business - Main Street, and Business - Transitional Districts: In the BC, BT, and BMS zoning districts, a use review will also be required if the maximum occupancy per dwelling unit equivalent is increased from four up to eight occupants. ~~For the purpose of this subparagraph, adjacent means separated by an alley, a street that is a minor arterial or lesser classification on the Transportation Master Plan functional classification map, or a property line, notwithstanding a break in a survey, that is shared between the facility and another property.~~<sup>173</sup>

(b) Daycare Center:<sup>174</sup>

(2)(1) The following ~~criteria-standards~~ apply to any daycare center, except home daycares, that may be approved as a conditional use or pursuant to a use review:

- (A) Fencing is provided around outdoor play areas.
- (B) If the use is adjacent to an arterial, collector, or minor arterial as shown in Appendix A, "Major Streets," of this title, off-street loading and unloading areas are provided.
- (C) Adequate off-street parking is provided for employees, volunteers, and visitors.
- (D) Child daycare facilities are properly licensed by the State Department of Social Services.
- (E) For nursery care (any child under the age of eighteen months), the facility provides fifty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.

<sup>173</sup> The final sentence appears to have been an error from when this ordinance was adopted in 2001. It has been deleted.

<sup>174</sup> Existing language from 9-6-7(a). Subsection (9) removed and table updated to reflect only by Use Review in RM-1, RM-3, RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, and MU-3.

- (F) For child care other than nursery care, the facility provides thirty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.
- (G) All child day care facilities shall provide a minimum of seventy-five square feet of usable outdoor play area per child or a total of two thousand four hundred square feet of useable outdoor play area, whichever is greater.
- (H) In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty persons, not including employees.
- ~~(I) In the RM-1, RM-3, RH-1, RH-2, RH-3, RH-4, RH-5, RH-7, and MU-3 zoning districts, the use may only be approved pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.~~

(c) Nonprofit membership clubs Club or Lodge:<sup>175</sup>

(1) In the BMS Zoning District:

- ~~(A) Review Process: In the BMS zoning district, a club or lodge is a~~ 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. A club or lodge that is not allowed by right may be approved only pursuant to a use review.<sup>176</sup>~~

Private Elementary, Middle, and High Schools:<sup>177</sup>

— In the BMS Zoning District

~~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.~~

(d) Public and private office uses providing social services Community Services:<sup>178</sup>

(1) In the BMS and DT-4 Zoning Districts:

- ~~(A) Review Process: In the BMS and DT-4 zoning districts, community services are a~~ 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. Community services that are not allowed by right may be approved only pursuant to a use review.<sup>179</sup>~~

(e) Specialized Instruction Facility:<sup>180</sup>

(1) In the MU-4 Zoning District:

- ~~(A) In the MU-4 zoning district, specialized instruction facilities are a~~ Allowed by right for 20,000 square feet or less of floor area per lot or parcel, ~~and are~~ otherwise prohibited.<sup>181</sup>

(2) In the BMS Zoning District:

- ~~(A) Review Process: In the BMS zoning district, a specialized instruction facility is a~~ 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. A specialized instruction facility that is not allowed by right may be approved only pursuant to a use review.<sup>182</sup>~~

(3) In the Industrial Zoning Districts:

- ~~(A) In the Industrial zoning districts, a specialized instruction facility is a~~ Allowed by right for less than 20,000 square feet of floor area per use, ~~otherwise by use review only. A specialized instruction facility that is not allowed by right may be approved only pursuant to a use review.<sup>183</sup>~~

<sup>175</sup> "Nonprofit membership clubs" has been renamed to "club or lodge" which is more consistent with peer cities.

<sup>176</sup> Existing L1 language.

<sup>177</sup> In the current use table, private schools are an "L1" use in the BMS Zoning District. This does not apply to public schools, which is inconsistent and is therefore being removed.

<sup>178</sup> Renamed use to align with more commonly used term.

<sup>179</sup> Existing L1 language.

<sup>180</sup> Consolidated "adult educational facilities" with "vocational and trade schools".

<sup>181</sup> Existing L10 language.

<sup>182</sup> Existing L1 language.

<sup>183</sup> Existing L11 language.

**9-6-7. Conditional Use and Use Review Specific Use Standards – Office, Medical and Financial Uses<sup>184</sup>**

**(a) Office, Medical, and Financial Uses:<sup>185</sup>**

(1) This subsection (a) sets forth standards for uses in the office, medical, and financial use category that are subject to specific use standards pursuant to Table 6-1, Use Table.

**(2) In the MU-4 Zoning District:<sup>186</sup>**

(A) ~~In the MU-4 zoning district, any public and private office use providing social services; data processing facility; financial institution; medical or dental clinic or office; addiction recovery facility; medical and dental laboratory; office, administrative; office, professional; and office, other, Review Process: In the MU-4 zoning district, the following review process applies to office uses:~~

(i) ~~Allowed Use: Office uses are allowed by right if the individual office use does shall not exceed 20,000 square feet in floor area of the building. The floor area may exceed 20,000 square feet if~~

(ii) ~~Use Review: Office uses that may not be approved by right may be the use is approved pursuant to a use review and if the approving authority finds that the use:<sup>187</sup>~~

- 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.~~

**(3) In the BT-1, BT-2, BMS, BR-1, and BR-2 Zoning Districts:**

(A) ~~Applicability: In the BT-1, BT-2, BMS, BR-1, and BR-2 zoning districts, the following standards apply to the uses listed in Table XX.<sup>188</sup>~~

<b>Table XX: Uses with Combined Floor Area Limitations in the BMS, BT-1, BT-2, BR-1, and BR-2 Districts<sup>189</sup></b>
<u>Office, Administrative</u>
<u>Office, Professional</u>
<u>Office, Technical</u>
<u>Office, Other</u>
<u>Computer Design and Development Facility</u>
<u>Medical or Dental Clinics or Offices or Addiction Recovery Facilities</u>
<u>Medical and Dental Laboratories</u>

(i) ~~Review Process: In the BT-1, BT-2, BMS, BR-1, and BR-2 zoning districts, the following review process applies to the uses in Table XX:~~

- a. ~~Allowed Use: The uses listed in Table XX are allowed by right if they meet the following standards:~~
  - 1. ~~The use is located within the University Hill general improvement district; or~~
  - 2. ~~The combined total amount of floor area of any of the uses listed in Table XX does not exceed 20,000 square feet on the lot or parcel; or~~

<sup>184</sup> This category will be renamed "Office uses" and financial institution and hospital will be removed.

<sup>185</sup> This will be renamed as "office uses".

<sup>186</sup> From 9-6-8(a)(3). Does not currently specify that this applies to technical offices, but technical offices over 5,000 sf in area currently already require use review, so expanding the applicability would have no impact in terms of process, but allow the code language to be simplified. In addition, this section currently applies to "public or private uses providing social services," which is proposed to be renamed as "community services" which is a public/institutional use. To simplify the code, and because the use will more clearly not be considered a type of office, the application of this requirement to that use has not been carried forward.

<sup>187</sup> Language added to clarify intent of this requirement to apply to single office uses, not a combined floor area within a building. Confirmed intent through Planning Board and City Council minutes from code change adoption.

<sup>188</sup> Existing language from 9-6-8(a)(2), and existing L17 language which is currently duplicative.

<sup>189</sup> When the document is recategorized, remove this table and simply apply to "office uses", will have to update language within this section to refer to "office uses" instead of "these uses"



4-3. The use was legally established within the associated floor area prior to August 6, 2019. Uses that exceed the 20,000 square feet limitation of **subparagraph (A)(i)a.2**, shall be considered a nonconforming use. Changes in operations, such as changes in ownership, tenancy, management, number of employees, hours of operation, or changes to other uses also within the office use category within the existing floor area referenced in this subsection, shall not be considered an expansion of a nonconforming use. Such changes shall not require a request for a change of use pursuant to Section 9-10-3(c)(2), "Standards for Changes to Nonconforming Uses," B.R.C. 1981.<sup>190</sup> Additions or changes to floor plans that result in the combined floor area of these uses exceeding the limitation of **subparagraph (A)(i)(a)(2)** or the nonconforming floor area shall be subject to **paragraph (b)** below.

- b. **Conditional Use:** The uses may be approved as a conditional uses if the following criteria standards are met:
  1. The total amount of floor area of ~~any office, computer design and development facility, medical or dental clinic or office, addiction recovery facility, and medical and dental laboratory~~ any of the listed uses listed in Table XX does not exceed 40,000 square feet on the lot or parcel;
  2. Dwelling units are constructed on the same lot or parcel or within the area of the same approved site review, planned unit development, or form-based code review and at least thirteen percent of those dwelling units meet the requirements for permanently affordable units set forth in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; and
  3. No less than two permanently affordable units are constructed on said lot or parcel or within said area of an approved site review, planned unit development, or form-based code review.
- c. **Use Review:** The uses that are not allowed by right and may not be approved as a conditional use, ~~The uses~~ may be approved pursuant to a use review if the approving authority finds that the uses:
  1. Meet the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5), "Use Review," B.R.C. 1981; and
  2. The proposed uses are part of a mixed-use development that includes residential or retail uses.

**(4) In the BCS Zoning District:**<sup>191</sup>

**(A) Applicability:** ~~In the BCS zoning district, the combined total amount of floor area of the uses listed in Table XX are allowed by right provided if the combined total amount of floor area of such uses does not exceed fifty percent of the total floor area of the building, and are otherwise prohibited.~~ <sup>192</sup> ~~Any floor area of these uses in excess of fifty percent of the total floor area of the building is prohibited.~~

<b>Table XX: Uses with Combined Floor Area Limitations in the BCS District</b>
<u>Office — Admin</u>
<u>Office — Pro</u>
<u>Office — Technical</u>
<u>Office — Other</u>
<u>Computer Design and Development</u>
<u>Data Processing</u>
<u>Telecommunications</u>
<u>Medical or Dental Clinics and Offices or Addiction Recovery facilities</u>

<sup>190</sup> This new language clarifies the transitional regulations currently in 9-1-4(e)(2) that are related to Limited Uses. Instead of applying to all limited uses, this has just been carried forward for this former L17 provision and language intended to clarify.

<sup>191</sup> Existing language from 9-6-8(a)(1) and L5.

<sup>192</sup> This table will be removed when the uses are recategorized and this will simply apply to "Office uses". This BCS standard does not currently apply to medical laboratories, but the standard will apply to labs once that change is made.

~~— Data processing facilities facility<sup>193</sup>~~~~— In the BCS Zoning District~~~~— 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.<sup>194</sup>~~~~— In the BMS and DT Zoning Districts~~~~— 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.<sup>195</sup>~~(b) Financial Institutions:(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a financial institution is  
~~A~~ allowed by right if at least ~~50%~~fifty-percent of the floor area of the building is for residential uses and the ~~total floor area of nonresidential uses in the building~~ is less than 7,000 square feet ~~per building, otherwise by use review only. A financial institution that is not allowed by right may be approved only pursuant to a use review.~~<sup>196</sup>

(2) In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 Zoning Districts:<sup>197</sup>

(A) Review Process: In the BMS, DT-1, DT-2, DT-3, DT-4, and DT-5 zoning districts, the following review process applies to financial institutions:

(i) Allowed Use: -A financial institution is ~~A~~ 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.~~

(ii) Use Review: A financial institution that is not allowed by right may be approved only pursuant to a use review. In addition to meeting the use review criteria, the applicant shall demonstrate that the use contributes to an active and vibrant pedestrian streetscape.<sup>198</sup>

(c) Office, ~~Medical~~ ~~Medical or dental clinics or offices or addiction recovery facilities:~~<sup>199</sup>(1) In the MU-3 Zoning District:

(A) Review Process: In the MU-3 zoning district, a medical office is ~~A~~ allowed by right if at least ~~50%~~fifty-percent of the floor area of the building is for residential uses and the ~~total floor area of nonresidential uses in the building~~ is less than 7,000 square feet ~~per building, otherwise by use review only. A medical office that is not allowed by right may be approved only pursuant to a use review.~~<sup>200</sup>

(2) In the DT-4 Zoning District:

~~(B)~~(A) Review Process: In the DT-4 zoning district, a medical office is ~~A~~ 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. A medical office that is not allowed by right may be approved only pursuant to a use review.~~<sup>201</sup>

(3) In the IG Zoning District:<sup>202</sup>

<sup>196</sup> Existing L2 language.

<sup>197</sup> Existing standard from 9-6-8(5).

<sup>198</sup> Existing L1 language, which was duplicative of 9-6-8(a)(5). Factors for use review approval from 9-6-8(a)(5) have been incorporated here.

<sup>199</sup> The name of this use has been simplified and addiction recovery facilities have been incorporated into the definition of medical office. The inclusion of dental office is already specified in the definition as well. Existing L5 limitation not carried forward as there is a nearly identical general standard in BCS for uses in this category.

<sup>200</sup> Existing L2 language.

<sup>201</sup> Existing L1 language.

<sup>202</sup> Existing language from 9-6-8(a)(4). Updated references to use title, which has been renamed more concisely.

(A) Review Process: In the IG zoning district, ~~the~~ the following standards ~~and criteria~~ apply to any medical ~~or dental clinics or offices and any addiction recovery facilities that may be approved as a conditional use:~~

- (i) 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;"
- (ii) 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
- (iii) 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.

(d) Medical ~~and dental laboratories~~ Laboratory.<sup>203</sup>

(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a medical laboratory is ~~A~~ allowed by right if at least ~~fifty~~ 50% percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet ~~per building, otherwise by use review only. A medical laboratory that is not allowed by right may be approved only pursuant to a use review.~~ <sup>204</sup>

(~~b~~) (e) Offices, Administrative.<sup>205</sup>

(1) In the DT-4 Zoning District:

(A) Review Process: In the DT-4 zoning district, an administrative office is ~~A~~ 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. An administrative office that is not allowed by right may be approved only pursuant to a use review.~~ <sup>206</sup>

(f) Offices, Professional.<sup>207</sup>

(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a professional office is ~~A~~ allowed by right if at least ~~50~~ fifty percent% of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet ~~per building, otherwise by use review only. A professional office that is not allowed by right may be approved only pursuant to a use review.~~ <sup>208</sup>

(2) In the DT-4 Zoning District:

(A) Review Process: In the DT-4 zoning district, a professional office is ~~A~~ 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. A professional office that is not allowed by right may be approved only pursuant to a use review.~~ <sup>209</sup>

(g) Offices, Technical: ~~with <5,000 square feet of floor area~~ <sup>210</sup>

<sup>203</sup> Shortened use title. Definition specifies that dental laboratories are included.

<sup>204</sup> Existing L2 language.

<sup>205</sup> Language for L5 in the BCS has not been carried forward as there is almost identical language from 9-6-8(a)(1) which is covered in the general office standards related to BCS at the beginning of this section.

<sup>206</sup> Existing L1 language.

<sup>207</sup> Existing L5 limitation not carried forward as there is a nearly identical general standard in BCS for uses in this category.

<sup>208</sup> Existing L2 language.

<sup>209</sup> Existing L1 language.

<sup>210</sup> Consolidating to remove qualifier from necessitating extra row in table. Different allowances for sizes reflected in standards. L5 limitation in BCS not carried forward as there is an identical general standard for all uses in this category from 9-6-8(a)(1). In BMS, "Offices, technical; with

**(1) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:**

- (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a technical office is allowed by right if at least 50-fifty percent% of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet per building, otherwise by use review only. A technical office that is not allowed by right may be approved only pursuant to a use review.

211

**(2) In the MU-4 and BMS Zoning Districts:**

- (A) Review Process: In the MU-4 and BMS zoning districts, a technical office is allowed by right if floor area of the use does not exceed 5,000 square feet. A technical office that is not allowed by right may be approved only pursuant to a use review.<sup>212</sup>

**(3) In the DT-4 Zoning District:**

- ~~(B)~~(A) Review Process: In the DT-4 zoning district, a technical office is 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. A technical office that is not allowed by right may be approved only pursuant to a use review.<sup>213</sup>

**(4) In the IS-1 and IS-2 Zoning Districts:**

- (A) In the IS-1 and IS-2 zoning districts, a technical office is allowed by right if the floor area of the use does not exceed 5,000 square feet, and is otherwise prohibited.<sup>214</sup>

~~(c) Offices, technical; with >5,000 square feet of floor area~~<sup>215</sup>

~~Offices – other~~<sup>216</sup>

## **9-6-6.9-6-8. Conditional Use and Use Review Specific Use Standards – Parks and Recreation Uses.**

**(a) Indoor recreational or Athletic facilities Facility:**<sup>217</sup>**(1) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 Zoning Districts:**

- (A) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 zoning districts, an indoor athletic facility may be approved only pursuant to a use review. In addition to meeting the use review criteria, the floor area of the use shall not exceed 250 square feet.

**(2) In the RH-3, RH-7, MU-1, MU-2, and MU-3 Zoning Districts:**

- (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, an indoor athletic facility is allowed by right if the floor area does not exceed 1,000 square feet. An indoor athletic facility that is not allowed by right may be approved only pursuant to a use review.

>5,000 square feet of floor area” requires a Use Review, but <5,000 is subject to L17. To consolidate these lines, technical offices of all size are now subject to the former L17 limitations (which allows some more flexibility on allowance for larger technical offices than is currently available).

<sup>211</sup> Existing L2 language.

<sup>212</sup> Reflects difference in current use table lines for MU-4 – “Offices, technical; with >5,000 square feet of floor area” is currently a U and “Offices, technical; with <5,000 square feet of floor area” is currently A.

<sup>213</sup> Existing L1 language.

<sup>214</sup> Reflects difference in current use table lines – “Offices, technical; with >5,000 square feet of floor area” is currently a \* and “Offices, technical; with <5,000 square feet of floor area” is currently A.

<sup>215</sup> Consolidated with other “Offices, technical; with <5,000 square feet of floor area” for just one “Offices, technical” category. Different allowances reflected in standards.

<sup>216</sup> Removing this use category and integrating this with professional office as all allowances and standards are the same.

<sup>217</sup> These specific use standards are new. Small fitness studios have been inconsistently interpreted as either “personal services” or “indoor recreational or athletic facility”. These changes are intended to allow smaller scale athletic facilities in the districts where they have previously been allowed as a “personal services” use either by-right or with a use review, but with more clarity on the appropriate size limits in certain districts. The maximum square feet were chosen based on analysis of previously approved business licenses for “personal services”.

Modifications to the use table have also been made to reflect these changes.

(3) In the BT-1, BT-2, and BMS Zoning Districts:

- (A) Review Process: In the BT-1, BT-2, and BMS zoning district, an indoor athletic facility is allowed by right if the floor area does not exceed 2,000 square feet. An indoor athletic facility that is not allowed by right may be approved only pursuant to a use review.

~~9-6-7.9-6.9. Conditional Use and Use Review~~ **Specific Use Standards –****Commercial, Retail and Industrial Uses.****SERVICE USES**(a) Broadcasting and Recording facilities ~~Facility:~~(1) In the MU-1, MU-2, and MU-3 Zoning Districts:

- (A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a broadcasting and recording facility is allowed by right if at least ~~50-fifty percent~~% of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet ~~per building, otherwise by use review only~~. A broadcasting and recording facility that is not allowed by right may be approved only pursuant to a use review.<sup>218</sup>

(2) In the BMS Zoning District:

- (A) Review Process: In the BMS zoning district, a broadcasting and recording facility is 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~~. A broadcasting and recording facility that is not allowed by right may be approved only pursuant to a use review.<sup>219</sup>

(b) Business Support Services:(1) In the MU-4, BMS, IS-1, IS-2, and IMS Zoning Districts:

- (A) Review Process: In the MU-4, BMS, IS-1, IS-2, and IMS zoning districts, business support service uses are allowed by right ~~for if the uses are~~ less than 10,000 square feet of floor area per lot or parcel, ~~otherwise by use review only~~. A business support service that is not allowed by right may be approved only pursuant to a use review.<sup>220</sup>

(c) Industrial Service Center:<sup>221</sup>

- ~~(2)~~(1) An industrial service center is ~~permitted~~ may be approved as a conditional use or pursuant to a use review in the IG and IM zoning districts and the I2 and I3 use modules as a principal use of land if the following standards are met:

- (A) Site Review Required: ~~;~~ The application for an industrial service center may only be approved as part of a site review application under Section 9-2-14, "Site Review," B.R.C. 1981. The minimum site review thresholds in Paragraph 9-2-14(b)(1), B.R.C. 1981, shall not apply to an application for an industrial service center. The following additional factors will be considered in the site review process:
- (i) The nonresidential uses are of the type and size for the service and convenience of the employees of the surrounding area; and
  - (ii) The placement, design and character of the nonresidential use are complementary to and compatible with the predominantly industrial character of the area;
- (B) Maximum Size of Property: ~~;~~ The industrial service center shall not exceed two acres in size. An industrial service center may be located on a property that exceeds two acres in size;

<sup>218</sup> Existing L2 language.

<sup>219</sup> Existing L1 language.

<sup>220</sup> Existing L12 language.

<sup>221</sup> Existing language from 9-6-10(j).

- (C) ~~Location~~: The industrial service center shall be located at least one-quarter of a mile from land that is zoned as a business district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981, or from another industrial service center;
- (D) ~~Restaurant Parking~~: Parking for industrial service centers shall meet the minimum number of off-street parking spaces per square foot of floor area for nonresidential uses. The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-Street Parking Requirements," shall not be applied to industrial service centers;
- (E) ~~Permitted Nonresidential uses~~Uses: Any use permitted in the underlying zoning district classification may be permitted in an industrial service center, provided that all of the requirements for such uses are met. The additional permitted uses within an industrial service use, subject to size restrictions, include the following:

Permitted Uses	Restrictions
Office — professional	1,500 sq. ft. maximum per office use, and the cumulative total of all office uses shall not exceed 20% of the total floor area of the industrial service center
Office — medical and dental	1,500 sq. ft. maximum per office use, and the cumulative total of all office uses shall not exceed 20% of the total floor area of the industrial service center
Personal service use	2,000 sq. ft. maximum per personal service use
Convenience retail use	2,500 sq. ft. maximum per convenience retail use
Retail	2,000 sq. ft. maximum per retail use
Financial institution	1,500 sq. ft. maximum per financial institution use
Restaurant	Conditional use requirements for restaurants in <b>paragraph 9-6-5(b)(3)</b> are not applicable

- (F) Hours of Operation:
  - (i) Any use permitted in an industrial service center may operate daily between the hours of 5:00 a.m. and 11:00 p.m.
  - (ii) No person shall operate any use in an industrial service center between the hours of 11:00 p.m. and 5:00 a.m., unless the use is:
    - a. Approved through a use review process; and
    - b. Located more than five hundred feet from an adjacent residential use or zone.

(d) Neighborhood Business Center:<sup>222</sup>

~~(3) 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.~~

~~(4)(1) : No The following standards apply to any neighborhood business center that may be approved pursuant to a use review shall must be developed or operated except pursuant to a use review in conformance with all of the following criteria:~~

~~(A) Site Review Required: The application for a neighborhood business center may only be approved as part of a site review application under Section 9-2-14, "Site Review," B.R.C. 1981.~~

~~(A)(B) Size: The entire neighborhood business center shall not exceed three acres in size and is located so as to provide services primarily to existing residential development in the surrounding neighborhood;~~

~~(B)(C) Type and Size Compatible: The nonresidential uses are of a type and size appropriate for the service and convenience of the residents of the residential development or the surrounding residential neighborhood;~~

~~(C)(D) Placement, Design and Character Compatible: The placement, design and character of the nonresidential uses are complementary to and compatible with the predominantly residential character of the residential development or the surrounding established residential neighborhood;~~

<sup>222</sup> Existing language from 9-6-10(f).

~~(D)~~(E) 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 6-5 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; ~~and-~~

**TABLE 6-5: 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
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
Personal service use	1,500 square feet maximum per use
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
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
General retail	1,000 square feet maximum per use
Art and studio space	1,000 square feet maximum per use

~~(E)~~(F) Restaurant Restrictions: Restaurants are permitted as a use within a neighborhood business center provided the following criteria are met, notwithstanding any restriction within Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981:

- (i) No Parking Reduction: No parking reduction may be granted for the neighborhood business center or any contemporaneously developed adjacent residential development unless the applicant can provide adequate assurances that there will be no parking spillover onto the surrounding residential streets;
- (ii) Size: The gross floor area of the restaurant does not exceed one thousand five hundred square feet in size, and up to three hundred additional square feet of floor area may be utilized for storage purposes only;
- (iii) Proportion of Development: The restaurant use is included in a development containing other uses approved as part of the neighborhood business center and does not exceed twenty-five percent of the gross floor area of the project;
- (iv) Drive-Thru Uses Prohibited: The restaurant does not contain a drive-thru facility;
- (v) Trash Storage: A screened trash storage area is provided adjacent to the restaurant use, in accordance with the requirements of Section 9-9-18, "Trash Storage and Recycling Areas," B.R.C. 1981;
- (vi) Loading Area: A loading area meeting the requirements of Section 9-9-9, "Off-Street Loading Standards," B.R.C. 1981, provided adjacent to the restaurant use;
- (vii) Signage: Signage complies with a sign program approved as part of the review by the city manager consistent with the requirements of Section 9-9-21, "Signs," B.R.C. 1981; and
- (viii) Environmental Impacts: Any environmental impact including, without limitation, noise, air emissions and glare is confined to the lot upon which the restaurant use is located and is controlled in accordance with applicable city, state and federal regulations.

(e) Wireless Communications facilities Facility:<sup>223</sup>

<sup>223</sup> Existing standards from 9-6-10(a).

(1) Standards: A wireless communications facility ~~may be approved~~ ~~is permitted as a conditional use as and~~ principal use on a lot if the following ~~conditions are met~~ ~~standards for a conditional use are met~~:

- ~~(F)~~(A) \_\_\_\_\_ The antenna for the wireless communications facility shall be attached to a principal building designed and constructed for a primary purpose other than supporting a wireless communications facility, except as authorized to be attached to water towers in **Subparagraph (O)**.
- ~~(G)~~(B) \_\_\_\_\_ Architectural Compatibility: The antenna must be architecturally compatible with the building and wall, penthouse or mechanical equipment enclosure on which it is mounted and designed and located so as to minimize any adverse aesthetic impact.
- ~~(H)~~(C) \_\_\_\_\_ Screening: The antenna shall be painted or fully screened to match as closely as possible to the color and texture of the wall, penthouse or mechanical equipment enclosure on which it is mounted.
- ~~(H)~~(D) \_\_\_\_\_ Wall Mounts: The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible to ensure both the functionality of the antenna and to minimize visual impact. The antenna and any associated screening shall not project above the wall on which it is mounted.
- ~~(H)~~(E) \_\_\_\_\_ Antenna Mounts on Roof Appurtenances: The antenna may be attached to an existing conforming penthouse or mechanical equipment enclosure which projects above the roof of the building. The antenna and any associated screening may not project any higher than the penthouse or enclosure (no increase in height is permitted) and must be mounted as flush to the existing penthouse or enclosure as technically possible to ensure both the functionality of the antenna and to minimize visual impact.
- ~~(K)~~(F) \_\_\_\_\_ Roof Mounts of Antennas and Transmission Equipment on Buildings Less Than Fifty-Five Feet Tall: On buildings fifty-five feet or less in height, an antenna and transmission equipment may be mounted on the roof if:
- (i) The manager finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall, penthouse or mechanical equipment enclosure;
  - (ii) No portion of the wireless communications facility causes the height of the building to exceed the limitations set forth in Sections 9-7-1, "Schedule of Form and Bulk Standards," 9-7-5, "Building Height," and 9-7-6, "Building Height, Conditional," B.R.C. 1981;
  - (iii) No wireless communications facility covers more than ten percent of the roof area of a building, and the aggregate of any wireless communications facilities and any appurtenances do not exceed an aggregate of twenty-five percent of the roof area;
  - (iv) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the building design, color, and materials; and
  - (v) No portion of the wireless communications facility exceeds ten feet above the height of the existing building.
- ~~(H)~~(G) \_\_\_\_\_ Transmission Equipment Screening: Transmission equipment other than antennas shall not be mounted to a building wall, penthouse or mechanical equipment enclosure and shall be designed and located to minimize any adverse aesthetic impact. Such equipment shall be invisible from view whenever possible, for example, by locating within the principal building, on the roof so as to be invisible from adjacent street and properties or behind parapet walls. When it is not possible to locate such equipment out of sight, it must be located to minimize its visibility and be designed to be screened from view by materials that are consistent and compatible with the building design, color and materials without increasing the apparent height of the building. Where it is not possible to locate such equipment within or on the roof of the building, it may be located in ground mounted cabinets. Such ground mounted equipment shall, to the extent possible, be screened from view through undergrounding, design that is architecturally consistent with that of the building, or other design options, approved by the manager, that will blend the equipment with the surrounding setting and built environment, including but not limited to materials, colors, textures and landscaping. When determining whether a certain location that minimizes



adverse aesthetic impacts is possible, functionality of the equipment may be considered. All buildings, shelters, cabinets and other accessory components shall be grouped as closely as possible.

~~(M)~~(H) \_\_\_\_\_ Site Review and PUD Approval: If a proposed wireless communications facility is located on a building or lot subject to an approved planned unit development or site review, a minor modification to the approval is required prior to the issuance of a building permit. A minor modification is not required for eligible facilities requests.

~~(N)~~(I) \_\_\_\_\_ Historic Preservation Rules: No wireless communications facility shall be permitted on property designated as an individual landmark or as part of a historic district, unless such wireless communications facility has been approved through the issuance of a landmark alteration certificate pursuant to Sections 9-11-13, "Landmark Alteration Certificate Application," 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," 9-11-15, "Landmark Alteration Certificate Hearing," 9-11-16, "Call-Up by City Council," 9-11-17, "Issuance of Landmark Alteration Certificate," and 9-11-18, "Standards for Landmark Alteration Certificate Applications," B.R.C. 1981. A landmark alteration certificate is not required for eligible facilities requests.

~~(O)~~(J) \_\_\_\_\_ Exclusion of Competitors Prohibited: No wireless communications facility owner or lessee or officer or employee thereof shall act to exclude or to attempt to exclude any other competitor from using the same building for the location of other wireless communications facilities.

~~(P)~~(K) \_\_\_\_\_ Co-Location of Facilities: No wireless communications facility owner or lessee or officer or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same building for other wireless communications facilities. If a dispute arises about the feasibility of accommodating another competitor, the city manager may require a third party technical study, at the expense of either or both parties, in the discretion of the manager, based upon the relative fault of the parties, to resolve the dispute.

~~(Q)~~(L) \_\_\_\_\_ Technical Standards: No wireless communications facility owner or lessee shall fail to assure that the wireless communications facility complies at all times with the then-current applicable American National Standards Institute or Federal Communications Commission standards, whichever is more stringent, for cumulative field measurements of radio frequency power densities and electromagnetic fields. After installation, but prior to putting the wireless communications facility in service, each wireless communications facility owner shall provide a certification by an independent professional engineer to that effect.

~~(R)~~(M) \_\_\_\_\_ Interference With TV or Radio Signals Prohibited: No wireless communications facility owner or lessee shall fail to assure that the wireless communications facility does not cause localized interference with reception of television and radio broadcasts as required by the Federal Communications Commission.

~~(S)~~(N) \_\_\_\_\_ Public and Residential Zoning Districts: In the P, RR-1, RR-2, RE, RL-1, RL-2, RM-1, RM-2, RM-3, RH-6, and MH zoning districts, no person shall mount or maintain a wireless communications facility on a lot, parcel, or building containing a residential use.

~~(T)~~(O) \_\_\_\_\_ Water Towers: Notwithstanding that a water tower may be considered an accessory building or use, antennas may be placed on water towers in compliance with the standards set forth in this subsection. No portion of any wireless communications facility shall extend above the height of the water tower walls. For the purposes of this subsection, water tower means a freestanding, aboveground, water storage facility, usually round or cylindrical in shape.

~~(U)~~(P) \_\_\_\_\_ Prohibition: No person shall locate a wireless communications facility upon any lot or parcel except as provided in this subsection.

~~(V)~~(Q) \_\_\_\_\_ Conditions of Approval: Compliance with the provisions of this subsection are conditions of any approval granted under this subsection.

~~(W)~~(R) \_\_\_\_\_ Modifications: The city manager may approve a modification to the requirements of this subsection that would result in a violation of state or federal law or to allow a design that better minimizes the visual and aesthetic impacts of the wireless communications facility. The manager may not modify the height standards of **Subparagraph (F)(ii)** under this **Subparagraph (R)**.

~~(X)(S)~~ Summary of Appropriate Locations: Table 6-4 of this section summarizes the allowable location for an antenna and transmission equipment.

**TABLE 6-4: 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 mechanical screen	Yes, subject to the standards in Subparagraph 9-6-10(a)(1)(F), B.R.C. 1981	Yes	Yes, subject to the standards in Subparagraphs 9-6-10(a)(1)(F) and (G), B.R.C. 1981. May not project above the maximum allowable building height of the underlying zoning district	Yes, if not possible to locate within building or on the roof, subject to the standards in Subparagraph 9-6-10(a)(1)(G), 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 9-6-10(a)(1)(G), B.R.C. 1981

~~(5)(2)~~ Review ~~Procedures and Requirements~~ Process: A new wireless communications facility and any collocation or modification to such use shall be reviewed in accordance with the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, and the requirements of this Subsection (a) except that eligible facilities requests shall be reviewed pursuant to the following procedures and standards:

- (A) Application Requirements: The applicant shall submit an eligible facilities request on an application form provided by the city manager and shall include any information necessary for the manager to consider whether the application is an eligible facilities request and meets the review criteria established in this Subsection (2). The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
- (B) Review:
  - (i) Type of Review: Upon receipt of an application for an eligible facilities request, the city manager shall review administratively such application to determine whether the application so qualifies.
  - (ii) Timeframe for Review: Within sixty days of the date on which an applicant submits an application seeking approval of an eligible facilities request, the manager shall approve an application unless the manager determines that the application is not an eligible facilities request.
  - (iii) Tolling of Timeframe for Review: The sixty-day review period begins to run when the application is filed. The city manager and the applicant may agree to toll the review period. The sixty-day review period

shall also be tolled where the manager determines that the application is incomplete. The review period is tolled for incompleteness pursuant to the following standards:

- a. Within thirty days of receipt of the application, the manager must notify the applicant in writing, clearly and specifically delineating all missing documents or information required for determination of an eligible facilities request;
  - b. The written incompleteness notice tolls the timeframe for review;
  - c. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the manager's notice of incompleteness;
  - d. Within ten days of the supplemental submission, the city manager shall notify the applicant in writing that the supplemental submission did not provide the information identified in the original incompleteness notice; and
  - e. The timeframe is tolled in the case of a second or subsequent incompleteness notice pursuant to the procedures for the first incompleteness notice. Second or subsequent incompleteness notices may not specify missing documents or information that were not delineated in the original incompleteness notice.
- (iv) Failure to Act: In the event that the city manager fails to act on a request seeking approval for an eligible facilities request within the timeframe for review, accounting for any tolling, the request shall be deemed granted. The effective date of a deemed-granted approval shall be the day the city receives written notice from the applicant, after the review period, accounting for any tolling, has expired, that the application has been deemed granted.
- (C) Review Criteria: The city manager shall approve an eligible facilities request if the request:
- (i) Is an eligible facilities request for an eligible support structure;
  - (ii) Does not result in a substantial change;
  - (iii) Complies with the originally approved design elements and other conditions of approval, including but not limited to colors, textures, surfaces, scale, character, mounting, projection and siting, or any approved amendments thereto, except where noncompliance with those elements or conditions is solely limited to the thresholds of increase in height, increase in width, addition of cabinets or new excavation or deployment area identified in the definition of substantial change; and
  - (iv) Does not defeat the concealment elements of the eligible support structure. Any design element that places the wireless communications facility out of view, hides it from being noticed, blends it with its surroundings or otherwise minimizes the visual or aesthetic impact of the facility is a concealment element of the eligible support structure.
- (D) Decision: If the city manager finds the review criteria of **Subparagraph (C)** are met, the manager shall approve the eligible facilities request. If the manager finds that the applicant's request does not meet the criteria of **Subparagraph (C)**, the manager may approve with conditions or deny the eligible facilities request and provide a written disposition with the reasons for conditional approval or denial to the applicant. The manager's decision shall be supported by substantial evidence in the written record. Upon issuance of the denial decision, the manager shall review the application pursuant to the procedures established in Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, and the requirements of this **Subsection (a)** and may request additional information and documents from the applicant to permit appropriate review.
- (E) Compliance with Other Laws: Notwithstanding the approval of an application for an eligible facilities request, all work done pursuant to the application must be completed in accordance with all generally applicable laws, regulations or other rules reasonably related to public health and safety, including but not limited to, building and safety codes.
- (F) Remedies: The applicants and the city may bring a claim related to §6409 of the Spectrum Act (codified at 47 U.S.C. 1455) to any court of competent jurisdiction.

~~(6)(3)~~ **Abandonment and Removal:** No property owner or applicant shall fail to remove a wireless communications facility that is abandoned or is unused for a period of six months.

## RETAIL SALES USES

### (f) Convenience Retail Sales:

#### (1) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 Zoning Districts:

(A) In the RL-2, RM-2, RM-1, RM-3, and RMX-1 zoning districts, convenience retail sales that may be approved are allowed pursuant to a Use Review review. In addition to meeting the use review criteria, the use required with a maximum shall not exceed ~~over~~ 2,000 square feet ~~in or less of~~ floor area per lot or parcel. ~~Otherwise, the use is prohibited.~~<sup>224</sup>

#### (2) In the RH-3, RH-7, and MU-2 Zoning Districts:

(A) Review Process: In the RH-3, RH-7, and MU-2 zoning districts, convenience retail sales are ~~Allowed by right for 2,000 square feet or less of floor area per lot or parcel, otherwise by use review only.~~ Convenience retail sales that are not allowed by right may be approved only pursuant to a use review.<sup>225</sup>

#### (3) In the MU-1 and MU-3 Zoning Districts:

(A) Review Process: In the MU-1 and MU-3 zoning districts, the following review process applies to convenience retail sales:

(i) Allowed Use: Convenience retail sales are ~~Allowed by right if they meet the following standards:~~

a. ~~The use ~~is~~ 2,000 square feet or less ~~in~~ floor area of the building; ~~or.~~ Allowed by right for~~

b. ~~If the use is greater than 2,000 square feet of floor area, ~~provided~~ the cumulative floor area of nonresidential uses ~~in the building's floor area~~ is less than 7,000 square feet ~~of the building~~, and at least ~~50~~ fifty percent% of the building's floor area ~~is~~ for residential uses. ~~Otherwise by use review only.~~~~

~~(ii)~~ (ii) Use Review: Convenience retail sales that are not allowed by right may be approved only pursuant to a use review.<sup>226</sup>

### ~~(b)~~ (g) Fuel Sales:

(1) ~~The following standards apply to any fuel sales use that may be approved Fuel Service Stations or Fuel Sales: The following criteria standards apply to any~~ A fuel service station or fuel sales in a business or industrial district use allowed that may be approved as a conditional use or pursuant to a use review shall meet the following standards:<sup>227</sup> ~~A fuel service station use shall comply with Paragraphs (d)(1) through (d)(8) of this section. Fuel sales uses shall comply with all standards except Paragraphs (d)(2) and (d)(6) of this section.~~<sup>228</sup>

~~(A)~~ (A) Any fuel service station that is located adjacent to any residential uses shall meet the requirements of Section 9-2-15, "Use Review," B.R.C. 1981.<sup>229</sup>

~~(B)~~ (B) Areas for the storage of vehicles to be serviced in excess of twenty-four hours are in enclosed areas or shielded from view from adjacent properties.

~~(C)~~ (A) There is adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street.

~~(D)~~ (B) The visual impact of the use is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.

<sup>224</sup> Existing U1 language.

<sup>225</sup> Existing L6 language.

<sup>226</sup> Existing L4 language.

<sup>227</sup> Separating the standards for Fuel Sales from Fuel Service Station. Removed the reference to business or industrial districts because Fuel Sales is also conditional in MU and DT districts and these compatibility standards would be relevant to any district.

<sup>228</sup> Removed the non-applicable sections (all removed standards are listed separately under Fuel Service Station)

<sup>229</sup> Removed this standard here as it was only applicable to fuel service station.

~~(E)(C)~~ \_\_\_\_\_ Dispensing pumps are not located within twenty-five feet of a property line abutting a street.

~~(F)~~ \_\_\_\_\_ In addition to the parking requirements of Sections 9-7-1, "Schedule of Form and Bulk Standards," and 9-9-6, "Parking Standards," B.R.C. 1981, and the stacking requirements of Paragraph (d)(3) of this section, adequate space is provided for the storage of two vehicles per service bay off street.

~~(G)(D)~~ \_\_\_\_\_ The location, size, design, and operating characteristics of the proposed facility are reasonably compatible with the use of nearby properties.

~~(H)(E)~~ \_\_\_\_\_ A minimum landscaped side yard setback of twenty feet and a minimum rear yard landscaped setback of twenty-five feet are required where the use abuts residential uses or residential zoning districts.

~~(H)(F)~~ \_\_\_\_\_ Fuel sales in industrial zones shall only be permitted in association with a convenience retail store pursuant to **Subsection 9-6-4(f)**, B.R.C. 1981.

~~(H)(G)~~ \_\_\_\_\_ Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.

#### (h) Retail Sales:

##### (1) In the MU-2 and MU-3 Zoning Districts:

~~(A)~~ \_\_\_\_\_ Review Process: In the MU-2 and MU-3 zoning districts, retail sales that may be approved ~~are allowed~~ pursuant to a ~~Use Review~~ ~~review required for~~ with a maximum of ~~shall not exceed~~ 5,000 square feet ~~or less~~ in ~~of~~ floor area per individual use. ~~Otherwise, the use is prohibited.~~<sup>230</sup>

##### (2) In the MU-4, BMS, BC-1, BC-2, DT-1, DT-2, and DT-3 Zoning Districts:

~~(K)(A)~~ \_\_\_\_\_ Review Process: In the MU-4, BMS, BC-1, BC-2, DT-1, DT-2, and DT-3 zoning districts, retail sales ~~are allowed~~ by right ~~for less than if each such use has less than~~ 20,000 square feet of floor area ~~per use,~~ otherwise ~~by use review only.~~ Retail sales that are not allowed by right may be approved only pursuant to a use review.<sup>231</sup>

#### (i) Building Material Sales:

##### (1) In the BC-1 and BC-2 Zoning Districts:

~~(A)~~ \_\_\_\_\_ In the BC-1 and BC-2 zoning districts, building material sales ~~are allowed~~ that may be approved pursuant to a ~~Use Review~~ ~~review required for~~ with a maximum of ~~shall not exceed~~ 15,000 square feet ~~or less~~ of floor area ~~per on the lot or parcel.~~ ~~Otherwise, the use is, and are otherwise, otherwise~~ prohibited.<sup>232</sup>

##### (2) In the Industrial Zoning Districts:

~~(L)(A)~~ \_\_\_\_\_ Review Process: In the Industrial zoning districts, building material sales uses are ~~a~~Allowed by right for 15,000 square feet or less of floor area per lot or parcel, ~~otherwise by use review only.~~ Building material sales that are not allowed by right may be approved only pursuant to a use review.<sup>233</sup>

~~Temporary sales~~<sup>234</sup>

## VEHICLE-RELATED USES

#### (j) ~~Automobile parking lots, garages or car pool lots as a principal use~~ Principal Parking Facility:<sup>235</sup>

##### (1) In the DT-1, DT-2, DT-3, and DT-5 Zoning Districts:<sup>236</sup>

~~(A)~~ \_\_\_\_\_ Applicability: In the DT-1, DT-2, DT-3, and DT-5 zoning districts, ~~t~~The following ~~criteria standards shall~~ apply to any automobile parking garage as a principal use on a lot that is over 20,000 square feet ~~in a DT-1, DT-2, DT-3, or DT-5 zoning district: - allowed~~ and may be approved pursuant to a use review:

<sup>230</sup> Existing U2 language.

<sup>231</sup> Existing L11 language.

<sup>232</sup> Existing U3 language.

<sup>233</sup> Existing L13 language.

<sup>234</sup> This use has been consolidated with "temporary outdoor entertainment" and renamed "temporary event".

<sup>235</sup> This use has been renamed to be more concise. A definition for this previously undefined use has been drafted and clarifies that this is only a principal use.

<sup>236</sup> Existing language from 9-6-10(b).

- (i) Building Setbacks: The building shall be set back fifteen feet from any property line adjacent to a public street, but not an alley, for any portions of the building between thirty-five feet and forty-five feet in height. The facade of the building shall be set back thirty feet from any property line adjacent to a public street, but not an alley, for any portions of the building between forty-five feet and fifty-five feet in height. All portions of a building above the permitted height shall also be required to meet the requirements set forth in Section 9-2-14, "Site Review," B.R.C. 1981.
- (ii) Maximum Number of Stories: The requirements for the maximum number of stories set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, shall not be applied to the parking areas within automobile parking garages.
- (iii) First Floor Wrap Required: No person shall build an automobile parking garage pursuant to the provisions of this subsection without providing a first floor retail wrap -meeting the following standards:
  - a. The depth of the retail wrap is a minimum of twenty-five and a maximum of thirty feet;
  - b. The wrap faces on all streets, except alleys, for the entire length of the building, except for those places necessary to provide ingress and egress into the parking areas; and
  - c. The space is used for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zoning district.
- (iv) Second Floor Wrap Required: No person shall build an automobile parking garage pursuant to the provisions of this subsection without providing a second floor wrap meeting the following standards:
  - a. The depth of the second floor wrap is a minimum of fifteen feet and a maximum of thirty feet;
  - b. The second floor wrap faces on all streets, except alleys, for the entire length of the building; and
  - c. The space is for any use otherwise permitted or approved for the zoning district.
- (v) Floor Area Ratio Requirements: The maximum floor area ratio for non-parking uses shall be 0.7:1. Uninhabitable space shall not be included in the floor area ratio calculation for non-parking uses. The floor area ratios set forth in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the floor area ratio requirements applying to the Downtown (DT) districts, as shown in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, shall not be applied to an automobile parking garage.
- (vi) Modified Through Site Review: The provisions in Paragraphs (b)(2), (b)(4), (b)(5) and (b)(6) of this section may be modified as part of a site review pursuant to Section 9-2-14, "Site Review," B.R.C. 1981, if the approving authority finds that the design of the structure provides other features that mitigate the adverse effects of the building on the street and on pedestrians.

(k) Drive-Thru Use:

(1) The following ~~criteria-standards will~~ apply to any drive-thru use that may be approved pursuant to a use review:<sup>237</sup>

- ~~(M)~~(A) No drive-thru facility is allowed in any Downtown (DT) district unless the property is located directly abutting Canyon Boulevard.
- ~~(N)~~(B) Hazardous and other adverse effects on adjacent sites and streets are avoided.
- ~~(O)~~(C) The location of any access to the drive-thru facility from an adjacent street does not impair its traffic-carrying capacity.
- ~~(P)~~(D) Internal circulation and access to and egress from the site do not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.
- ~~(Q)~~(E) Clearly marked pedestrian crosswalks are provided for each walk-in customer access to the facility adjacent to the drive-thru lanes.
- ~~(R)~~(F) The drive-thru use is screened from adjacent rights-of-way and properties through placement of the use, screening, landscaping or other site design techniques.
- ~~(S)~~(G) Environmental impacts, including, without limitation, noise, air emissions and glare are not significant for the employees of the facility or the surrounding area.

<sup>237</sup> Added specificity about criteria applicability.

~~(F)(H)~~ Any curb cuts serving the use are not located within two hundred feet of any intersection of the rights-of-way of any two of the major streets or major arterials shown on the map of major streets.

~~(U)(I)~~ The location, size, design and operating characteristics of the proposed facility are such that the drive-thru operation will be reasonably compatible with and have minimal negative impact on the use of nearby properties.

~~(V)(J)~~ The noise generated on the site is inaudible to adjacent residential uses, measured at or inside the property line of property other than that on which the sound source is located.

~~(W)(K)~~ Nonconforming drive-thrus shall comply with the criteria of Subsection 9-10-2(d), B.R.C. 1981.

(I) Fuel Service Stations:

(1) The following standards apply to any fuel service station that may be approved as a conditional use or pursuant to a use review: ~~Fuel Service Stations or Fuel Sales: The following criteria apply to any fuel service station or fuel sales in a business or industrial district. A fuel service station use shall comply with Paragraphs (d)(1) through (d)(8) of this section.~~<sup>238</sup> ~~Fuel sales uses shall comply with all standards except Paragraphs (d)(2) and (d)(6) of this section:~~

~~(X)(A) General Standards: Any fuel service station that may be approved as a conditional use or pursuant to a use review shall meet the following standards:~~

~~(Y) Any fuel service station that is located adjacent to any residential uses shall meet the requirements of Section 9-2-15, "Use Review," B.R.C. 1981.~~

- ~~(i) Areas for the storage of vehicles to be serviced in excess of twenty-four hours are in enclosed areas or shielded from view from adjacent properties.~~
- ~~(ii) There is adequate space to allow up to three cars to stack in a line at a pump without using any portion of the adjacent street.~~
- ~~(iii) The visual impact of the use is minimized and screened from adjacent rights-of-way and properties through placement of buildings, screening, landscaping, and other site design techniques.~~
- ~~(iv) Dispensing pumps are not located within twenty-five feet of a property line abutting a street.~~
- ~~(v) In addition to the parking requirements of Sections 9-7-1, "Schedule of Form and Bulk Standards," and 9-9-6, "Parking Standards," B.R.C. 1981, and the stacking requirements of Paragraph (d)(3) of this section, adequate space is provided for the storage of two vehicles per service bay off-street.~~
- ~~(vi) The location, size, design, and operating characteristics of the proposed facility are reasonably compatible with the use of nearby properties.~~

~~(vii) A minimum landscaped side yard setback of twenty feet and a minimum rear yard landscaped setback of twenty-five feet are required where the use abuts residential uses or residential zoning districts.~~

~~(viii) Fuel sales in industrial zones shall only be permitted in association with a convenience retail store pursuant to Subsection 9-6-4(f), B.R.C. 1981.~~

~~(vii) Servicing of vehicles is limited to the checking and adding of fluids and air and the cleaning of windows. No other repair or servicing of vehicles is permitted on site.~~

(B) In the BC-1, BC-2, BR-1, BR-1, IS-1, IS-2, and IG Zoning Districts:<sup>239</sup>

(i) Review Process: In the BC-1, BC-2, BR-1, BR-1, IS-1, IS-2, and IG zoning districts, the following review process applies to fuel service stations:

a. Conditional Use: A fuel service station may be approved as a conditional use if it is not located adjacent to any residential uses.

<sup>238</sup> Deleted these standards because these uses have been split up as part of previous amendments, so just keeping the relevant ones for fuel service station.

<sup>239</sup> These are the only districts that the current use table allows approval as a conditional use, so this review process has been outlined with the adjacency to residential use standard used as the trigger for use review in those districts. In all other districts, use review is automatically required.

- b. Use Review: Fuel service stations that may not be approved as a conditional use may be approved only pursuant to a use review.

(m) Sales or Rental of Vehicles:<sup>240</sup>

(1) The following standards apply to any sales or rental of vehicles that may be approved as a conditional use or pursuant to a use review: ~~Sales of Vehicles Within Five Hundred Feet of Residential Use Module:~~

~~(Z) The following criteria shall apply to any use in an industrial or business zoning district for the sale or lease of motor vehicles, mobile homes, campers, boats, motorized equipment and accessories for such vehicles, on a lot or parcel located five hundred feet or less from a residential zoning district:<sup>241</sup>~~

(A) General Standards: Any sales or rental of vehicles approved as a conditional use or pursuant to a use review shall meet the following standards:

- (i) No person shall allow outdoor intercoms and similar devices that electronically amplify sound to be audible at or beyond the property line.
- (ii) The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
- (iii) During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
- (iv) During all other times, outdoor lighting on the property shall be in conformance with the standards set forth in Section 9-9-16, "Lighting, Outdoor," B.R.C. 1981.

(B) In the BCS Zoning District:

- (i) Review Process: In the BCS zoning district, sales or rental of vehicles are allowed by right if the use is not located within 500 feet of a residential zoning district. Sales or rental of vehicles that are not allowed by right may be approved only pursuant to a use review.<sup>242</sup>

(C) In the IS-1, IS-2, and IG Zoning Districts:

- (i) Review Process: In the IS-1, IS-2, and IG zoning districts, sales or rental of vehicles are allowed by right if the use is not located within 500 feet of a residential zoning district. Sales or rental of vehicles that are not allowed by right may be approved only as a conditional use.<sup>243</sup>

(n) Service of Vehicles:<sup>244</sup> ~~with no outdoor storage~~

(1) In the MU-4, BMS, and IM Zoning Districts:

~~(AA)(A) In the MU-4, BMS, and IM zoning districts, outdoor storage is prohibited between the hours of 9 p.m. and 7 a.m. of the following day.<sup>245</sup>~~

(2) In the BCS Zoning District:

(A) In the BCS zoning district, service of vehicles is allowed by right if the use does not include outdoor storage. Service of vehicles that is not allowed by right may be approved only pursuant to a use review.<sup>246</sup>

Service of vehicles with limited outdoor storage

<sup>240</sup> Consolidated this row of the use table with "Sales or rental of vehicles within 500 feet of a residential use module". Standards reflect different approvals when close to residential use.

<sup>241</sup> Removed specific language about different types of vehicles – unnecessary as this is included in the definition of "sales or rental of vehicles".

<sup>242</sup> In BCS, "Sales or rental of vehicles within 500 feet of a residential use module" is currently a U in the use table. Since we are consolidating the rows, this specification is added here instead.

<sup>243</sup> In these districts, "Sales or rental of vehicles within 500 feet of a residential use module" is currently a C in the use table. Since we are consolidating the rows, this specification is added here instead.

<sup>244</sup> Consolidating "Service of vehicles with no outdoor storage" and "Service of vehicles with limited outdoor storage" into one use, with standards reflecting the differences between them.

<sup>245</sup> In these districts, "Service of vehicles with limited outdoor storage" is currently prohibited. Since the two uses are being consolidated, this reflects that prohibition. The specification of "between the hours of 9 p.m. and 7 a.m. of the following day" has been pulled from the current definition of "service of vehicles with no outdoor storage" to maintain that specificity.

<sup>246</sup> In BCS, "Service of vehicles with limited outdoor storage" is current a U in the use table. Since the two uses are being consolidated, this reflects that different approval process.



# INDUSTRIAL USES

~~Computer design and development facilities~~

~~In the DT-4 Zoning District~~

~~(BB) 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.<sup>247</sup>~~

(o) Manufacturing Uses:

(1) In the MU-4 and BCS Zoning Districts:

(A) Review Process: In the MU-4 and BCS zoning districts, manufacturing uses are ~~A~~ allowed by right ~~for with a~~ maximum of 15,000 square feet ~~or less~~ of floor area per lot or parcel, ~~and are~~ otherwise prohibited.<sup>248</sup>

(2) In the IS-1 and IS-2 Zoning Districts:

(A) Review Process: In the IS-1 and IS-2 zoning districts, manufacturing uses are ~~A~~ allowed by right ~~for with a~~ maximum of 15,000 square feet ~~or less~~ of floor area per lot or parcel, ~~otherwise by use review only. A~~ manufacturing use that is not allowed by right may be approved only pursuant to a use review.<sup>249</sup>

(p) Manufacturing Uses with Potential Off-Site Impacts:

~~(2)(1)~~ (1) All manufacturing uses with potential off-site impacts which may produce effects on the environment that are measurable at or beyond the property line, may be ~~permitted~~ approved pursuant to ~~Section 9-2-15, "Use Review," B.R.C. 1981a~~ use review, provided that such uses shall demonstrate that such effects are not detrimental to the public health, safety or general welfare; that any noise, smoke, vapor, dust, odor, glare, vibration, fumes or other environmental contamination is controlled in accordance with applicable city, state or federal regulations; and that a plan of control for the above effects on the environment and an estimate of the measurement of each at the property lines is submitted at the time of such use review application.<sup>250</sup>

(q) Outdoor Display of Merchandise:

~~(3)(1)~~ (1) The following ~~criteria-standards~~ apply to the outdoor display of merchandise.<sup>251</sup>

- ~~(A)~~ Merchandise shall not be located within any required yard adjacent a street;~~;~~
- ~~(B)~~ Merchandise shall not be located within or obstruct required parking and vehicular circulation areas or sidewalks;~~;~~
- ~~(C)~~ Merchandise shall be screened to the extent possible from the view of adjacent streets; ~~and-~~
- ~~(D)~~ Outdoor display is for the temporary display of merchandise and not for the permanent storage of stock.

~~(e)(r)~~ (r) ~~Recycling Collection Facilities -- Large;~~<sup>252</sup>

(1) ~~Large Recycling Collection Facilities;~~ Large recycling collection facilities that may be approved pursuant to a use review shall meet the following standard~~s~~ ~~comply with and be operated and maintained in accordance with the provisions of this subsection and with the terms of the use review approval. A large collection facility shall meet all setback and~~

<sup>247</sup> Existing L1 language.

<sup>248</sup> Existing L14 language.

<sup>249</sup> Existing L13 language.

<sup>250</sup> Existing language from 9-6-10(e).

<sup>251</sup> Existing language from 9-6-10(g).

<sup>252</sup> Existing language from 9-6-10(h), which currently consolidates the standards for all three different types of recycling uses. They have been split into separate sections to align with each use separately. This language for large recycling facilities is from 9-6-10(h)(3).

~~landscaping requirements of the zoning district in which it is located, and shall meet the following additional conditions/standards for use review:~~

~~(A) The facility shall meet all setback and landscaping requirements of the zoning district in which it is located.~~

~~(A)(B) \_\_\_\_\_~~ The facility shall not abut a property zoned for residential use.

~~(B)(C) \_\_\_\_\_~~ The facility shall be screened from the public right-of-way by operating:

(i) Within an enclosed building, or

(ii) Within an area enclosed by an opaque fence at least seven feet in height with landscaping, and at least one hundred and fifty feet from property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use.

~~(C)(D) \_\_\_\_\_~~ All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage shall be in containers approved by the city fire department. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing.

~~(D)(E) \_\_\_\_\_~~ The site shall be maintained free of vermin infestation and shall be cleaned of litter and loose debris on at least a daily basis.

~~(E)(F) \_\_\_\_\_~~ One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements are as required in the zone, except that parking requirements for employees may be reduced if it can be shown that such parking spaces are not necessary, such as when employees are transported in a company vehicle to the work facility.

~~(F)(G) \_\_\_\_\_~~ If the facility is located within five hundred feet of property zoned, planned under the Boulder Valley Comprehensive Plan, or occupied for residential use, it shall not operate between 7:00 p.m. and 7:00 a.m.

~~(G)(H) \_\_\_\_\_~~ Any container provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.

~~(H)(I) \_\_\_\_\_~~ The containers shall be clearly marked to identify the type of materials that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

~~(I)(J) \_\_\_\_\_~~ The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

~~(J)(K) \_\_\_\_\_~~ ~~Power driven processing, including aluminum foil and can compacting, baling, plastic shredding or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through special review.~~<sup>253</sup>

(s) Recycling Collection Facilities -- Small.<sup>254</sup>

~~(2) General Requirements: Small recycling collection facilities, large recycling collection facilities and recycling processing facilities shall comply with and be operated and maintained in accordance with the provisions of this subsection and with the terms of their special review approval.~~

~~(3) Small Recycling Collection Facilities: Small recycling collection facilities that may be approved as a conditional use or pursuant to a use review shall meet the following standards: shall comply with and be operated and maintained in accordance with the provisions of this subsection and with the terms of the conditional use or use review~~

<sup>253</sup> Deleted as this always requires use review and power-driver processing is specified in the definition of this use. Pulled over specific language into definition.

<sup>254</sup> Existing language from 9-6-10(h)(2).

~~approval. A small recycling collection facility shall not exceed seven feet in height, shall not be located within thirty feet of land zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use, shall be screened from the public right-of-way and adjacent properties by an opaque fence at least seven feet high, and shall meet the following additional conditions:~~

(1)

~~(A)~~ (A) The facility shall not exceed seven feet in height.

~~(B)~~ (B) The facility shall not be located within thirty feet of land zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use.

~~(C)~~ (C) The facility shall be screened from the public right-of-way and adjacent properties by an opaque fence at least seven feet high.

~~(A)(D)~~ (D) A facility is permitted only in conjunction with an existing conforming commercial use or public use.

~~(B)(E)~~ (E) Space that will be periodically needed for removal of materials or exchange of containers is not counted toward the two hundred fifty square foot limit.

~~(C)(F)~~ (F) The fence opacity and height screening requirements may be modified or waived by the city manager upon a finding that the design and configuration of the containers in which the recyclable materials are to be deposited are such that screening by such a fence is not necessary.

~~(D)(G)~~ (G) The facility shall use no power-driven processing equipment, except for reverse vending machines.

~~(E)(H)~~ (H) All containers shall be constructed of durable waterproof and rustproof material, maintained in that condition, covered when the site is not attended, and secured from unauthorized entry or removal of material.

~~(F)(I)~~ (I) All recyclable material shall be stored in the containers when an attendant is not present.

~~(G)(J)~~ (J) The facility shall be maintained free of vermin infestation, and mobile facilities, at which the collection truck or other container is removed at the end of each collection day, shall be swept at least at the end of each collection day.

~~(H)(K)~~ (K) Collection of deposited recyclable material from a facility located within one hundred feet of a property zoned or occupied for residential use shall occur only during the hours between 7:00 a.m. and 7:00 p.m.

~~(I)(L)~~ (L) Containers shall be clearly marked to identify the type of material which may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling enclosure or containers.

~~(J)(M)~~ (M) Any signs relating to the facility in an approved site review shall be consistent with the approved uniform sign program pursuant to Subsection 9-9-21(k), B.R.C. 1981.

~~(K)(N)~~ (N) The facility shall not impair any required landscaping.

~~(L)(O)~~ (O) No additional parking spaces are required for customers of a small collection facility located at the established parking lot of a host use, but one additional space shall be provided for the attendant, if needed.

~~(M)(P)~~ (P) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

~~(N)(Q)~~ (Q) Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host use unless a parking study shows the existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

~~(O)(t)~~ (t) Recycling Processing Facility:

- (1) ~~Recycling Processing Facilities: Recycling processing facilities shall comply with and be operated and maintained in accordance with the provisions of this subsection and with the terms of the use review approval that may be approved as a conditional use or pursuant to a use review shall meet the following standards:- A recycling processing facility shall not be located within one hundred fifty feet of land zoned, planned in the Boulder Valley Comprehensive Plan or occupied for residential use, and shall comply with the following additional conditions standards for use review.~~<sup>255</sup>

~~(A)~~ The facility shall not be located within one hundred fifty feet of land zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use.

~~(A)~~~~(B)~~ Processors shall operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than seven feet in height and landscaped on all street frontages.

~~(B)~~~~(C)~~ Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.

~~(C)~~~~(D)~~ All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized. Storage containers for flammable materials shall be constructed of nonflammable material. Oil storage shall be in containers approved by the city fire department. No storage, except for truck trailers or overseas containers, shall be visible above the height of the fencing.

~~(D)~~~~(E)~~ The site shall be maintained free of vermin infestation, shall be cleaned of litter and loose debris on at least a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.

~~(E)~~~~(F)~~ Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers or the peak load, whichever is higher, unless the city manager determines that allowing overflow traffic is compatible with surrounding businesses and public safety.

~~(F)~~~~(G)~~ One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as required for the zone in which the facility is located.

~~(G)~~~~(H)~~ If the facility is located within five hundred feet of property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open.

~~(H)~~~~(I)~~ Any containers provided for after-hours donation of recyclable materials shall be at least fifty feet from any property zoned, planned in the Boulder Valley Comprehensive Plan, or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

~~(I)~~~~(J)~~ Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

~~(J)~~~~(K)~~ No dust, fumes, smoke, vibration, or odor from the facility shall be detectable on neighboring properties.

~~—Telecommunications; use~~

~~—In the MU-4, BMS, and DT-4 Zoning Districts~~

~~(K) 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.~~<sup>256</sup>

## 9-6-8,9-6-10. Specific Use Standards – Accessory Uses

<sup>255</sup> Existing language from 9-6-10(h)(4). Added specificity about use review.

<sup>256</sup> Existing L1 language.

(a) Accessory Buildings ~~and or~~ Uses:

### ~~9-6-9.9-6-11. Conditional Use and Use Review~~ **Specific Use Standards – Agriculture and Natural Resource Uses.**

(a) Community Gardens:<sup>257</sup>

(1) Applicability: The following ~~criteria-standards~~ apply to all community garden uses. ~~No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C 1981, is required.:~~

- (A) Retail ~~use-Use prohibited~~~~Prohibited-:~~ Sales of goods or products are prohibited on the community garden unless otherwise permitted by **Subsection 9-6-5(c)**, "Temporary ~~Sales or Outdoor Entertainment~~~~Event~~," B.R.C. 1981, or within any commercial use permitted within a nonresidential zoning district.
- (B) Use of ~~manure~~~~Manure-:~~ No person shall store or use manure in a community garden unless it is dried and unless it is tilled into the ground within forty-eight hours of delivery.
- (C) Water ~~conveyance~~~~Conveyance-:~~ The site must be designed and maintained so that water is conveyed off-site into a city right-of-way or drainage system without adversely affecting adjacent property.
- (D) Water ~~conservation~~~~Conservation-:~~ No person shall use sprinkler irrigation between the hours of 10 a.m. and 6 p.m. Drip irrigation or watering by hand with a hose may be done at any time.
- (E) Mechanized ~~equipment~~~~Equipment-:~~ No person shall operate mechanized equipment, including, without limitation, lawn mowers, roto-tillers, garden tractors, and motorized weed trimmers, between the hours of 8 p.m. and 8 a.m. Monday through Friday, and between the hours of 8 p.m. and 10 a.m. Saturday and Sunday.
- (F) Maintenance-: No person shall fail to maintain the community garden in an orderly manner, including necessary watering, pruning, pest control, and removal of dead or diseased plant materials and otherwise in compliance with the provisions of Title 6, "Health, Safety and Sanitation," B.R.C. 1981.
- (G) Trash/~~compost~~~~Compost-:~~ No person shall fail to screen trash and compost receptacles from adjacent properties through landscaping, fencing, or storage within structures and remove trash and compost from the site weekly. Compost piles shall be set back at least ten feet from any property line.
- (H) Setbacks-: Structures accessory to the community garden use, such as accessory storage or utility buildings, gazebos, trellises, or accessory greenhouse structures, and activity areas exclusive of garden plots, shall comply with all applicable principal structure form and bulk standards in the applicable ~~zoning~~ district per Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981.
- (I) Identification and Contact Information-: No person shall establish the use until the community garden operator or coordinator has executed and filed an affidavit with the city manager confirming compliance of the use with the standards of this subsection. A sign shall be posted clearly visible from the public right-of-way that includes the name and contact information of the garden manager or coordinator. ~~No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C 1981, is required.~~

(b) Oil and Gas Operations: The following criteria apply to oil and gas operations:<sup>258</sup>

(4) Pre-Application Meeting Required: No person shall file an application for an oil and gas operations use, including an application for geophysical exploration pursuant to this subsection **(b)**, until a pre-application review has been completed including a meeting with the city manager. The purpose of the meeting is for the city manager to review the proposed oil and gas operation use in a manner that ensures compliance with city standards

<sup>257</sup> Existing standards from 9-6-5(a). Moved sentence about no administrative review required to make more clear that this is not a conditional use, these are simply use standards.

<sup>258</sup> Existing standards adopted 2021 – no changes proposed other than to update cross-references as noted here.

and applicable state and federal regulations. The meeting will also enable the operator and city to explore site-specific concerns associated with the proposed locations, discuss project impacts and potential mitigation methods, including field design and infrastructure construction to avoid, minimize and mitigate adverse impacts, to discuss coordination of field design with other existing or potential development and operators, to identify sampling and monitoring plans for air and water quality, and other elements as required by these rules. The meeting shall occur at least sixty days before any development review application is filed. Any applicant of a pre-application shall submit registration materials meeting the requirements of **Section 9-6-12(b)(14)(A)**, B.R.C. 1981 and which must be accepted as complete by the city at least 60 days prior to scheduling a pre-application meeting.

.....

(11) Use Review Application Requirements for Oil and Gas Operations: In addition to any information required by Section 9-2-15, "Use Review," B.R.C. 1981, the applicant shall provide the following information:

.....

(AA) The following detailed reports and plans prepared by independent experts, engineers, or consultants referenced in this section to be retained by the applicant and subject to approval by the city manager and necessary to determine compliance with the standards and criteria of this section:

.....

- (ii) Odor Plan: A list of all odor reduction measures that will be used to address the predicted odors from the proposed oil and gas facilities and operations and meet **Section 9-6-12(b)(12)(E)**, B.R.C. 1981. Identification of all natural features (e.g., topography, prevailing wind patterns, vegetation) that will aggravate or mitigate odor impacts on the areas within two thousand feet of the parcel(s) where the oil and gas facilities are proposed to be located. At a minimum, the plan shall indicate that the applicant will notify the city manager in writing of any complaints no later than twenty-four hours after receipt.

.....

**Table 6-7: WATER QUALITY ANALYTES**

General Water Quality	Alkalinity Conductivity & TDS pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, including Total Coliform and E. Coli, Hydrogen Sulfide
Major Ions	Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, Nitrate + Nitrite as N (total)
Metals (to be analyzed in dissolved form)	Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium
Dissolved Gases and Volatile Organic Compounds	Methane, Benzene, Toluene, Ethylbenzene, Xylenes (BTEX); Total Petroleum Hydrocarbons (TPH)
Other	Water Level, Stable isotopes of water (Oxygen, Hydrogen), Carbon Phosphorus, Radionuclides, Tracing materials associated with operator's fracking fluid as identified in the water quality report and plan pursuant to <b>Section 9-6-12(b)(11)(AA)(x)</b> , B.R.C. 1981.

.....

(xii) Water Management Plan: An independent expert's recommendation of measures that will avoid or minimize the impacts identified in subsection (b)(11)(AA)(xi)d. above and address the water use standards in Subparagraph **9-6-12(b)(12)(M)**, B.R.C. 1981. The plan shall include an estimate of the amount of produced water and other wastewater that will be generated by the proposed oil and gas operations, including a description and evaluation of potential flowback and produced water volume

reduction options through recycling, reuse or other beneficial uses and the rationale for the methods to be employed.

.....

(13) Conditions of Approval and Operating Standards for Oil and Gas Operations Use: The approving authority will not approve an application unless the applicant demonstrates that the oil and gas operation use will avoid or minimize and mitigate impacts to the public health, safety and welfare and the environment. If the application is approvable, the approving authority may add conditions if they are necessary for the application to meet the review criteria or to ensure compliance with the standards in this subsection (b). Conditions may include but are not limited to the following:

.....

(U) Odor:

.....

(i) Compliance with Section 9-6-12(b)(12)(E), B.R.C. 1981, including on-going monitoring for compliance.

.....

## Chapter 9-16: Definitions

Accessory dwelling unit means a separate and complete single housekeeping unit within a detached dwelling unit or within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located, permitted under the provisions of [Subsection 9-6-43\(am\), B.R.C. 1981](#)<sup>259</sup>.

~~Addiction recovery facility means a facility that may permit short term overnight stays that provides for the treatment of persons having drug or alcohol abuse problems under the supervision of professional health care or social services providers.~~<sup>260</sup>

~~Adult education facility means an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older.~~<sup>261</sup>

Animal hospital ~~and or~~ veterinary clinic means a place where animals or pets are given medical or surgical treatment and where the boarding of animals is limited to those receiving medical care or treatment.

Art or craft studio ~~space~~<sup>262</sup> means the workshop of an artist, sculptor, photographer, craftsperson, furniture maker, or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery.

Attached accessory dwelling unit means a separate and complete single housekeeping unit within a detached dwelling unit, permitted under the provisions of [Subsection 9-6-3\(am\), B.R.C. 1981](#).

Building and landscaping contractors<sup>263</sup> means the various trades that make up the construction and landscape industry such as plumbing, carpentry, electrical, mechanical, painting, roofing, concrete, landscaping, and irrigation.

Car-pool lot<sup>264</sup> means a facility used for parking of vehicles where the occupants of such vehicles are transported to and from other destinations via mass transit or carpool.

~~Care and shelter means a use category that includes uses characterized by providing temporary care and shelter facilities on a short-term basis.~~<sup>265</sup>

~~Car wash means a facility used for the washing and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment, by hand or with manually operated equipment or automatic machinery.~~<sup>266</sup>

~~Cleaning and laundry plant means an establishment that cleans garments, fabrics, or draperies. The plant is generally not visited by individual customers, but rather by commercial dry cleaning drop-off services. This definition includes uses such as rug cleaning or repair service, pressing of garments or fabrics, carpet or upholstery, industrial launderers, and linen supply.~~<sup>267</sup>

~~Club or lodge means a nonprofit organization with established formal membership requirements and bylaws, and with the objective of providing for the interests of its members.~~<sup>268</sup>

<sup>259</sup> May need to update cross-reference.

<sup>260</sup> Addiction recovery facility has always been tied with “medical or dental office or clinic” in the Use Table and other parts of the Land Use Code. The definition has been incorporated within the “medical or dental office or clinic” definition instead of as a standalone definition. This change does not impact the regulation of these facilities but merely simplifies the definitions as they are currently regulated.

<sup>261</sup> “Adult education facility” has been renamed “Specialized instruction facility” to consolidate it with “vocational or trade school” and relocated accordingly in the alphabetical list.

<sup>262</sup> Updated use type title to be more concise.

<sup>263</sup> Updated to singular to be consistent with all other use definitions.

<sup>264</sup> Changed to one word as it is more commonly used (even within this definition).

<sup>265</sup> New definition for new use category in the table.

<sup>266</sup> Existing use in the use table that was not defined.

<sup>267</sup> Existing use in use table that was not defined.

<sup>268</sup> Existing definition for “Nonprofit membership club”. Definition has not been changed, but the name of the use has been renamed to “club or lodge” and thus moved here alphabetically.



Cold storage locker means an establishment primarily engaged in the warehousing and storage of perishable goods under refrigeration. The establishment may also rent locker space for the storage of food products for individual households and provide incidental services for processing, preparing, or packaging such food for storage.<sup>269</sup>

College or university means a post-secondary education provided by a public or private institution which awards associate, baccalaureate, or higher degrees, but does not include ~~an adult education facility or vocational or trade school~~ a specialized instruction facility.<sup>270</sup>

Community, cultural, and educational means a use category that includes uses providing local services directly to people of the community. They are typically of a public, non-profit, or charitable nature but may also include for-profit institutions.<sup>271</sup>

Community services means an organization whose activities are conducted for the benefit of the community and not for the gain of any private person or organization, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, cultural, charitable, scientific, historical, athletic, or medical activities.<sup>272</sup>

Conditional use means a use that is allowed within a zoning district after demonstrating compliance with specific ~~criteria~~ use standards.

Congregate care facility means a facility for long-term residence:

Where at least eighty percent of the occupied units are occupied by at least one person who is sixty-five years of age or older;

The facility is in compliance with the requirements of the federal Fair Housing Act, 42 U.S.C. § 3601, et seq., and the Colorado Housing Practices Act, § 24-34-501, et seq., C.R.S., with respect to housing for older ~~persons~~ adults; and

Which shall include, without limitation, common dining and social and recreational features, special safety and convenience features designed for the needs of ~~the elderly~~ older adults,<sup>273</sup> such as emergency call systems, grab bars, and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which must include at least three of the following: meal services, transportation, housekeeping, linen, and organized social activities.

Data processing ~~facilities~~ facility means a facilities ~~facility~~ where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

Daycare, ~~home~~<sup>274</sup> means a facility:

- (1) Licensed by the state, if applicable;
- (2) Which is located within a dwelling unit; and
- (3) Providing care for twelve or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are included in the total.

<sup>269</sup> Existing use in use table that was not defined.

<sup>270</sup> Modified because "adult education facility" and "vocational or trade school" have been combined into a single "specialized instruction facility" use.

<sup>271</sup> New definition for new category in use table.

<sup>272</sup> This use has been renamed from "public or private office uses providing social services" as Housing & Human Services staff recommended that Community Services better represents the overarching term commonly used to describe these types of uses. No other changes to definition. Moved definition to correct new alphabetical order.

<sup>273</sup> "Older adults" is the more commonly used term.

<sup>274</sup> Comma added for consistency with use table.

Detached accessory dwelling unit means a separate and complete single housekeeping unit within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located that is permitted under the provisions of **Paragraph 9-6-3(am)(3), B.R.C. 1981.**<sup>275</sup>

~~Developmentally disabled person means a person with a temporary or permanent, emotional or mental disability such as mental retardation, cerebral palsy, epilepsy, autism, Alzheimer's disease, and emotional disturbances, but does not include mentally ill persons who are dangerous to others.~~<sup>276</sup>

Duplex means a structure containing only two dwelling units.<sup>277</sup>

Equipment repair and rental ~~with outdoor storage~~ means a business that rents and/or repairs items such as tools, construction, lawn, garden, building maintenance, party equipment, and the rental of moving trucks and trailers, but does not include an automobile repair or rental facility, and may include outdoor storage of equipment.<sup>278</sup>

Essential municipal and public utility services<sup>279</sup> means distribution, collection, communication, supply or disposal systems, including, without limitation, poles, wires, transformers, disconnects, regulators, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories that are reasonably necessary for public utilities or the city to furnish adequate service or for the public health, safety, or welfare.

Firewood operation means a commercial facility where wood is cut, processed, and/or stored in any form for use as firewood primarily at other locations.<sup>280</sup>

Food, for the purposes of Subparagraph **9-6-5(b)(2)(H)(ii), B.R.C., 1981,** means nourishment in solid form consumed for the purpose of sustenance, but also includes soup, coffee and tea drinks, soft drinks, water, fruit juice and smoothies, ~~milk,~~ and milk and yogurt products.<sup>281</sup>

Food, beverage, and lodging means a use category that includes uses serving prepared food or beverages for consumption on or off the premises or providing lodging, meals, and similar services to transient visitors for a defined period.<sup>282</sup>

Fraternity or sorority means a building which is occupied only by a group of university or college students and support staff who are associated together in a social organization, which is officially recognized by a college or university, and includes services such as lodging or meals on the premises for compensation from the fraternity or sorority.<sup>283</sup>

Group home facility means a residential facility providing custodial care and treatment ~~in a protective living environment for the handicapped people living with disabilities or the aged person for older adults.~~ This category of facility includes, without limitation, group homes for ~~persons~~ people who are sixty years of age or older, group homes for ~~the people with intellectual and developmentally disabled disabilities~~ or mentally ill ~~ness, drug or alcohol abuse or rehabilitation centers, substance use disorder treatment centers,~~ and facilities for ~~persons~~ people with ~~acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection.~~<sup>284</sup>

Group living means a use category that includes uses characterized by residential occupancy of a structure by a specified group of people. The residents may receive any combination of care, meals, or treatment, as long as they also reside at the site.<sup>285</sup>

<sup>275</sup> May need to update citation.

<sup>276</sup> This term only was used in the definition of "group home facilities" which has been updated to include different language, so this term is no longer used in the land use code and is being removed.

<sup>277</sup> Added clarity that a duplex may only contain two units.

<sup>278</sup> Renamed in use table as definition already specifies that it may have outdoor storage, so reflecting that change here.

<sup>279</sup> Singular to be consistent with all use definitions.

<sup>280</sup> New definition for existing use in table that was not previously defined.

<sup>281</sup> Spelling change and duplicative language removed.

<sup>282</sup> New definition for new category in use table.

<sup>283</sup> New definition for existing use in table that was not previously defined. Typically grouped as fraternity, sorority, or dormitory in most parts of the code.

<sup>284</sup> Clarifying edits and more commonly used language incorporated based on stakeholder suggestions.

<sup>285</sup> New definition for group living category (renamed from current "group quarters" category in use table).

Heliport means a designated takeoff and landing area for helicopters. A heliport includes only tie down space and additional facilities required by law, ordinance, or regulation.<sup>286</sup>

Hotel~~/ or motel~~<sup>287</sup> means an establishment that offers temporary lodging in rooms, for less than one month, and may include a restaurant, meeting rooms, and accessory uses and services, including, without limitation, newsstands, gift shops, and similar incidental uses conducted entirely within the principal building but excludes a bed and breakfast, as defined in this section.

Household living means a use category that includes uses characterized by the residential occupancy of a dwelling unit that functions as a single household, and includes mobile home parks.<sup>288</sup>

Indoor ~~amusement commercial recreation establishment~~ means a commercial operation for entertainment open to the public without membership requirements, including, without limitation, bowling alleys, indoor arcades, theaters, pool halls, skating rinks, dance halls, and reception/banquet facilities.<sup>289</sup>

Indoor ~~recreational or~~ athletic facility means an indoor facility where persons participate in ~~recreational or~~ athletic activities, including, without limitation, a martial arts school, dance studio, and an exercise and health club.<sup>290</sup>

Industrial service center means nonresidential uses in an industrial district that are constructed and operated in accordance with the standards in Section 9-6-10(i), B.R.C. 1981.<sup>291</sup>

Industrial services means a use category including uses that involve the repair, servicing, or storage of industrial, business, or consumer machinery, equipment, products, or by-products. Services may be performed off-site. Few customers from the general public come to the site.<sup>292</sup>

Infrastructure means a use category that includes uses characterized by infrastructure that keeps the city operating.<sup>293</sup>

Limited accessory unit means an existing nonconforming duplex or two detached dwelling units located on the same lot and within the R1 use module that has been approved in compliance with the standards in Section 9-6-4(a)(4).<sup>294</sup>

Limited use means a use that is allowed within a zoning district if specific limitations are met.<sup>295</sup>

Maintenance means any activity undertaken to repair or prevent the deterioration, impairment, or failure of any previously constructed improvement or structure, including, without limitation, the replacement of structural components. Maintenance also includes the addition of material to reinforce or protect the integrity of an existing public facility. Maintenance does not include reconstruction that materially enlarges or expands a facility or total replacement of an existing structure. (Wetlands)

Manufacturing use with potential off-site impacts means all research and development facilities, testing laboratories and facilities for the manufacturing, fabrication, processing, or assembly of products which may produce effects on the environment that are measurable at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination is controlled in accordance with applicable city, state, or federal regulations, ~~but not including computer design and development facilities nor telecommunications and electronic communications uses.~~<sup>296</sup>

Manufacturing uses means research and development facilities, testing laboratories, and facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are completely enclosed and provided that any

<sup>286</sup> New definition for existing use in table that was not previously defined (Airport or heliport), where airport is already a defined term.

<sup>287</sup> Changed to "hotel or motel" which is how they are referred to most commonly throughout the code.

<sup>288</sup> New definition for new category within table.

<sup>289</sup> New use title. This is another common way other cities identify this use.

<sup>290</sup> Name updated to more clearly differentiate this use from "indoor amusement" which is being renamed "indoor commercial recreation".

<sup>291</sup> New definition for existing use in table that was not previously defined. Modeled after definition of neighborhood business center.

<sup>292</sup> New definition for new category in use table.

<sup>293</sup> New definition for new category in use table.

<sup>294</sup> Added this as there was no previous definition.

<sup>295</sup> Removed as limited uses are being reconfigured as allowed uses subject to specific use standards.

<sup>296</sup> Removed reference to computer design and development facilities, telecom/electronic communications as these have been folded into technical office.

noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination produced by such facility is confined to the lot upon which such facilities are located and is controlled in accordance with applicable city, state, or federal regulations, ~~but not including computer design and development facilities nor telecommunications and electronic communications uses.~~<sup>297</sup>

Medical ~~and dental~~ laboratory means a facility that provides services to the medical community such as pathological testing, dental services including the manufacturing of orthodontic appliances, crowns, and dentures, and the manufacturing of prosthetics and orthopedic appliances.<sup>298</sup>

Neighborhood business center means nonresidential uses in a residential district that are constructed and operated in accordance with the standards **of Subsection XXX9-6-9(f), B.R.C. 1981.**

~~Nonprofit membership club means a nonprofit organization with established formal membership requirements and bylaws, and with the objective of providing for the interests of its members.~~<sup>299</sup>

Non-vehicular repair and rental services<sup>300</sup> means a business that primarily provides services rather than goods ~~and does not include outdoor storage~~, such as: appliance repair, electronics repair, furniture repair, small power equipment repair, and tool and equipment rental ~~without outdoor storage~~.

~~Office means the principal use of a room or rooms for the conduct of business by persons, including, without limitation, administrative offices, professional offices, and technical offices where there is no display of merchandise and the storage and sale of merchandise is clearly incidental to the service provided, but excluding medical or dental clinics or offices.~~<sup>301</sup>

Office uses means a use category characterized by uses providing executive, management, medical, administrative, or professional services. Office uses may or may not offer services to the public and are not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, and are not engaged in the repair of products or retail services. There is no display of merchandise and the storage and sale of merchandise is clearly incidental to the service provided.<sup>302</sup>

Office, accessory means an office ~~accessory use~~ subordinate to, a necessary part of, and ~~in the same building on the same lot with as~~ the principal business, commercial, or industrial use, including, without limitation, administrative, record-keeping, drafting, and research and development offices.<sup>303</sup> An accessory office is considered an accessory use.

~~Office, other means office uses not included in the administrative, professional, or technical office categories.~~<sup>304</sup>

~~Office, M~~medical or dental clinic or office means the clinic or office of physicians, medical doctors, chiropractors, or dentists licensed to practice medicine or dentistry in the State of Colorado, where the primary use is the delivery of health care services, where sale of merchandise is incidental to the delivery of services, ~~and where no overnight accommodations are provided. This use includes addiction recovery facilities that provide for the treatment of persons having drug or alcohol abuse problems under the supervision of professional health care or social services providers. With the exception of addiction recovery facilities~~

<sup>297</sup> Removed reference to computer design and development facilities, telecom/electronic communications as these have been folded into technical office.

<sup>298</sup> Removed specification of “dental” to make use title more concise – definition unchanged.

<sup>299</sup> Renamed “club or lodge” and moved to appropriate place in alphabetical list.

<sup>300</sup> Added hyphen for consistency with use table. Clarified that no outdoor storage is permitted as part of this use type (use table previously specified “without outdoor storage” in this line of the table).

<sup>301</sup> Previous definition of “office” has been updated below to be incorporated within the definition for the “office” use category.

<sup>302</sup> New definition for new use category, incorporating previous general definition for “office”.

<sup>303</sup> Modification to ensure that accessory offices in a separate building on the same property are considered accessory. Other modifications made to the definition of “accessory use” to clarify the greater flexibility for accessory office.

<sup>304</sup> The “other office” use is rarely utilized, very uncommon compared to cities around the country, and is permitted in all the same districts as a professional office, leaving it superfluous.

which may permit short-term overnight stays, no overnight accommodations are provided. This use does not include group home facilities, or residential, custodial, or congregate care facilities, or medical laboratories.<sup>305</sup>

Office, professional means offices of firms or organizations providing professional service to individuals and businesses, Examples including include, without limitation, accountants accounting, architects, attorneys legal, insurance brokers, realtors real estate, investment counselors, and therapists counseling services, where a majority of client contact may occur regularly at the office, but not including Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use type. This use does not include technical, medical, dental, or administrative offices, or uses otherwise listed in the use table.<sup>306</sup>

Office, technical means offices of businesses providing professional services in a technical field, These uses are This use type is characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They These establishments primarily provide services to other businesses. Examples include including, without limitation, publishers, architecture, engineering, graphic, design, industrial, and interior design, biotechnology or life sciences, and surveying, telecommunications, computer design and development, and data processing. These establishments do not require customers or clients to visit the site; any such visits are infrequent and incidental. offices, where a majority of client contact occurs at the client's place of business or residence, but not This use does not include including professional, or medical, dental, or administrative offices, or uses otherwise listed in the use table.<sup>307</sup>

Open space, park, s and recreation uses<sup>308</sup> means uses which include playfields, playgrounds, athletic facilities, and golf courses, and open space, which are owned by a public agency, a neighborhood or homeowners association and is operated for the benefit of the residents of the community, neighborhood or homeowners association.

Outdoor recreation or entertainment means a use of land which provides recreation or entertainment services partially or entirely outside of an enclosed building operated as a business and open to the public for a fee or admission charge, including, without limitation, batting cages, driving ranges, miniature golf facilities, private golf course, outdoor tennis clubs or other court games, skating rinks, archery ranges, amusement parks, or go-cart tracks.<sup>309</sup>

Outdoor storage means an area of land or unenclosed building where goods may be stored as a principal use in an unclimatized environment without climate control, including, without limitation, automobiles, boats, recreational vehicles, and contractors' supplies, but does not include junk yards.<sup>310</sup>

Pasture means land that is primarily unimproved, except for limited passive agricultural uses such as the feeding of livestock or horses.<sup>311</sup>

<sup>305</sup> The use table currently lists "medical or dental clinics or offices or addiction recovery facilities". To simplify the use type title, the definition of addiction recovery facilities has been clarified here to be included within a "medical office." Additional clarification related to overnight stays and care facilities added as well.

<sup>306</sup> Updated definition for professional office. Clarifies that client contact may occur regularly, but does not necessarily require it. Incorporates administrative offices into this definition, and relocates architecture to technical offices instead. Some modifications to terms to consistently reference different types of service provided. Added clarification that coworking spaces may be considered a professional office use.

<sup>307</sup> Updated definition for technical office. Additional clarity regarding science, technology, and design intended to make use interpretation easier for staff to administer and more consistent. Architecture use moved from "professional office" to here as it shares many similarities with engineering. The only impact that this change would have would be on existing architecture firms located in the MU-4 district, which would now require a use review when classified as a "technical office" if over 5,000 sf in size. Due to the very limited land area zoned MU-4 it is believed that this will not have any impact on existing businesses as none were identified that are over 5,000 sf. Also adding interior design as another example. Biotechnology and life sciences added as these are common office types unrepresented by the current definition. Overly specific uses of telecommunications, data processing, and computer design and development have been folded into this use. Additional clarity provided regarding client contact.

<sup>308</sup> Made singular for consistency. Incorporated "open space" into this definition to reflect more common practice of peer cities. Moved this up so it was in the correct place alphabetically.

<sup>309</sup> Clarification based on zoning interpretations to add "outdoor recreation" to this definition. Several additional examples of uses are proposed that are commonly referenced in peer cities.

<sup>310</sup> Updated to clarify that this storage may be in non-climate controlled structures. Unclimatized is not a word, so proposing "without climate control" instead.

<sup>311</sup> New definition for existing use in use table, "open space, grazing and pastures" that was previously undefined. "Open space" has been removed from the use title and open space has been relocated within the "park and recreation use."

Personal service use means an establishment that provides personal services for the convenience of the neighborhood, including, without limitation, ~~hair salons, barber and beauty nail or skin care shops, salons, tattoo parlors, shoe repair shops, bicycle repair shops, dry cleaners, laundries, laundromats, self-service laundries, bakeries, travel agencies, newsstands,~~ pharmacies, ~~photographic studios, duplicating services, or~~ automatic teller machines<sup>312</sup>, ~~and. These uses also include personal goods repair such as bicycle, watch, shoe, phone, or similar goods. Personal service uses also include alternative healthcare providers, the healing arts (health treatments or therapy generally not performed by a medical doctor or physician such as physical therapy, massage, acupuncture, nutritionists, aromatherapy, yoga, audiology, and homeopathy), or similar health and wellness services not performed by a medical doctor or physician.~~<sup>313</sup>

~~Principal parking facility means an area that provides short-term or long-term off-street parking for motor vehicles and is not accessory to the use on the lot where the parking is located or to a use located in the same approved planned unit development or site review. A principal parking facility may be a parking lot, garage, or carpool lot.~~<sup>314</sup>

~~Production and processing means a use category including uses involved in the processing, fabrication, packaging, or the assembly of goods, and uses receiving recoverable resources from others for on-site disposal, storage, or processing, or for transfer to another location for recycling. In manufacturing, natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for businesses or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Few customers come to the site.~~

~~Public or private office uses providing social services means an organization whose activities are conducted for the benefit of the community and not for the gain of any private person or organization, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, cultural, charitable, scientific, historical, athletic, or medical activities.~~<sup>315</sup>

~~Recreation and entertainment means a use category that includes uses characterized by indoor or outdoor facilities providing recreation or entertainment activities to the general public or to their members.~~<sup>316</sup>

(1) A "small" recycling collection facility is ~~an~~ accessory to a principal building and use on its lot which complies with the provisions of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, concerning accessory buildings and uses, does not occupy a permanent building, and does not have containers occupying more than two hundred fifty square feet.

(2) A "large" recycling collection facility may be a principal or an accessory use or building of any size, may occupy a permanent structure, may also accept used motor oil in accordance with applicable health and safety regulations, and may include ~~such~~ power-driven light processing- ~~including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material. as is approved by use review.~~

~~Residential accessory means a use category that includes uses characterized as always accessory to the principal use on a site. The principal use or the accessory use may be residential.~~<sup>317</sup>

<sup>312</sup> These terms have been updated to more commonly used language (for example "hair salon" instead of "beauty salon"). Business licenses over the last five years were analyzed for the most frequent examples, so some additional new examples have been included, such as tattoo parlors. Uncommon, outdated uses such as newsstands and photographic studios have been removed. Duplicating services are also described within the "business support services" definition and more commonly identified as that use for business licensing, so that example has been removed from personal services. A more general category of "small household good repair" has been incorporated in place of bicycle repair, to allow for repair of things like shoes, watches, phones, etc.

<sup>313</sup> Clarifications added for the previous healing arts uses to make clear how to differentiate from a medical office. Examples included are most common uses that have received business licenses in the last 5 years and less common examples have been removed. The yoga example has been removed as it has caused some inconsistency with interpretation over the years, and will now fall under "indoor athletic facility," with some additional specific use standards guiding appropriate size in certain districts.

<sup>314</sup> New definition for existing use that has been renamed from "Automobile parking lots, garages, or car pool lots as a principal use".

<sup>315</sup> Renamed "community services" and moved to the correct listing in the alphabet.

<sup>316</sup> New definition for new category in use table.

<sup>317</sup> New definition for use category in use table.

Residential care facility means a facility providing social services in a protective living environment for adults or children, including, without limitation, group foster care homes; shelters for abused children or adults; nursing homes; ~~or~~ intermediate care facilities; ~~or residential care facilities.~~<sup>318</sup>

~~Retail sales uses means a use category that includes uses involved in the sale, rental, and incidental servicing of products that are generally provided on the premises to a consumer.~~<sup>319</sup>

School, elementary, ~~junior, and senior high~~ middle, or high means any public or private school for any grades between first and twelfth which satisfies state compulsory education requirements.<sup>320</sup>

Service of vehicles ~~with limited outdoor storage~~ means the repair, servicing, maintenance, or installation of accessories for vehicles including motorcycles, motorbikes, automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles, sailboats, and powerboats where outdoor storage of a vehicle does not exceed five consecutive days.<sup>321</sup>

~~Service of vehicles with no outdoor storage means the repair, servicing, maintenance, or installation of accessories for vehicles including motorcycles, motorbikes, automobiles, trucks, snowmobiles, trailers, campers, recreational vehicles, sailboats, powerboats, and where there is no outdoor storage of vehicles between the hours of 9 p.m. and 7 a.m. of the following day.~~<sup>322</sup>

Service uses means a use category characterized by establishments that provide services directly to the final consumer for the conduct or improvement of the consumer's home or business or personal life.<sup>323</sup>

Setback means the minimum distance in linear feet measured on a horizontal plane between the outer perimeter of a structure, above grade, and each of its lot lines. ~~Where a lot abuts a major roadway, the building and use setback is measured as prescribed in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.~~<sup>324</sup>

Specialized instruction facility means an academic educational use providing instruction in a vocational, professional, commercial, or specialized subject or skills such as art, cooking, driving, or performing arts, but does not include a college or university.<sup>325</sup>

Storage, distribution, and wholesaling means a use category that includes uses engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There is little on-site sales activity.<sup>326</sup>

Temporary ~~outdoor entertainment event~~ means an outdoor use open to the public such as a carnival, amusement rides, fair, outdoor theater, promotional event, musical performance, or dance for a limited duration of time. This use of land also includes sales from a tent, canopy, trailer, temporary structure, or a parked vehicle, or sales on a vacant parcel of land, or any parking lot regardless of location. Not included are sales from push carts or mobile food vendors which are subject to different regulations and licensing.<sup>327</sup>

<sup>318</sup> Removed this example as it is duplicative of the name of the use.

<sup>319</sup> Updated existing definition for use category in use table.

<sup>320</sup> Modernized language – middle and high school are terms now more commonly used.

<sup>321</sup> The specification of “limited outdoor storage” has been removed in order to consolidate the two uses related to vehicle service. The definition remains the same, and specification about when and where outdoor storage is prohibited are reflected in the specific use standards instead.

<sup>322</sup> To consolidate these uses in the use table, this specific use has been removed. The standards are instead reflected in the use table and specific use standards for “Service of vehicles” use.

<sup>323</sup> New definition for use category in use table (currently “service uses” in table, but undefined).

<sup>324</sup> This mistake is a carry-over from the code update in 2006. Setback requirements for major roadways were eliminated at that time but the definition was not updated accordingly.

<sup>325</sup> This new definition combines the existing “adult educational facility” and “vocational school” uses into this consolidated use type.

<sup>326</sup> New definition for new use category in table.

<sup>327</sup> Temporary outdoor entertainment and temporary sales have been combined into one use, “temporary events”. This definition pulls the two previous definitions together.

~~Temporary sales means a use of land that results in sales from a tent, canopy, trailer, temporary structure, or a parked vehicle, or sales on a vacant parcel of land, or any parking lot regardless of location. Not included are sales from push carts or mobile food vendors which are subject to different regulations and licensing.~~

Vehicle-related means a use category that includes uses characterized by the maintenance, sale, or rental of motor vehicles and related equipment, or facilities which accommodate parking, fueling, or conducting business from a motor vehicle.<sup>328</sup>

Visible beyond the boundaries of the property upon which it is located means any sign which can be read by a person with 20/20 vision from or beyond any property line. For the purposes of applying Section 9-9-21, "Signs," B.R.C. 1981, any letters, figures, or symbols which are not larger than two inches in height are deemed not to be visible ~~even though they are due to their close proximity to a property line~~, up to an aggregate of ten square feet in total area of such visible but small lettering on the property. (Signs)<sup>329</sup>

~~Vocational or trade school means a secondary or higher education facility primarily teaching useable skills that prepare students for jobs in a trade to be pursued as a career or occupation but does not include a college or university.~~<sup>330</sup>

Warehouse or distribution facility means an establishment primarily engaged in the storage and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers.<sup>331</sup>

---

<sup>328</sup> New definition for existing use category in use table.

<sup>329</sup> Clarification of unclear sentence.

<sup>330</sup> "Vocational or trade school" has been renamed "Specialized instruction facility" to consolidate it with "adult education facility" and relocated accordingly in the alphabetical list.

<sup>331</sup> New definition for an existing use that was previously undefined.



## Miscellaneous Edits

### 9-1-2. HOW TO USE THIS CODE.<sup>332</sup>

.....

(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, may be approved as a conditional use~~ conditionally permitted pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, prohibited, or that may be ~~permitted~~ approved through a 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 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.

.....

### 9-1-4. TRANSITIONAL REGULATIONS.<sup>333</sup>

.....

(e) Existing Uses ~~Subject to Specific Use Standards or Subject to Use Limitations or~~ That Require a Use Review or Conditional Use Approval:

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

(2) ~~Specific Use Standards: Limited Uses: Any previously allowed use that was established prior to the adoption of new regulations that make such use permitted only subject to use limitations shall be allowed to continue in operation and may be changed within the existing floor area of the use or replaced by another limited use subject to the same use limitation category if such change or replacement use does not increase the degree of nonconformity with the use limitations adopted after the use was established. Any previously allowed use that was established prior to the adoption of new regulations that make such use allowed subject to specific use standards shall be allowed to continue in operation. Changes to a limited-use that was established prior to adoption of the new regulations that imposed the specific use limitations standards shall be made in conformance with the applicable use limitations standards 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 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.

<sup>332</sup> Removed references to limited uses.

<sup>333</sup> Removed references to limited uses. Current language in (e)(2) was intended to address a significant number of nonconforming uses that would be created with the adoption of L17 related to combined floor area of office uses. This flexibility for nonconforming uses has been integrated into the specific use standards for those uses that were subject to L17 instead.

9-2-1. TYPES OF REVIEWS.<sup>334</sup>

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

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. ADMINISTRATIVE REVIEWS— <del>CONDITIONAL USES as noted in Table 6-1 "Use Table"</del>	III. DEVELOPMENT REVIEW AND BOARD ACTION
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981  Building permits  Change of address  Change of street name  <u>Conditional uses, as noted in Table 6-1: Use Table</u>  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  Easement vacation  Extension of development approval/staff level  Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)  Landscape standards variance  Minor modification to approved site plan  Minor modification to approved form-based code review  Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981  Nonconforming use (extension, change of use (incl. parking))	<del>Accessory Units (Dwelling, Owners, Limited)</del>  <del>Wireless Communications Facilities</del>  <del>Attached Dwelling Units and Efficiency Living Units in the University Hill General Improvement District</del>  <del>Bed and Breakfasts</del>  <del>Cooperative Housing Units</del>  <del>Daycare Centers</del>  <del>Detached Dwelling Units with Two Kitchens</del>  <del>Fuel Service Stations</del>  <del>Group Home Facilities</del>  <del>Industrial Service Center</del>  <del>Manufacturing Uses with Off Site Impacts</del>  <del>Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial General Zoning District near the Boulder Community Health Foothills Campus</del>  <del>Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts</del>  <del>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</del>	Annexation/initial zoning  BOZA variances  Concept plans  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  Form-based code review  Geophysical exploration permit  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  Lot line adjustments  Lot line elimination  Minor Subdivisions  Out of city utility permit  Rezoning  Site review  Subdivisions  Use review  Vacations of street, alley, or access easement

<sup>334</sup> Removed Column II from this chart as it is out of date and inconsistent with 9-6 requirements. All conditional uses are now covered in Column I under "Conditional Uses".

Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	<del>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 square feet</del>	
Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981		
Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	<del>Permit for Well and Pipeline Abandonment or Decommissioning of an Oil and Gas Operations Use Recycling Facilities</del>	
Parking stall variances		
Public utility	<del>Residential Care, Custodial Care, and Congregate Care Facilities</del>	
Rescission of development approval	<del>Residential Development in Industrial Zoning Districts</del>	
Revocable permit		
Right-of-way lease	<del>Residential Uses in the MU-3 Zoning District Fronting Pearl Street</del>	
Setback variance	<del>Restaurants, Brewpubs, and Taverns</del>	
Site access variance	<del>Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District</del>	
Solar exception		
Zoning verification	<del>Shelters (Day, Emergency, Overnight, temporary)</del> <del>Temporary Sales</del> <del>Transitional Housing</del> <del>Certain Uses in BC Areas designated in Appendix N</del>	

**9-2-2. ADMINISTRATIVE REVIEW PROCEDURES.<sup>335</sup>**

(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.
- (4) Additional Information: If, in the city manager's judgment, the application does not contain sufficient information to permit an appropriate review, the manager may request additional information from the applicant. This additional

<sup>335</sup> The changes in this section are due to the elimination of column II of the chart above.

information may include, 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.

(d) Conditional Use ~~Reviews~~:

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

(2) Standards and Criteria: Conditional uses shall be permitted in a given zoning district if the use meets the standards and criteria set forth in Sections 9-6-~~23~~ through 9-6-~~117~~, B.R.C. 1981, and other requirements of this code and any other ordinance of the city. The standards and criteria set forth in Sections 9-6-~~3-2~~ through 9-6-~~117~~, 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.

(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 applicable standards and criteria have been satisfied.

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

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

.....

### 9-2-3. VARIANCES AND INTERPRETATIONS.

.....

(d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the requirements of:

.....

(6) The size requirements for accessory units of Subsection 9-6-~~43~~(am), B.R.C. 1981;

.....

(i) Floor Area Variances for Accessory Units: The BOZA may grant a variance to the maximum floor area allowed for an attached accessory dwelling unit or for a detached accessory dwelling unit under Subsection 9-6-~~43~~(am), B.R.C. 1981, only if it finds that the application satisfies all of the following applicable requirements of either Subparagraph (i)(1) or (i)(2):

.....

### 9-2-12. DEVELOPMENT PROGRESS REQUIRED.

.....

(e) Rescission of Development Approval: If, after use review, site review, Planned Development (PD), Planned Residential Development (PRD), or Planned Unit Development (PUD) approval is granted pursuant to this chapter, the owner of property desires to develop, instead, under the provisions of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, the owner may request rescission of such use review, site review, PD, PRD or PUD approval by filing a written request for rescission with the city manager. The manager will grant a rescission of such use review, site review, PD, PRD, or PUD approval if no building permit has been issued for the development and neither the city nor the developer has taken any actions in detrimental reliance on the terms of the development agreement. 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 allowed by 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.

### 9-2-15. USE REVIEW.

.....

(b) Application Requirements: An application for an approval of a use review use may be filed by any person having a demonstrable interest in land for which a use review use is requested and shall be made on a form provided by the city manager that includes, without limitation:

.....  
 (4) For industrial and commercial uses, the city manager may require the applicant to provide the following additional information and meet the following requirements:

.....  
 (G) The requirements specified in Section 9-6-~~127~~(b), B.R.C. 1981, related to oil and gas operations.

.....  
 (h) Oil and Gas Operations: The criteria for review in subsection (e) shall not apply to an application for oil and gas operations. An oil and gas operations use shall meet the criteria set forth in Section 9-6-~~127~~(b), "Oil and Gas Operations," B.R.C. 1981. Any use review approval for an oil and gas operations use shall expire, whether operational or not, in ten years from the date of final approval. Prior to such expiration for an oil and gas operations use, applicants will be responsible for submitting a new use review application for an oil and gas operations use proposed for operation beyond ten years. Following approval of any oil and gas operations use, the applicant shall have two years to obtain the necessary permits to establish the use.

.....  
**9-3-10. AIRPORT INFLUENCE ZONE.**

.....  
 (c) City-Wide Restrictions:

.....  
 (3) Development Permits: No development permit shall be granted or approved that would create a hazard or that would allow an existing structure or use to become a greater hazard. Notwithstanding the provisions of this paragraph and subsection 9-6-~~95~~(ex), B.R.C. 1981, no person shall, on or after July 1, 1989, acquire any vested right to maintain any hazard which the city manager may subsequently determine to exist, nor shall the city be estopped from proceeding to remove such hazard, under the procedure set forth in paragraph (c)(4) of this section.

.....  
**9-4-2. DEVELOPMENT REVIEW PROCEDURES.**

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

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

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

Standard or Application Type	Staff/City Manager	BOZA	Planning Board	City Council
Code Interpretation SECTION 9-2-3	D	CA(14)	CA(30)	CA
Setback variance ≤20% SECTION 9-2-3	D	D	—	—
Setback variance >20% SECTION 9-2-3		D	—	—
Parking access dimensions SECTION 9-2-2	D	—	—	—
Parking deferral SECTION 9-2-2	D	—	—	—
Parking reduction ≤25% SECTION 9-2-2	D	—	—	—
Parking reduction >25% but ≤50% SECTION 9-2-2	D(14)	—	CA, D(30)	CA
Parking reduction >50% SUBSECTION 9-9-6(f)		—	D(30)	CA

Parking height, conditional SECTION 9-7-6	D	—	—	—
Building height, less than principal or nonstandard building height max SECTION 9-2-14	D(14)	—	CA, D(30)	CA
Building height, greater than principal building height max SECTION 9-2-14	—	—	D(30)	CA
Building height SECTION 9-7-5	—	—	D(30)	CA
Conditional Use SECTION 9-2-1	D	—	—	—
<del>Limited Use</del> <del>SECTION 9-6-2</del>	<del>D</del>	<del>—</del>	<del>—</del>	<del>—</del>
Site Review SECTION 9-2-14	D(14)	—	CA, D(30)	CA
Use Review SECTION 9-2-15	D(14)	—	D(30)	CA
Form-Based Code Review SECTION 9-2-16	D(14)	—	CA, D(30)	CA
Annexation SECTION 9-2-17	—	—	R	D
Rezoning SECTION 9-2-19	—	—	R	D
Wetland Permit -Simple SECTION 9-3-9	D	—	—	—
Wetland Permit-Standard SECTION 9-3-9	D(14)	—	D(30)	CA
Extension of Dev't Approval ≤1 yr PARAGRAPH 9-2-12(b)(1)	D	—	—	—
Extension of Dev't Approval >1 yr PARAGRAPH 9-2-12(b)(2)	—	—	D(30)	CA
Rescission of Dev't Approval SUBSECTION 9-2-12(e)	D	—	—	—
Creation of Vested Rights >3 yrs SECTION 9-2-20	—	—	R	D
Floodplain Dev't Permit SECTION 9-3-6	D(14)	—	CA(30)	CA
Wetland Boundary change-Standard SUBSECTION 9-3-9(e)	—	—	R	D
Geophysical Exploration Permit SECTION 9-6- <del>12</del> 7(b)	D(14)	—	CA(30)	CA
Substitution of Nonconforming Use SECTION 9-10-3	D	—	—	—
Expansion of Nonconforming Use SECTION 9-10-3	D(14)	—	CA(30)	CA
Subdivision, prelim plat SECTION 9-12-7	D	—	<del>—D(30)</del>	<del>—CA</del>
Subdivision, final plat SECTION 9-12-8	D(14)	—	CA(30) <sup>336</sup>	CA <del>—</del>
Subdivision, minor SECTION 9-12-5	D(14)	—	CA(30)	CA

<sup>336</sup> This edit cleans up an existing error - this table is currently incorrect and inconsistent with current practice and Chapter 9-12, "Subdivision," and the Charter which requires Planning Board approval rather than Council.

Subdivision, LLA or LLE SECTIONS 9-12-3 and 9-12-4	D	—	—	—
Solar Exception SUBSECTION 9-9-17(f)	D	D	—	—
Solar Access Permit SUBSECTION 9-9-17(h)	D	D	—	—
Growth Mgmt. Allocations, Std. SECTION 9-14-5	D	—	—	—
Growth Mgmt. Allocations, ≤40 per year SUBSECTION 9-14-3(f)	D(14)	—	CA(30)	CA
Accessory Bldg Coverage SUBSECTION 9-7-8(a)	—	D	—	—
Minor Modification of Discretionary Approval SUBSECTION 9-2-14(k)	D	—	—	—
Minor Amendment of Discretionary Approval SUBSECTION 9-2-14(l)	D(14)	—	CA(30)	CA
Amendment of Discretionary Approval not involving height SUBSECTION 9-2-14(m)	D(14)	—	CA, D(30)	CA
Amendment of Discretionary Approval involving height SECTION 9-2-14	—	—	D(30)	CA
KEY:  D = Decision Authority      CA = Call-Up and Appeal Authority  R = Recommendation only      (n) = Maximum number of days for call-up or appeal				

## 9-7-2. SETBACK STANDARDS.

.....

(f) Oil and Gas Operations and Other Uses: Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-~~127~~(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in pre-production, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in pre-production, closer than five hundred feet from any well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-~~127~~(b)(16), B.R.C. 1981.

## 9-8-4. HOUSING TYPES AND DENSITY BONUSES WITHIN AN RMX-2 ZONING DISTRICT.<sup>337</sup>

~~(a) Minimum Number of Housing Types: No person shall develop land in the RMX-2 zoning district with residential uses unless the following housing types are provided:~~

~~(1) For lots or parcels one acre or less, at least one housing type;~~

~~(2) For lots or parcels that are greater than one acre but less than five acres, at least two housing types; and~~

<sup>337</sup> This language has been moved to the specific use standards for uses in the RMX-2 zoning district.

~~(3) For lots or parcels that are five acres or more, at least three housing types. The minimum number of any housing type for lots or parcels that are more than five acres shall be five dwelling units.~~

~~(b) Maximum Percentage of Any One Housing Type: No person shall develop a lot or parcel of one acre or more with more than fifty percent of any one housing type in the RMX 2 zoning district.~~

(ea) Density Bonus for the Provision of Additional Affordable Housing: The approving authority may approve a maximum density increase up to ten additional dwelling units per acre if all of the following standards are met:

.....

**9-8-5. OCCUPANCY OF DWELLING UNITS.**

.....

(b) Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit, detached accessory dwelling unit, or limited accessory dwelling unit must meet the requirements of Subsection 9-6-43(am), B.R.C. 1981.

.....

(d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit pursuant to Section 10-11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits or any exceptions as set forth in this section; and an attached accessory dwelling unit or detached accessory dwelling unit licensed with such dwelling unit as a cooperative housing unit shall not be subject to the occupancy standards of Subparagraph 9-6-43(am)(1)(A)(ii), "Occupancy Requirements," B.R.C. 1981. All such dwelling units together with any attached accessory dwelling unit or detached accessory dwelling unit so licensed shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

.....

**9-8-6. OCCUPANCY EQUIVALENCIES FOR GROUP RESIDENCES.**

.....

(c) Custodial Care and Residential Care Facilities: The occupancy of a custodial care or a residential care facility must meet the requirements of Subsection 9-6-3(ej), B.R.C. 1981.

(d) Group Home Facilities: The occupancy of a group home facility must meet the requirements of Subsection 9-6-43(ek), B.R.C. 1981.

.....

(f) Bed and Breakfast: Three guest rooms in a bed and breakfast constitute one dwelling unit. In any bed and breakfast, up to twelve guest rooms are permitted, provided the required parking can be accommodated on site and the provisions of Subsection 9-6-5(a), B.R.C. 1981, are met.

.....

**9-9-6. PARKING STANDARDS.<sup>338</sup>**

.....

**TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
Roomers within a single-unit dwelling	1 space per 2 roomers
Residential developments in which 1-bedroom units are 60 percent or more of the total	1.25 spaces per 1-bedroom unit
Rooming house, boarding house, fraternity, sorority, group quarters, living, and hostels	2 spaces per 3 occupants
Efficiency living units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
Attached accessory dwelling unit, detached accessory dwelling unit	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory unit, see Subsection 9-6-3(am), B.R.C. 1981

<sup>338</sup> Updated language to match use table.



Group homes: residential, custodial, or congregate care	Off-street parking appropriate to use and needs of the facility and the number of vehicles used by its occupants, as determined through review
Overnight shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time
Day shelter	Use the same ratio as general nonresidential uses in the zone
Emergency shelter	1 space for each 20 occupants, based on the maximum occupancy of the facility, plus 1 space for each employee or volunteer that may be on site at any given time computed on the basis of the maximum numbers of employees and volunteers on the site at any given time, plus 1 space for each attached type dwelling unit
Existing duplexes or multi-family dwelling units in the RL-1 zoning district	Greater of 1.5 spaces per unit or number of spaces required when units were established

(g) Bicycle Parking:

(1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-8 of this section.

**TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS<sup>339</sup>**

<i>Land-Use Category Type (based on use categories of Table 6-1 of Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981)</i>	<b>Minimum Number of Off-Street Bicycle Spaces</b>	<b>Long-Term</b>	<b>Short-Term</b>
<b>Residential Uses</b>			
Dwelling units <sup>(a)</sup> with a private garage <sup>(b)</sup>	no requirement	n/a	n/a
Dwelling units without a private garage <sup>(b)</sup>	2 per unit	75%	25%
Accessory units	no requirement	n/a	n/a
Group <del>quarters-living</del> - fraternities, sororities, and dormitories, boarding houses, transitional housing	1 per 3 beds	75%	25%
Group <del>quarters-living</del> - all others	1 per 5 beds	75%	25%
<b>Dining and entertainment<sup>340</sup></b>			
<del>Restaurants, brewpubs and taverns</del>	<del>1 per 750 square feet of floor area, minimum of 4</del>	<del>25%</del>	<del>75%</del>
<del>Lodging uses</del>	<del>1 per 3 guest rooms, minimum of 4</del>	<del>50%</del>	<del>50%</del>
<del>All other dining and entertainment uses</del>	<del>1 per 1,500 square feet of floor area</del>	<del>25%</del>	<del>75%</del>
<del>Mobile food vehicle and temporary outdoor entertainment</del>	<del>no requirement</del>	<del>n/a</del>	<del>n/a</del>
<b>Public and Institutional Uses</b>			
<del>Daycare centers, daycares, homehome daycares</del>	Determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	50%	50%
<del>Public and private elementary, juniormiddle, and senior-high schools</del>	5 per classroom	50%	50%
<del>Public and private colleges and universities</del>	5 per classroom	50%	50%

<sup>339</sup> This entire table has been edited to align with the new classifications and use categories.

<sup>340</sup> These have been moved to within the "Commercial uses" section of the table to align with the organization of the use table classification/category system.

<u>Hospitals</u> <sup>341</sup>	<u>1 per 1,500 square feet of floor area, minimum of 4</u>	<u>75%</u>	<u>25%</u>
<u>Open space, park, and recreation uses</u> <sup>342</sup>	<u>1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4</u>	<u>25%</u>	<u>75%</u>
Religious assemblies	The greater of 1 per 15 seats or 1 per 150 square feet of assembly area	25%	75%
All other public and institutional uses	1 per 1,500 square feet of floor area, minimum of 4	50%	50%
<b><u>Commercial Uses</u></b>			
<b><u>Office, Medical and Financial Uses</u></b>			
<u>Restaurants, brewpubs, and taverns</u>	<u>1 per 750 square feet of floor area, minimum of 4</u>	<u>25%</u>	<u>75%</u>
<u>Bed and breakfasts, hostels, and hotels or motels</u> <sup>343</sup>	<u>1 per 3 guest rooms, minimum of 4</u>	<u>50%</u>	<u>50%</u>
<u>All other food, beverage, and lodging uses</u> <sup>344</sup>	<u>1 per 1,500 square feet of floor area</u>	<u>25%</u>	<u>75%</u>
<u>Mobile food vehicle and temporary events</u>	<u>no requirement</u>	<u>n/a</u>	<u>n/a</u>
<u>Data processing facilities, financial institutions, hospitals, medical and dental laboratories, medical or dental clinics or offices, addiction recovery facilities, all office uses, and all other medical and financial uses</u> <u>Office uses</u>	1 per 1,500 square feet of floor area, minimum of 4	75%	25%
<b><u>Parks and Recreation Uses</u></b>			
<u>Campgrounds, outdoor recreation or entertainment, park and recreation uses, indoor recreational or athletic facilities</u>	1 per 750 square feet of floor area; requirements for outdoor uses are determined through review: parking needs of use must be adequately served through on- or off-street parking, minimum of 4	25%	75%
<b><u>Commercial, Retail, and Industrial Uses</u></b>			
<u>Financial institutions</u> <sup>345</sup>	<u>1 per 1,500 square feet of floor area, minimum of 4</u>	<u>75%</u>	<u>25%</u>
Service uses and retail sales uses	1 per 750 square feet of floor area, minimum of 4	25%	75%
<u>Vehicle-related uses and all other commercial uses</u> <u>and industrial uses</u>	1 per 1,125 square feet of associated office space or production areas	25%	75%
<b><u>Industrial Uses</u></b> <sup>346</sup>			
<u>Industrial uses</u>	<u>1 per 1,125 square feet of associated office space or production areas</u>	<u>25%</u>	<u>75%</u>
<b><u>Agriculture &amp; Natural Resource Uses</u></b>			
<u>Agriculture &amp; Natural Resource Uses</u>	no requirement	n/a	n/a

<sup>341</sup> Previously within the office, medical, and financial category so pulled existing requirement into new row within the public and institutional use classification to align with new organization of use table.

<sup>342</sup> Park and recreation uses have been moved to the public & institutional classification, so pulled existing requirement for this use into a new row under appropriate use classification.

<sup>343</sup> In current table this just says "lodging uses" but updated with actual use type titles to be more clear.

<sup>344</sup> Updated from "dining and entertainment" to align with new organization of use table.

<sup>345</sup> Previously within the office, medical, and financial category so pulled existing requirement into new row within the commercial use classification to align with new organization of use table.

<sup>346</sup> Updated to move industrial uses into their own classification to align with use table.

Other Uses Not Listed in Table 9-8			
Other uses not listed in Table 9-8	1 per 1,500 square feet of floor area, minimum of 4	50%	50%

.....

### 9-10-2. CONTINUATION OR RESTORATION OF NONCONFORMING USES AND NONSTANDARD BUILDINGS, STRUCTURES, AND LOTS.

.....

(d) Drive-Thru Facilities: A drive-thru facility that was established prior to July 31, 1986, on a property not abutting Canyon Boulevard in the DT zoning districts, and has not expired pursuant to subsection (a) of this section, shall be considered a nonconforming use, and may:

- (1) Be renovated or remodeled, by improvements the cumulative total of which increases the structure's fair market value by no more than twenty-five percent of the value of the structure, without meeting the criteria for drive-thru uses in Subsection 9-6-~~105~~(ex), B.R.C. 1981;
- (2) Be renovated or remodeled by improvements the cumulative total of which increases the facility's structure's fair market value by more than twenty-five percent of the value of the structure; or be relocated on site if the development meets the criteria for drive-thru uses in Subsection 9-6-~~105~~(ex), B.R.C. 1981; or

.....

### 9-10-3. CHANGES TO NONSTANDARD BUILDINGS, STRUCTURES, AND LOTS AND NONCONFORMING USES.

Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:

- (a) Nonstandard Buildings and Structures:
  - (1) Criteria: The city manager will grant a request for a building modification for a nonstandard building or structure if such modification meets the following requirements:
    - (A) The proposed modification complies with all of the applicable requirements of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," 9-9, "Development Standards," B.R.C. 1981, and Sections 9-6-2 through 9-6-~~97~~, B.R.C. 1981, dealing with specific use standards ~~and criteria~~; and

.....

### 9-14-2. GENERAL PROVISIONS.

A system of managing the issuance of residential building permits in the city is established with the following general provisions:

- (a) Building Permits: No building permit for the construction of a new dwelling unit may be issued unless applied for in compliance with this chapter.
- (b) Allocations Needed: One allocation is needed to secure a building permit to construct each dwelling unit, except as set forth below. The living quarters set forth below shall require:
  - (1) One-half allocation for an efficiency living unit; one-third allocation for a group residence; and one-sixth allocation or one-eighth allocation for each occupant for a group care facility or a residential care facility respectively, according to the density and occupancy restrictions of subsection 9-6-3(~~fi~~), B.R.C. 1981;

.....

## APPENDIX K<sup>347</sup>

*New map to replace existing map:*

<sup>347</sup> This map was updated to match new title of use in the use table.

**Appendix K**  
**Properties Where Medical Offices May be Located as Conditional Uses in the IG Zoning District**



# Use Standards and Table Phases One and Two

Land Use Code Amendment  
Project Charter – *Working Draft*

<b>Project Purpose &amp; Goals .....</b>	<b>2</b>
Background .....	2
Problem/Issue Statement .....	2
Project Purpose Statement.....	2
Guiding BVCP Policies .....	2
Goals and Areas of Consideration .....	3
Phase One Outcomes .....	5
Phase Two Anticipated Outcomes .....	6
<b>Work Completed and Input Received 2018-2020 .....</b>	<b>6</b>
Phase One.....	6
Phase Two .....	7
Public Input Received 2018-2020 .....	8
<b>Project Timeline.....</b>	<b>11</b>
Phase Two – 2021 Restart.....	11
<b>Scope of Work.....</b>	<b>13</b>
Schedule .....	13
Module One: Functional Fixes.....	13
Module Two: Industrial/East Boulder Subcommunity Plan Implementation .....	14
Module Three: 15-Minute Neighborhoods/Neighborhood Centers .....	14
<b>Engagement &amp; Communication.....</b>	<b>15</b>
Level of Engagement .....	15
Who Will be Impacted by Decision/Anticipated Interest Area.....	15
Overall Engagement Objectives .....	16
Engagement Strategies .....	16
<b>Project Team &amp; Roles.....</b>	<b>19</b>
Team Goals.....	19
Critical Success Factors.....	19
Expectations.....	19
Potential Challenges/Risks .....	20
Administrative Procedures .....	20
Project Costs/Budget.....	21
Decision-Makers.....	21
Boards & Commissions.....	21
<b>Appendix A: Relevant BVCP Policies List.....</b>	<b>22</b>
<b>Appendix B: Engagement Framework .....</b>	<b>27</b>

## Project Purpose & Goals

### Background

In its 2018 Annual Letter to City Council, the Planning Board identified use tables and associated code revisions as a priority item for Land Use Code updates in 2018. The goal of the revisions included:

- Simplifying the Use Table and streamlining the regulations where possible, making the Use Standards and Table more understandable and legible.
- Creating more predictability and certainty in Chapter 9-6 Use Standards of the Land Use Code.
- Aligning the Use Table and permitted uses with the Boulder Valley Comprehensive Plan (BVCP) goals, policies and land use designations.
- Identifying community-desired land use gaps in the Use Standards and Table, and better enabling the desired land uses in identified neighborhoods as well as in commercial and industrial districts.

The Planning Board appointed a subcommittee comprised of Planning Board members in 2018 to guide the project and make recommendations on potential changes. Phase One of the project was completed in Q4 2019, with a focus on updating the uses and use standards for the zoning districts within the federally designated Opportunity Zone. The current project will focus on the remaining zoning districts of the city as Phase Two.

### Problem/Issue Statement

The Land Use Code's Chapter 9-6, "Use Standards" may be out of alignment with the intent of the Boulder Valley Comprehensive Plan (BVCP) goals, policies and land use designations, and are not achieving desired development and community outcomes.

### Project Purpose Statement

Bring Chapter 9-6, "Use Standards" of the Land Use Code, into greater alignment with the BVCP policies and the city's priorities, to better enable desired development outcomes throughout the city and to more effectively support the goals and desired outcomes of the BVCP.

### Guiding BVCP Policies

The project is guided by BVCP policies, identified by the subcommittee at the beginning of the project. Please see the end of the project charter for the full list of relevant BVCP policies identified by the project subcommittee. Some key BVCP policies that guide this project include:

#### ***2.14 Mix of Complementary Land Uses***

*The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments. In existing neighborhoods, a mix of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.*

#### ***2.15 Compatibility of Adjacent Land Uses***

*To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts. With redevelopment, the transitional area should be within the zone of more intense use.*

### **2.19 Neighborhood Centers**

*Neighborhood centers often contain the economic, social and cultural opportunities that allow neighborhoods to thrive and for people to come together. The city will encourage neighborhood centers to provide pedestrian-friendly and welcoming environments with a mix of land uses. The city acknowledges and respects the diversity of character and needs of its neighborhood centers and will pursue area planning efforts to support evolution of these centers to become mixed-use places and strive to accomplish the guiding principles noted below.*

### **2.21 Light Industrial Areas**

*The city supports its light industrial areas, which contain a variety of uses, including technical offices, research and light manufacturing. The city will preserve existing industrial areas as places for industry and innovation and will pursue regulatory changes to better allow for housing and retail infill. The city will encourage redevelopment and infill to contribute to placemaking and better achieve sustainable urban form as defined in this chapter. Housing should occur in a logical pattern and in proximity to existing and planned amenities, including retail services and transit. Analysis will guide appropriate places for housing infill within areas zoned Industrial General (IG) (not those zoned for manufacturing or service uses) that minimize the potential mutual impacts of residential and industrial uses in proximity to one another*

### **2.24 Commitment to a Walkable & Accessible City**

*The city will promote the development of a walkable and accessible city by designing neighborhoods and mixed-use business areas to provide easy and safe access by foot, bike and transit to places such as neighborhood centers, community facilities, transit stops or centers and shared public spaces and amenities (i.e., 15-minute neighborhoods). The city will consider additional neighborhood centers or small mixed-use retail areas where appropriate and supported by the neighbors they would serve. In some cases, the definition of mixed use and scale and character will be achieved through area planning.*

## **Goals and Areas of Consideration**

The Areas of Consideration were established by the Use Table subcommittee in 2018/2019 and were reviewed by the public during community engagement efforts. In late 2019, the Planning Board subcommittee updated and confirmed these areas of consideration. The following graphic summarizes these areas.

## Use Table Subcommittee: Areas of Consideration

### Support Mixed-Use Nodes Along Corridors

- Allowing more retail/active uses in the Public (P) zones.
- Increase the diversity of uses found in neighborhood centers, both existing and new.

### Encourage 15-Minute Neighborhoods and Walkability

- The potential for 15-minute neighborhoods and use table changes to encourage them in all types of districts (residential, commercial, industrial), acknowledging transportation barriers may exist.
- Changing prohibited uses to Use Review (U) where certain uses may be warranted and desired (corner coffee shops for example).
- Allowing more flexibility for non-impactful retail uses for occupations and live/work, such as selling one's art.
- Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Standards & Table.

### Meets All Areas of Consideration

- Updating outdated use categories to meet community needs and desired land uses.
- Opportunities for mixed use that can help provide services to residents and needed housing/services/uses to non-residential and industrial areas.
- Updating the amounts of required uses where prescribed in 9-6 "Use Standards," such as residential/non-residential floor area percentages listed under the footnotes N/M of the Use Table, accounting for the holistic impacts of uses including parking.
- Allowing second floor residential in light industrial zones.
- Incorporating additional development design standards into the Chapter 9-6 specific use standards, and potentially the Use Review criteria.
- Changes to the Use Review criteria that would better serve city goals (e.g. walkability, site design).
- Changes to the Use Standards & Table that would incentivize a diversity of housing types.
- Identify community desired land uses.
- Consider how the Use Table project is beneficial, complements and intersects with other planning efforts, such as Community Benefits/East Boulder Subcommunity Plan implementation.

### Incorporate Administrative and Structural Updates

- Updating outdated use categories to meet community needs and desired land uses.
- Creating new use definitions and add to appropriate zoning districts.
- Incorporating technical fixes as identified by planning and zoning staff.

## OVERARCHING GOALS (BROAD / HIGH-LEVEL)

1. Encourage 15-minute neighborhoods through use table changes in all types of districts (residential, commercial, industrial), acknowledging transportation barriers may exist.
2. Support a "string of pearls" consisting of mixed-use nodes along corridors, and support walkable neighborhood centers of varying scales.
3. Incorporate administrative and structural updates to the Use Table and Use Standards for clarity, legibility, and usability.

## OBJECTIVES / AREAS OF CONSIDERATION (FINER GRAINED OBJECTIVES TO HELP ACHIEVE THE GOALS)

- Update the Use Standards and Use Table to meet community needs and desired land uses (Goals 1, 2, 3)
- Identify opportunities for mixed use that can help provide services to residents and needed housing/services/uses to non-residential and industrial areas. (Goals 1, 2)
- Consider changes to the Use Review criteria that would better serve city goals (e.g., walkability, site design). (Goals 1, 2)
- Consider changes to the Use Standards & Table that would incentivize a diversity of housing types. (Goals 1, 2)



- Consider more flexibility for non-impactful retail uses for home occupations and live/work, such as selling one's art. (Goals: 1, 2)
- Consider Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Standards & Table. (Goals 1, 2)
- Consider allowing more retail/active uses in the Public (P) zones. (Goals: 1, 2)
- Consider allowing second floor residential in light-industrial zones. (Goals: 1, 2)
- Consider increasing the diversity of uses found in neighborhood centers, both existing and new. (Goals: 2)
- Identify community desired land uses. (Goals: 1, 2)
- Consider how the Use Table project is beneficial, complements and intersects with other planning efforts, such as Community Benefits/East Boulder Subcommunity Plan implementation. (Goals: 1, 2, 3)

### **ACTION STEPS (THE METHOD, MAY BE REPEATED FOR MULTIPLE OBJECTIVES AND GOALS)**

- Update outdated land use categories in the Use Table.
- Create new use definitions and add to appropriate zoning districts.
- Change desired use allowances to be more permissive (i.e., C, L, or A) as warranted.
- Create new limited uses (L) to encourage desired land uses with flexibility.
- Change prohibited uses to Use Reviews (U's) where certain uses may be warranted and desired (corner coffee shops for example).
- Incorporate additional development design standards into the Chapter 9-6 Conditional Use and Use Review standards, and potentially the Use Review criteria.
- Incorporate technical fixes to Chapter 9-6 as identified by planning and zoning staff.
- Update the amounts of required uses where prescribed in 9-6, "Use Standards", such as residential/non-residential floor area percentages listed under the footnotes N/M of the Use Table, accounting for the holistic impacts of uses including parking.

### **Phase One Outcomes**

Phase One of the project focused on updating the Use Table and Standards of the Land Use Code citywide for zoning districts that coincided with the federally designated Opportunity Zone. The Phase One focus was precipitated by the Opportunity Zone moratorium adopted by City Council in 2018. Phase One of the project culminated on Oct. 29, 2019, when City Council adopted Ordinance 8337 to update the Use Tables to be more consistent with the BVCP. The focus of these changes was to:

- Reduce non-residential capacity through restricting office uses.
- Incentivize residential in appropriate locations (preferably permanently affordable housing).
- Protect and create more opportunities for retail.

While the focus of Phase One was on zoning districts within the Opportunity Zone, the changes applied to the respective zones citywide. These changes also importantly created a new use designation, "Limited Use" that created a limited standard (that could be verified through building permit) and reclassified some uses as Conditional Use or Use Review uses. Most of the Limited Uses consolidated existing regulations, with others serving to implement the desired goals outlined above. The most substantive change related to office uses in the Business Zones (BT, BR and BMS), where various office uses are now limited to a combined total of 20,000 square feet of floor area per lot, with Use Review

required if exceeding 20,000 square feet. The Oct. 29, 2019 City Council memo and ordinances can be found [online here](#).

City Council also adopted Ordinance 8358 that created an Opportunity Zone overlay district prohibiting the demolition of attached dwelling units in Census Tract 122.03 (the Opportunity Zone) for the period the tract is a qualified Opportunity Zone. Visit the [Opportunity Zone program webpage](#) for additional information.

More details about the Phase One process and public input received is described in later sections.

## Phase Two Anticipated Outcomes

Staff anticipates that code changes specifically related to use regulations may include the following chapters:

- Chapter 9-5, “Modular Zone System,” if any changes are necessary to zoning districts.
- Chapter 9-6, “Use Standards,” including changes to the use table to simplify or clarify regulations or to better match the intents of the BVCP and any use standards in the chapter.
- Chapter 9-16, “Definitions,” if such change improves consistency with Chapter 9-6 and is intended to modernize the land use code.

## Work Completed and Input Received 2018-2020

A summary of engagement efforts and input received is provided below.

### Phase One

#### PLANNING STAGE | Q3/Q4 2018

- Planning Board subcommittee convened and meetings held to establish the purpose statements, and project goals defined by the subcommittee in Q2/Q3 2018
- Affected stakeholders identified
- Community Engagement Plan prepared for the project in Q3 2018
- Analysis of peer communities

#### SHARED LEARNING STAGE | Q1/Q2 2019

- Community Engagement through series of open houses that introduced the use table topic, potential impacts, and underlying BVCP policies with which the code changes would align
- Received feedback on the goals and areas of consideration for the project through open house events
- Through a mapping exercise on Be Heard Boulder, received feedback on what types of uses may be missing or too many of in neighborhoods live, work and play
- May 2019 City Council Study Session on what we’ve heard, and next steps in the project
- Opportunity Zone discussions and transition as a Phase One focus of the project

**OPTIONS STAGE | Q3/Q4 2019**

- Transition to evaluating the federally designated Opportunity Zone as a Phase One of the project– identifying options for change based on the feedback received from the public to better align the uses to the BVCP policies. This focused on increasing residential capacity and reducing nonresidential capacity.
- Targeted outreach to stakeholders solicited feedback on possible options identified
- Options analysis and recommendations developed
- City Council check-in on options and feedback received
- Feedback received at public open house on recommendations

**DECISION STAGE | Q4 2019**

- Planning Board recommendation for approval and public hearing
- City Council public hearing, revisions to options, recommendations
- Oct. 29, 2019 adoption of Ordinance 8337 updating the Use Tables to be more consistent with the BVCP for citywide zoning districts within the federally designated Opportunity Zone (Census Tract 122.03)
- Adoption of Ordinance 8358, creating an overlay district prohibiting demolition of attached dwelling units in federal Census Tract 122.03 for the period the tract is a qualified Opportunity Zone. Repeal of previous moratorium.

**Phase Two****PLANNING STAGE | Q1/Q2 2020**

- Reconfirmed the project goals, objectives, and Areas of Consideration established in Phase One with the Planning Board subcommittee.
- Reconfirmed the affected groups are citywide residents and stakeholders, particularly of the zoning districts that may have potential use changes.

**SUBCOMMITTEE ANALYSIS STAGE | 2020**

- The Planning Board subcommittee met over 20 times between Fall 2019 and Fall 2020 to provide direction on the phase two overarching goals, conducting detailed discussions considering updates to use categories, and informing the engagement plan and online questionnaire. The goals, areas of consideration, and focus areas are summarized earlier in this document.

**OPTIONS STAGE | Q2 2020**

- In the summer of 2020, the public provided input on a Be Heard Boulder questionnaire and a virtual public info session was held. A summary of the input received is below.
- Updates at Planning Board and City Council in August 2020

**Due to staffing levels, the project was paused in Fall 2020. Work has now been reinitiated to continue phase two, revisiting the planning stage.**

## Public Input Received 2018-2020

### PHASE ONE: EARLY 2019

Community engagement for the project began with a series of three open houses that introduced the use table topic, the project's potential impacts, and focused on the underlying BVCP policies the code changes were intended to align with and implement. City of Boulder staff held three code amendment open houses, which included a Use Table 101 presentation as well as large format display boards where people could provide opinions through dot voting, sticky notes, comment cards, and discussions with staff on the project's areas of consideration, and what land uses they wanted more of or less of in different areas of the city. Staff received input from over 100 people, as approximately 35 people attended each event.

Staff also had a display at the "What's Up Boulder?" event at the Jewish Community Center in East Boulder in April 2019, where about 425 community members were in attendance. Staff had detailed display boards on the project as well as handouts to educate attendees about the project. Staff also encouraged them to take the online survey detailed below.

During this period, staff has also attended four neighborhood office hours with the city's neighborhood liaison, which are publicly noticed and provide opportunities for residents to come and meet with city staff and discuss concerns and the proposed code projects. At these meetings, staff distributed handouts and encouraged people to take the online survey and discussed the project in more detail with interested members of the community.

Aside from these in-person events, a key element for Phase One feedback was the development of a project page on Be Heard Boulder with a questionnaire and mapping exercise. The questionnaire and map were promoted through an article in the Daily Camera, an article in the Community Newsletter, Nextdoor posts, Twitter posts reaching over 84,000 followers, and utility bill mailers reaching 20,000 households. Open between February and early May 2019, the questionnaire received 80 responses. In addition, respondents identified 68 places on the interactive map where they wanted to see uses introduced to support neighborhoods where daily goods, services and transit are within a 15-minute walk (about a 1/4 mile) of where people live or work.

### Summary of Community Feedback

In general, through both the in-person events and the online engagement efforts undertaken in early 2019, the public responded with the **greatest support** for the following areas of consideration for the project:

- Explore updating outdated use categories to meet community needs and desired land uses.
- Explore opportunities for mixed use that can help provide services to residents and needed housing/services/uses to non-residential and industrial areas.
- Consider changing prohibited uses to Use Reviews (U) where certain uses may be warranted and desired (corner coffee shops for example).
- Consider allowing second floor residential in light-industrial zones.
- Consider changes to the Use Review criteria that would better serve city goals (e.g., walkability, site design).

- Consider changes to the Use Standards and Table that would incentivize a diversity of housing types.

The three areas of consideration with the **least support or interest** have been:

- Study updating the amounts of required uses where prescribed in 9-6, “Use Standards”, such as residential/non-residential floor area percentages.
- Explore incorporating additional development design standards into the Chapter 9-6 specific use standards, and potentially the Use Review criteria.
- Consider Mobile Home Parks and their evolution to affordable fixed-foundation buildings, and how it may intersect with the Use Standards & Table.

Respondents also provided feedback on which uses would they like to see more of, or less of, near where they live, work, and play. This tied to a mapping exercise both in-person and online where they could identify those areas.

#### *Areas where People Live*

- More: Mixed Uses and housing, neighborhood stores, walkable places - restaurants, shops and retail
- Less: Traffic, parking, large single-family homes, banks, high density housing, car dealerships and fuel stations

#### *Areas where People Work*

- More: Mixed Uses and housing, access to transit, green space, coffee and lunch spots
- Less: Traffic, parking and asphalt lots, tall buildings, banks

#### *Areas where People Play*

- More: Mixed Use, live/work, shops and restaurants, access to transit, parking, fun and kid friendly activities
- Less: Off street parking, fast-food/drive throughs

### **PHASE TWO: SUMMER 2020**

As noted above, the project shifted to a focus on the Opportunity Zone area for the remainder of 2019, with public meetings at the Planning Board and City Council throughout the development and ultimate adoption of regulations. The Planning Board subcommittee continued to meet and provide feedback and direction for the project throughout 2019 and most of 2020. The next major round of public engagement for the overall project took place in July and August 2020. This engagement was informed by the subcommittee’s feedback as well as the public who attended subcommittee meetings.

Due to the COVID-19 pandemic, all outreach was complete virtually and utilized the city’s online engagement platform, Be Heard Boulder. An online public information session was held on July 27, consisting of a presentation by staff on the code amendment projects (including the Use Table and Standards Phase Two), with a question-and-answer session for the public to receive more information, and directing the community to provide feedback via an online questionnaire.

The online questionnaire was open for responses from early July through late August and focused on key questions and topics identified by the subcommittee. The questionnaire included background

information, key definitions, and reference maps, and presented a series of questions that were organized around the overarching goals for phase two of the project:

- Supporting mixed-use neighborhood centers (or sting-of-pearls),
- Encouraging 15-minute neighborhoods, and
- Incorporating structural changes to streamline the Use Table.

The webpage on Be Heard Boulder was visited by nearly 300 people, and 82 people responded to the questionnaire.

## Summary of Community Feedback

### *Neighborhood Centers*

- 76% of respondents indicated they would be open to use standard changes that encourage a greater mix of uses in neighborhood centers, with an additional 13% indicating they were “maybe” open, and 7% indicated “no”.
  - There was broad support for a variety of uses, including restaurants and coffee shops, retail uses, and personal services.
  - Respondents who chose residential housing indicated they were open to a mix of housing types including duplexes/triplexes, townhouses, cottages, condos/apartments, and single-family houses.
- Walkable or bike access was the most important element to have in a neighborhood center, followed by human-scaled building design.

### *15-minute Neighborhoods*

- Approximately 71% of the respondents indicated they would be open to having uses and establishments like the images included in the questionnaire, within a 15- minute walking distance from their home or workplace if limited in scale and number. An additional 11% indicated they were “maybe” supportive, and 8% indicated “no”.
  - There was broad support for a variety of uses, including small restaurants and coffee shops, small grocers, small retail uses, residential housing, and personal services.
  - Respondents who chose residential housing indicated they were open to a mix of housing types, with responses most open to duplexes/triplexes, townhouses, and cottages.
- Sentiments were fairly evenly split (between yes, no, and maybe) whether additional zoning restrictions should be considered for additional 15 -minute neighborhood uses, with 38% indicating “yes,” 29% indicating “no,” and 33% indicating “maybe.”
- The additional restrictions with the most support indicated were:
  - Require additional bike parking to encourage bike access
  - Limit vehicle parking to encourage walking or bike access
  - Limit the size of establishments (ex. 500 square feet, 1,000 square feet, etc.)
  - Limit to multi-modal corridors (streets that carry traffic through a neighborhood with bike facilities and transit access)

- The majority of respondents agreed (somewhat or definitely) that the city should allow more flexibility for live / work uses, artist studios and galleries, and small-scale performance venues citywide.
- The majority of respondents indicated that the city should consider allowing additional residential, retail, and restaurant uses in the light industrial areas to foster mixed-use walkable neighborhoods, with the strongest support for additional restaurant uses, followed by retail and then residential.

### *Streamlining the Use Standards and Table Structure*

Approximately 60% of respondents were open to simplifying the Use Table by streamlining the number of similar uses such as office use categories and restaurant use categories, with an additional 27% indicating “maybe” and 10% indicating “no.”

## Project Timeline

### Phase Two – 2021 Restart

#### PLANNING STAGE | Q4 2021

- Establish the Phase Two Community Engagement Plan – continuation / new phase of community engagement involving other zoning districts not covered during Phase One code changes.
- Build on the community input received through engagement efforts in 2019 and 2020.
- Citywide engagement efforts with feedback on Use Table issue identification, informing options development, subsequent feedback on options and ultimate recommendations.

#### Deliverables

- *Use Table subcommittee meetings and meeting summaries*
- *Updated Phase Two Community Engagement Plan*

#### MODULE ONE: FUNCTIONAL FIXES | Q1/Q2 2022

- First batch of use table changes – functional fixes
- Engagement for these – targeted to focus groups
- Internal staff stakeholder engagement
- Reconvene Planning Board subcommittee to discuss functional fixes, all meetings open and noticed to the public.
- Draft ordinance language for proposed code changes
- Develop and promote virtual engagement opportunities to provide feedback on draft
- Convey public feedback to the subcommittee, Planning Board and City Council
- Planning Board matters item
- Goal of Spring 2022 adoption

#### Deliverables

- *Use Table subcommittee meeting and meeting summaries*

- *Peer research summary for some uses*
- *Updated Be Heard Boulder site*
- *Update project website with key issues and information*
- *Continued work with stakeholders and conduct targeted outreach as needed*
- *Module One engagement summary*
- *Engagement evaluation*
- *Memorandums to Planning Board, City Council, and meeting materials*
- *Post adoption communication to public and stakeholders*

## **MODULE TWO: INDUSTRIAL/EAST BOULDER | Q2/Q3 2022**

- Second batch of use table changes focused on uses in Industrial districts, implementation of the East Boulder Subcommunity Plan
- Develop and promote virtual engagement opportunities, open houses, and other methods
- Continue subcommittee meetings to discuss changes in industrial areas
- Walking tours
- Goal to adopt in Fall 2022

### **Deliverables**

- *Use Table subcommittee meeting and meeting summaries*
- *Updated project website with key issues*
- *Module Two engagement summary*
- *Memorandum to Planning Board, City Council, and meeting materials*
- *Engagement evaluation*
- *Post adoption communication to public and stakeholders*

## **MODULE THREE: NEIGHBORHOODS | Q4 2022/Q1 2023**

- Third batch of use table changes focused on changes to support 15-minute neighborhoods
- Share the issues and ideas the subcommittee has identified with the public at open houses/walking tours in areas where possible changes could occur, and listen to additional issues and ideas from the public
- Continue subcommittee meetings to review options, provide feedback
- Develop and promote virtual engagement opportunities, open houses, and other methods
- Planning Board, City Council study session on preliminary options – Summer 2022
- Goal to adopt early 2023

### **Deliverables**

- *Use Table subcommittee meeting and meeting summaries*
- *Updated project website with key issues and information*
- *Updated Be Heard Boulder site*
- *Module Three engagement summary*
- *Memorandum to City Council, and meeting materials*
- *Engagement evaluation*
- *Post adoption communication to public and stakeholders*



**POST ADOPTION & PROCESS ASSESSMENT | Q1/Q2 2023**

- Communicate with public and stakeholders about changes that occurred
- Debrief successes and challenges encountered
- Identify what worked and what didn't
- Evaluate the degree adopted changes accomplished the project's goals

**Scope of Work****Schedule**

	2022												2023		
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR
Module 1: Functional Fixes															
Module 2: Industrial/East Boulder Subcommunity Plan Implementation															
Module 3: 15-Minute Neighborhoods/Neighborhood Centers															

**Module One: Functional Fixes**

During module one, work will focus on undertaking a variety of improvements to the way that land uses are identified and organized. These changes will focus on the functionality of the use table and increasing its clarity and user-friendliness for the public, applicants, and staff. While the format of the table and standards will be modified and some uses may be consolidated, regulatory changes to the allowances of uses within districts will not be considered until later modules.

Use tables are a valuable tool for municipalities. They minimize the need to repeat the same uses within separate district regulations, ensure consistent terminology, reduce document length, and also allow readers to easily compare where a particular use is permitted across various districts. They also reduce the potential for inconsistencies over time as uses are updated. However, after years of amendments, the use table is now lengthy and complex and there are many opportunities for simplification.

During this module, we plan to:

- Assess and find opportunities to simplify the administration of the new “limited uses” which have increased the perceived complexity of the table
- Review outdated or rarely implemented uses for consolidation with more general categories
- Remove all qualifying language from use titles or definitions in the use table and relocate to specific use standards section, which can then be more easily revised as planning goals evolve in the future without increasing the complexity of the table
- Review and update use definitions as needed
- Incorporate additional use categories to group related uses, expanding upon the current residential and commercial use categories in the table
- Focus on simplification of restaurant and office uses and reorganization of the multiple lines in the table into specific use standards

Boulder residents provided input on some of these functional questions, such as the consolidation of restaurants and offices, during phase one of the project. Because these are more technical and functional fixes and do not change the regulatory allowances for any uses, the focus will be more on stakeholder engagement of regular users of the code (applicants, staff, Planning Board).

#### Target Dates:

- Planning Board check in – March 17 meeting
- Planning Board review of ordinance – June 2, 2022
- City Council in June/July

## Module Two: Industrial/East Boulder Subcommunity Plan Implementation

Module two will be a comprehensive review of all uses and their allowances in the industrial districts. The primary intent will be to modify the code as necessary to implement the East Boulder Subcommunity Plan, while also identifying other necessary modifications to uses in the industrial districts. There may be related necessary implementation steps that come out of the plan that may be integrated into this work. The plan is anticipated to be adopted in Spring 2021 and zoning updates will be an important implementation step for the plan, which has had its own robust multi-year engagement process as well. Later industrial market studies may help to inform these changes as well.

During this module, we plan to:

- Identify and draft zoning amendments to implement the East Boulder Subcommunity Plan
- Undertake a comprehensive review of all uses in the industrial districts

As significant engagement has already taken place for the development of the subcommunity plan, the outreach at this phase will focus on drafting options for implementation of the plan and working with the public to find the option that best implements the values and policies of the plan. Engagement will be more targeted in module two and will in particular engage property owners in the industrial districts, developers or real estate brokers. Neighborhoods near the industrial districts should also be consulted. Further input could be solicited from participants of the subcommunity plan.

## Module Three: 15-Minute Neighborhoods/Neighborhood Centers

In module three, the focus will shift to implementation of the Boulder Valley Comprehensive Plan policies. In particular, work will focus on the overarching goals identified by the Planning Board subcommittee, which include encouraging 15-minute neighborhoods, supporting mixed-use nodes along corridors, and supporting walkable neighborhood centers of varying scales. Updating the zoning code is an important step of implementing the comprehensive plan, which is the product of years of engagement and meaningful conversations with the community.

During this module, we plan to:

- Assess areas where the use table and standards are in conflict with the BVCP
- Incorporate significant work already done by the Planning Board subcommittee and their recommendations and areas of focus
- Review allowances and standards for uses, including a focus on:

- Restaurants
- Offices
- Personal services
- Housing types
- Live/work
- Home occupations
- Introduce new uses as needed to support policies in the plan
- Investigate areas of city that may be appropriate for small-scale mixed use
- Assess use mixes of neighborhood centers

In phase one of the project, residents provided feedback on specific uses they would like to see in their neighborhoods. That input will continue to inform this work, but substantial public engagement is needed to supplement this module as well and further refine any proposed changes. Through a variety of different engagement tools and techniques, staff will aim to understand what changes to the use table could help to implement the BVCP, while also understanding what limitations the community wants to see on these uses to foster 15-minute neighborhoods and vibrant neighborhood centers while minimizing negative externalities.

Stakeholders will also be engaged and consulted on proposed changes, with a focus on meeting people where they already have existing events or meetings, rather than creating additional separate meetings for groups to attend. Emphasis will also be placed on reaching under-represented populations in this phase of engagement, and establishing interesting and engaging techniques for engagement.

## Engagement & Communication

### Level of Engagement

The City of Boulder has committed to considering four possible levels when designing future public engagement opportunities (see chart in the appendix). For this project, the public will be **Consulted** on any proposed changes to the use standards and table. Public feedback will be obtained on a variety of technical code changes intended to streamline the use standards, correct discrepancies, and better align existing use standards with relevant BVCP policies.

The BVCP policies have undergone a robust public process through the adoption of the plan, so the engagement for this project will focus on seeking input on how the use table and standard changes implement the adopted policies.

### Who Will be Impacted by Decision/Anticipated Interest Area

- **Residents and neighborhoods** who may be impacted from potential use changes in the neighborhoods where they live/work/play.
- **Development community**, who may be impacted from potential use changes in a variety of neighborhoods.
- **Under-represented groups** that may have an interest in use changes but may be unfamiliar with the methods to offer input.

- **City staff, City boards, and City Council** who will administer any amended Use Standards of the Land Use Code, and who will render development approval decisions.

## Overall Engagement Objectives

- Model the engagement framework by using the city’s decision-making wheel, levels of engagement and inclusive participation.
- Involve people who are affected by or interested in the outcomes of this project.
- Be clear about how the public’s input influences outcomes to inform decision-makers.
- Provide engagement options.
- Remain open to new and innovative approaches to engaging the community.
- Provide necessary background information in advance to facilitate meaningful participation.
- Be efficient with the public’s time.
- Show why ideas were or were not included in the staff recommendation.
- The Planning Board subcommittee will guide and inform the project, including community engagement strategies and project recommendations.

## Engagement Strategies

Due to the ongoing COVID-19 pandemic, it is assumed that the majority of engagement will be completed virtually. Where possible, staff will reconsider strategies to include in-person engagement. This plan and its strategies will be revised to accommodate in-person activities as needed.

The following engagement tools and techniques will be implemented throughout the project.

### SUBCOMMITTEE MEETINGS

*Purpose:* The Planning Board subcommittee will be re-convened to review and provide input as Phase Two work continues. They will provide feedback on that the proposed use table and standards changes and how well they implement the BVCP and their own goals and areas of focus. All subcommittee meetings will be open to the public with notice provided, and the public will have the opportunity to learn more about how the use table and standards work and provide feedback and suggestions in this forum. Since most of the original subcommittee members are no longer on the Board, a more general focus group format and composition may be considered.

*Logistics:* Subcommittee meetings will meet virtually. It is anticipated that the subcommittee will reconvene in Spring 2022, providing input on Module One, with more intensive participation during Modules Two and Three.

*Modules:* One, Two, and Three

### VIRTUAL OPEN HOUSES

*Purpose:* Open houses will be held virtually to provide updates on the project, present options, and receive feedback. These offer a way for the public to hear summaries of the proposed changes, ask questions of staff, and suggest modifications prior to the formal adoption process.

*Logistics:* Two open houses will be held during Module Two and Module Three respectively. The open houses will be held on Teams or Zoom and will include time for presentation and questions and answers. As needed, staff may develop activities for Teams or Zoom breakout rooms where the public may join to discuss specific topics that they are interested in.

*Modules:* Two and Three

### **INTERACTIVE MAPPING AND ON-DEMAND OPEN HOUSE**

*Purpose:* The work in Modules Two and Three are well suited for interactive mapping engagement strategies. For Module Two, interactive comment maps may be developed to facilitate feedback on any industrial use changes.

For module three, staff will develop an interactive map that incorporates the current zoning map with proposed use changes, so that the public may easily explore changes that might affect their neighborhood or other areas of interest in the city. Survey questions will be integrated into the map for ease of input, and participants will be able to place pins on the map to show support or make suggestions for changes.

In addition, staff will adapt the Be Heard Boulder page as necessary to create an on-demand open house website with short summaries of the main topics that people can explore on their own time. The on-demand open house has been a common engagement tool used during the pandemic and is a website that displays the information that would typically be presented at an open house, such as boards and handouts, but on a webpage that people can access at any time. Opportunities to provide feedback on the site will also be developed such as short surveys.

*Logistics:* The map will be created on Be Heard Boulder and will be a featured activity on the Use Table and Standards page. Options can be explored, but it appears that the attribute table for the shapefile will need to be built accurately with the necessary details prior to placing in the Be Heard Boulder mapping program. Support from GIS staff might be necessary to create the underlying map.

*Modules:* Two and Three

### **VIDEOS**

*Purpose:* Short videos will be developed to display on the Be Heard Boulder site and to play during any virtual open houses. These videos will summarize the project and any proposed changes.

*Logistics:* Staff will work with Communications staff to develop storyboards and create videos.

*Modules:* Two and Three

### **WHAT'S UP BOULDER**

*Purpose:* What's Up Boulder is a citywide community outreach event. If the event is held in 2022, this would be a great opportunity to highlight the use table and standards work and develop ways to solicit input.

*Logistics:* The event has not been held virtually, so it is unknown whether this will be held in 2022.

*Modules:* Dependent on event timing.

### LOCALIZED NEIGHBORHOOD MEETINGS

*Purpose:* As needed, staff will plan to attend existing neighborhood meetings to present use changes that may affect the neighborhood and ask for feedback on the changes.

*Logistics:* Staff will work with neighborhood groups to secure time on existing meeting agendas where people will already be in attendance, rather than necessitating separate meetings which may therefore have lower attendance. As draft changes are developed, staff will determine which neighborhoods may be impacted and seek out these meetings. In module two it will likely be focused on industrial area users and in module three these will likely be residential neighborhoods or business groups. These meetings may be virtual or in-person, depending on public health recommendations at the time.

*Modules:* Two and Three

### TARGETED STAKEHOLDER OUTREACH

*Purpose:* In addition to general public outreach, it is imperative that this project focus on targeted stakeholder outreach as well. This includes interested groups such as PLAN Boulder, Better Boulder, the Boulder Chamber of Commerce, and any others.

*Logistics:* Staff will engage early and often with these groups to ensure there is awareness of the planned analysis and changes for modules two and three, as well as receive any initial feedback on the module one technical changes. Staff will need to collect contact information for leaders of these groups. P&DS staff will work with communications staff to identify the appropriate groups to target.

*Modules:* One, Two, and Three

### WEBSITE

*Purpose:* The existing project website will be maintained and updated throughout the remainder of the project to inform the public of the project, provide updates, and link to any engagement opportunities.

*Logistics:* Work with communications staff to make updates as needed to the website.

### NEWSLETTER AND EMAIL UPDATES

*Purpose:* Updates on the project will be provided to interested parties.

*Logistics:* Staff will work with communications staff to draft content for the planning newsletter during key engagement windows. Additional email updates will be provided on an as-needed basis.

*Modules:* One, Two, Three

### CHANNEL 8

*Purpose:* Channel 8 will be utilized to promote engagement opportunities and raise awareness for modules two and three of the project.

*Logistics:* Staff will work with communications staff to create and support content for Channel 8.

*Modules:* Two and Three

## NEXTDOOR

*Purpose:* Nextdoor is another method to promote opportunities to provide input about the project and raise awareness that has a wide reach that may reach people who are not otherwise involved or engaged in planning-related topics.

*Logistics:* Staff will work with communications staff to craft posts to promote engagement efforts.

*Modules:* One, Two, Three

## WALKING TOURS

*Purpose:* Walking tours around neighborhood centers, industrial areas in East Boulder, and other parts of the city will be planned as another engagement method. They will allow interested residents to discuss topics related to the project on the ground with staff.

*Logistics:* Staff will plan a number of opportunities with specific geographic focus and promote the walking tours through a variety of methods. Public health guidance at the time will be consulted to ensure the safety of staff and residents. Summaries of topics discussed will be compiled and inform further work on the project.

*Modules:* Two and Three

## Project Team & Roles

### Team Goals

- Follow City Council and Planning Board direction relative to changes to the code that require more strict standards or criteria be met before granting height modifications and/or requests for greater floor area or density.
- Involve the community in the formulation of new standards or criteria and incorporate relevant ideas following a Public Engagement Plan.
- Solution must be legal, directly address the purpose and issue statement, and must have application citywide.

### Critical Success Factors

- Conduct a successful public engagement process.
- Address the goals related to mix of uses, walkability and community character.

### Expectations

Each member is an active participant by committing to attend meetings; communicate the team's activities to members of the departments not included on the team; and demonstrate candor, openness, and honesty. Members will respect the process and one another by considering all ideas expressed, being thoroughly prepared for each meeting, and respecting information requests and deadlines.

## Potential Challenges/Risks

The primary challenge of this project is making sure that proposed code changes avoid land use impact on other uses, unintended consequences and over complication of the code.

## Administrative Procedures

The core team will meet regularly throughout the duration of the project. An agenda will be set prior to each meeting and will be distributed to all team members. Meeting notes will be taken and will be distributed to all team members after each meeting.

CORE TEAM		
Executive Sponsor	Charles Ferro	
Executive Team	David Gehr, Charles Ferro, Karl Guiler	
Project Leads		
Project Manager	Lisa Houde	
Comprehensive Planning	Kathleen King	
Housing	Jay Sugnet	
Working Group		
Legal	Hella Pannewig	
Communications	Julie Causa	
I.R.	Sean Metrick	Mapping analysis assistance
Community Vitality	Teresa Pinkal	
Public Outreach	TBD	Consulting role

**Executive Sponsor:** The executive sponsor provides executive support and strategic direction. The executive sponsor and project manager coordinates and communicates with the executive team on the status of the project, and communicate and share with the core team feedback and direction from the executive team.

**Project Manager:** The project manager oversees the development of the Land Use Code amendment. The project manager coordinates the core team, manages any necessary consultant firms, and provides overall project management. The project manager will be responsible for preparing (or coordinating) agendas and notes for the core team meetings, coordinating with team members and consultants on the project, managing the project budget, and coordinating public outreach and the working group. The project manager coordinates the preparation and editing of all council/board/public outreach materials for the project, including deadlines for materials.

**Core Team Members:** Team leaders will coordinate with the project manager on the consultant work efforts and products, and will communicate with the consultants directly as needed. Core Team members will assist in the preparation and editing of all council/board/public outreach materials including code updates.

**Communications Specialist:** The communications specialist is responsible for developing and creating internal and external communications output such as press releases, major website updates and additions, talking points, etc., and will provide advice about and support of public outreach. The



communications specialist works with the project managers and core team to develop a communications plan that aligns with the project's goals and larger outreach strategy. The communications specialist will be responsible for promoting events through a variety of methods. The communications specialist assists the manager and core team in advising on any public outreach methods as well as editing and producing outreach material that makes the project accessible to members of the public.

## Project Costs/Budget

No consultant costs have been identified for this project at this time. The project will be undertaken by P&DS staff.

## Decision-Makers

- **City Council:** Decision-making body.
- **Planning Board:** Will provide input throughout the process, and make a recommendation to council that will be informed by other boards and commissions.
- **City Boards and Commissions:** Will provide input throughout process and ultimately, a recommendation to council around their area of focus.

## Boards & Commissions

**City Council** – Will be kept informed about project progress and issues; periodic check-ins to receive policy guidance; invited to public events along with other boards and commissions. Will ultimately decide on the final code changes.

**Planning Board** – Provides key direction on the development of options periodically. Will make a recommendation to City Council on the final code changes.

**Advisory Boards:** Identify and resolves issues in specific areas by working with the following boards/commissions:

- Boulder Junction Access District Commissions
- Downtown Management Commission
- Environmental Advisory Board
- Arts Commission (e.g. space for arts)
- University Hill Management Commission
- Housing Advisory Board

## Appendix A: Relevant BVCP Policies List

### Section 2 Built Environment

#### *Urban Form Definition*

The city's urban form is shaped by the location and design of streets, paths and open spaces, the mix of uses and intensity of development that are allowed in each area of the city and the design of privately owned buildings and public improvements. The city's goal is to evolve toward an urban form that supports sustainability. This "sustainable urban form" is defined by the following characteristics:

Key Characteristic:

- Daily needs met within easy access from home, work, school, services or recreation without driving a car

### Neighborhoods

#### *2.09 Neighborhoods as Building Blocks*

The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction and plan for urban design and amenities. All neighborhoods in the city, whether residential areas, business districts, or mixed land use areas, should offer unique physical elements of neighborhood character and identity, such as distinctive development patterns or architecture; historic or cultural resources; amenities such as views, open space, creeks, irrigation ditches and varied topography; and distinctive community facilities and commercial centers that have a range of services and that are nearby and walkable.

#### *2.12 Preservation of Existing Residential Uses*

The city will encourage the preservation or replacement in-kind of existing, legally established residential uses in non-residential zones. Non-residential conversions in residential zoning districts will be discouraged, except where there is a clear benefit or service to the neighborhood.

#### *2.13 Protection of Residential Neighborhoods Adjacent to Non- Residential Zones*

The city and county will take appropriate actions to ensure that the character and livability of established residential neighborhoods will not be undermined by spill-over impacts from adjacent regional or community business zones or by incremental expansion of business activities into residential areas. The city and county will protect residential neighborhoods from intrusion of non-residential uses by protecting edges and regulating the impacts of these uses on neighborhoods.

#### *2.14 Mix of Complementary Land Uses*

The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments. In existing neighborhoods, a mix of land use types, housing sizes and lot sizes may be possible if properly mitigated and respectful of neighborhood character. Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

#### *2.15 Compatibility of Adjacent Land Uses*

To avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts. With redevelopment, the transitional area should be within the zone of more intense use.

## **Locations of Mixed Use**

### ***2.17 Variety of Centers***

The city and county support a variety of regional and neighborhood centers where people congregate for a variety of activities such as working, shopping, going to school or day care, accessing human services and recreating. Some centers should be located within walking distance of neighborhoods and business areas and designed to be compatible with surrounding land uses and intensity and the context and character of neighborhoods and business areas. Regional centers should serve a larger role and be located near transit. Good multimodal connections to and from centers and accessibility for people of all ages and abilities will be encouraged.

### ***2.19 Neighborhood Centers***

Neighborhood centers often contain the economic, social and cultural opportunities that allow neighborhoods to thrive and for people to come together. The city will encourage neighborhood centers to provide pedestrian-friendly and welcoming environments with a mix of land uses. The city acknowledges and respects the diversity of character and needs of its neighborhood centers and will pursue area planning efforts to support evolution of these centers to become mixed-use places and strive to accomplish the guiding principles noted below.

### ***2.21 Light Industrial Areas***

*The city supports its light industrial areas, which contain a variety of uses, including technical offices, research and light manufacturing. The city will preserve existing industrial areas as places for industry and innovation and will pursue regulatory changes to better allow for housing and retail infill. The city will encourage redevelopment and infill to contribute to placemaking and better achieve sustainable urban form as defined in this chapter. Housing should occur in a logical pattern and in proximity to existing and planned amenities, including retail services and transit. Analysis will guide appropriate places for housing infill within areas zoned Industrial General (IG) (not those zoned for manufacturing or service uses) that minimize the potential mutual impacts of residential and industrial uses in proximity to one another*

## **Public Realm, Urban Design, and Linkages**

### ***2.24 Commitment to a Walkable & Accessible City***

The city will promote the development of a walkable and accessible city by designing neighborhoods and mixed-use business areas to provide easy and safe access by foot, bike and transit to places such as neighborhood centers, community facilities, transit stops or centers and shared public spaces and amenities (i.e., 15-minute neighborhoods). The city will consider additional neighborhood centers or small mixed-use retail areas where appropriate and

supported by the neighbors they would serve. In some cases, the definition of mixed use and scale and character will be achieved through area planning.

## **Design Quality**

### ***2.33 Sensitive Infill & Redevelopment***

With little vacant land remaining in the city, most new development will occur through redevelopment in mixed-use centers that tend to be the areas of greatest change. The city will gear subcommunity and area planning and other efforts toward defining the acceptable amount of infill and redevelopment and standards and performance measures for design quality to avoid or adequately mitigate negative impacts and enhance the benefits of infill and redevelopment to the community and individual neighborhoods. The city will also develop tools, such as neighborhood design guidelines, to promote sensitive infill and redevelopment.

## **Section 4 Energy, Climate & Waste**

### ***Energy-Efficient Land Use & Building Design***

#### ***4.07 Energy-Efficient Land Uses***

The city and county will encourage energy efficiency and conservation through land use policies and regulations governing placement and orientation of land uses to minimize energy use, including an increase in mixed-use development and compact, contiguous development surrounded by open space.

## **Section 5 Economy**

### ***Strategic Redevelopment & Sustainable Employment***

#### ***5.01 Revitalizing Commercial & Industrial Areas***

The city supports strategies unique to specific places for the redevelopment of commercial and industrial areas. Revitalization should support and enhance these areas, conserve their strengths, minimize displacement of users and reflect their unique characteristics and amenities and those of nearby neighborhoods. Examples of commercial and industrial areas for revitalization identified in previous planning efforts are Diagonal Plaza, University Hill commercial district, Gunbarrel and the East Boulder industrial area.

The city will use a variety of tools and strategies in area planning and in the creation of public/private partnerships that lead to successful redevelopment and minimize displacement and loss of service and retail uses. These tools may include, but are not limited to, area planning with community input, infrastructure improvements, shared parking strategies, transit options and hubs and changes to zoning or development standards and incentives (e.g., financial incentives, development).

### **Diverse Economic Base**

#### ***5.03 Diverse Mix of Uses & Business Types***

The city and county will support a diversified employment base within the Boulder Valley, reflecting labor force capabilities and recognizing the community's quality of life and strengths in a number of industries. The city values its industrial, service and office uses and will continue

to identify and protect them. The city will evaluate areas with non-residential zoning to ensure the existing and future economic vitality of Boulder while responding to the needs of regional trends and a changing global economy.

#### ***5.06 Affordable Business Space & Diverse Employment Base***

The city and county will further explore and identify methods to better support businesses and non-profits that provide direct services to residents and local businesses by addressing rising costs of doing business in the city, including the cost of commercial space. The city will consider strategies, regulations, policies or new programs to maintain a range of options to support a diverse workforce and employment base and take into account innovations and the changing nature of the workplace.

### **Sustainable & Resilient Business Practices**

#### ***5.13 Home Occupations***

The city and county will evaluate regulations for home-based occupations to balance potential impacts to residential neighborhoods and reflect the goal of allowing more flexibility to have home-based businesses, neighborhood services and employment opportunities. The city and county support the innovative, creative and entrepreneurial activities of residents, including those who are in the very early stages of creating startup companies or providing neighborhood services. The city and county will continue to develop policies that result in reducing the number and length of trips through working from home and revise regulations to be responsive to new uses and types of businesses and neighborhood services that may be compatible with residential areas.

#### ***5.14 Responsive to Changes in the Marketplace***

The city recognizes that development regulations and processes have an impact on the ability of businesses to respond to changes in the marketplace. The city will work with the local business community and residents to make sure the city's regulations and development review processes provide a level of flexibility to allow for creative solutions while meeting broader community goals. This could involve modifying regulations to address specific issues and make them more responsive to emerging technologies and evolving industry sectors.

## **Section 7 Housing**

### **Preserve & Enhance Housing Choices**

#### ***7.06 Mixture of Housing Types***

The city and county, through their land use regulations and housing policies, will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities to meet the housing needs of the low-, moderate- and middle-income households of the Boulder Valley population. The city will encourage property owners to provide a mix of housing types, as appropriate. This may include support for ADUs/OAUs, alley houses, cottage courts and building multiple small units rather than one large house on a lot.

#### ***7.08 Preservation & Development of Manufactured Housing***

Recognizing the importance of manufactured housing as an option for many households, the city and county will encourage the preservation of existing mobile home parks and the

development of new manufactured home parks, including increasing opportunities for resident-owned parks. If an existing mobile home park is found to have health or safety issues, every reasonable effort will be made to reduce or eliminate the issues, when feasible, or to help mitigate for the loss of housing through re-housing of affected households

#### ***7.10 Balancing Housing Supply with Employment Base***

The Boulder Valley housing supply should reflect, to the extent possible, employer workforce housing needs, locations and salary ranges. Key considerations include housing type, mix and affordability. The city will explore policies and programs to increase housing for Boulder workers and their families by fostering mixed-use and multi-family development in proximity to transit, employment or services and by considering the conversion of commercial- and industrial-zoned or -designated land to allow future residential use.

### **Section 8 Community Well-Being & Safety**

#### **Safety & Community Health**

##### ***8.10 Community Connectivity & Preparedness***

The city and county will foster social and community connectivity and communications that promote well-being, deepen a sense of community and encourage civic participation and empowerment. The city and county recognize that supporting connections in the community also enhances preparedness and improves the ability to respond and recover when emergencies happen.

#### **Culture**

##### ***8.21 Arts & Cultural Facilities***

The city and county recognize the ability of cultural facilities and activity to positively contribute to community members' well-being, sense of community and cultural understanding. The city and county will encourage the provision of venues and facilities for a wide range of arts and cultural expression that are available and affordable to everyone. The city supports neighborhood-serving arts and cultural amenities, including public sculptures, murals, plazas, studio space and community gathering spaces.

### **Section 10 Local Governance & Community Engagement**

#### **High-Performing Government**

##### ***10.01: High-Performing Government***

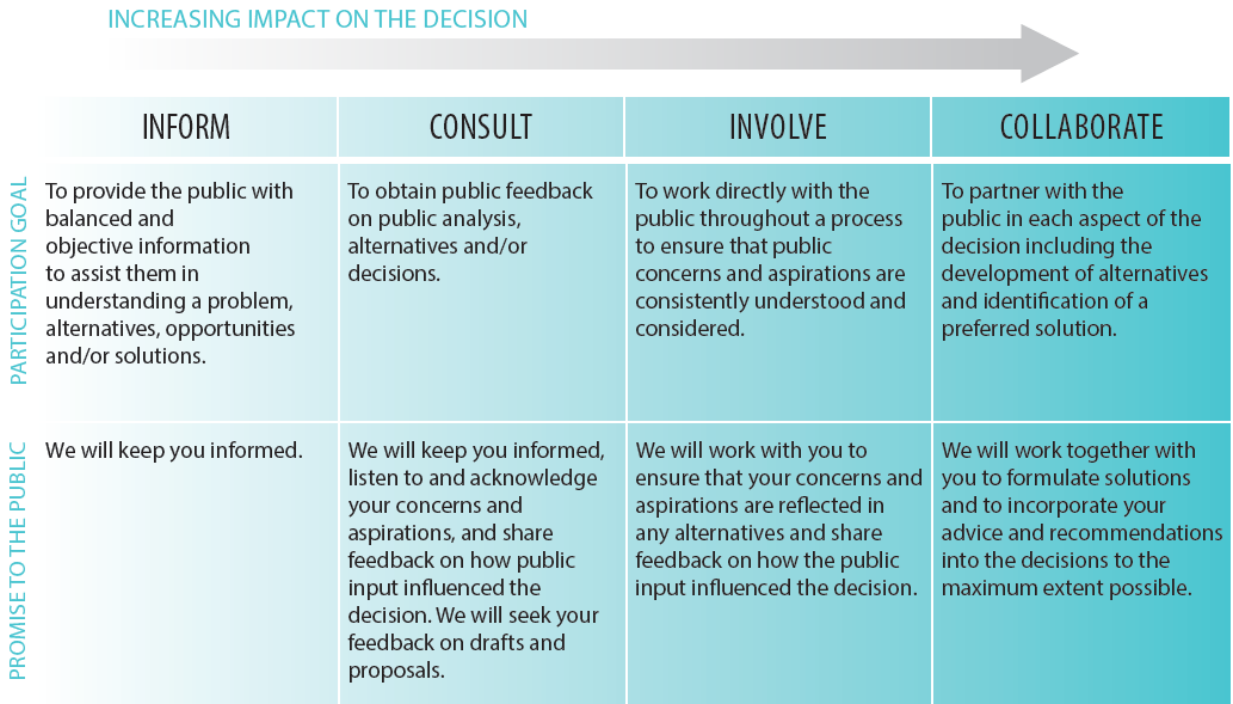
The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county support strategic decision-making with timely, reliable and accurate data and analysis.

## Appendix B: Engagement Framework

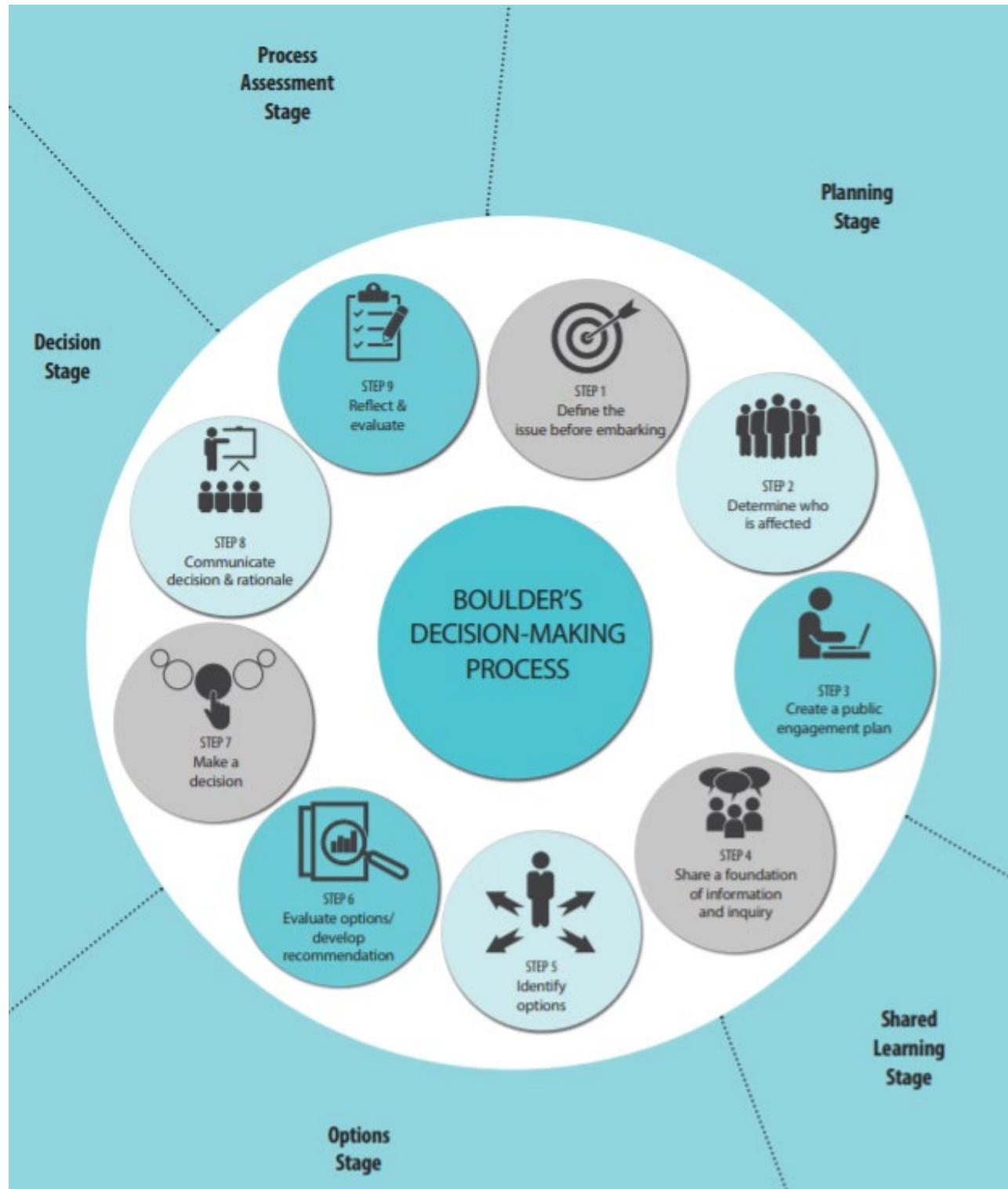
*City of Boulder Engagement Strategic Framework*

### BOULDER'S ENGAGEMENT SPECTRUM

The city will follow a modified version of IAP2's engagement spectrum to help identify the role of the community in project planning and decision-making processes.



*Boulder's Decision Making Process*





	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>OFFICE</b>	<p><b>Office</b> means the principal use of a room or rooms for the conduct of business by persons, including, without limitation, administrative offices, professional offices, and technical offices where there is no display of merchandise and the storage and sale of merchandise is clearly incidental to the service provided, but excluding medical or dental clinics or offices.</p> <p><b>Office, accessory</b> means an office subordinate to, a necessary part of, and in the same building with the principal business, commercial, or industrial use, including, without limitation, administrative, record-keeping, drafting, and research and development offices.</p> <p><b>Office, administrative</b> means an office providing management or administrative services to its affiliated industrial uses that are an equal or greater size, measured in floor area, of the administrative office use located within the city's industrial zoning districts.</p> <p><b>Office, other</b> means office uses not included in the administrative, professional, or technical office categories.</p> <p><b>Office, professional</b> means offices of firms or organizations providing professional service to individuals and businesses, including, without limitation, accountants, architects, attorneys, insurance brokers, realtors, investment counselors, and therapists, where a majority of client contact occurs at the office, but not including technical, medical, dental, or administrative offices.</p> <p><b>Office, technical</b> means offices of businesses providing professional services in a technical field, including, without limitation, publishers, engineering, graphic design, industrial design and surveying offices, where a majority of client contact occurs at the client's place of business or residence, but not including professional, medical, dental, or administrative offices.</p>	<p>The Office use category is defined as uses where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code or separately listed in the Use and Parking Tables. The Office Use Category also include business operations typically less service-oriented than the more traditional office uses listed above, including but not limited to: (1) software and internet content development and publishing; (2) computer systems design and programming; (3) graphic and industrial design; (4) data processing or call centers; (5) facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; (6) scientific and technical services; and (7) medical and/or dental laboratories.</p>	<p>Professional office shall mean an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists.</p>	<p>"Office" means a commercial use that provides administrative or professional services to individuals, businesses, institutions and/or government agencies primarily by phone or mail, by going to the customer's home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses, but not including facilities where medical services are provided or customer service offices. Examples of services provided include general contracting, janitorial and housecleaning services; legal, architectural, and data processing; broadcasting companies, administrative offices of businesses, unions or charitable organizations; and wholesalers and manufacturer's representatives' offices. Offices may include accessory storage, but not the storage of building materials, contractor's equipment or items, other than samples, for wholesale sale.</p>	None	<p>Professional Offices - A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices do not include government offices.</p>	<p>Office Use: A building or portion of a building used for conducting the business or affairs of a profession, business service, non-profit organization, agency, public utility and/or government entity.</p>	<p>Characteristics. Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:  <b>1. Traditional Office.</b> Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.  <b>2. Industrial Office.</b> Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.  <b>B. Accessory uses...</b>  <b>C. Examples.</b> Examples include uses from the two subgroups:  <b>1. Traditional Office:</b> Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, or real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.  <b>2. Industrial Office:</b> Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.</p>	<p>A use that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public and is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, with the exception of prototype development, nor engaged in the repair of products or retail services. It is characteristic of an office use that retail or wholesale goods are not shown on the premises to a customer. Examples include, but are not limited to, professional offices for non-profit organizations, advertising, accounting, investment services, insurance, contracting, architecture, planning, engineering, legal services, virtual motor vehicle sales, and real estate services. An office does not include government offices, which are a separate use.</p>	<p>Office, Professional and General . Use of a building for administrative, executive, professional, research, or similar organizations. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.</p>	<p>Office, general: An establishment generally providing professional services where tangible products are not produced or sold. This shall not include any other use identified in Sec. 5.4, Principal Use Table.</p>	<p>Office A building or portion of a building used for the professional, executive, management, financial, research, or administrative business of commercial entities. An office may also include an artist's studio, research and experimentation in a laboratory, and medical or dental services.</p>	<p>Offices: Premises available for the transaction of general business and services including but not limited to professional, management, financial, legal, social, or government offices, but excluding retail, artisan, and manufacturing uses.</p>	<p>Offices (land use).  <b>1.Accessory.</b> An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.  <b>2.Administrative Business Professional.</b> An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services advertising agencies airline, lodging chain, and rental car company reservation centers architectural, engineering, planning and surveying services attorneys, legal services commercial art and design services computer software and hardware design counseling services court reporting services data processing services detective agencies and similar services educational, scientific and research organizations employment, stenographic, secretarial and word processing services insurance claim processing literary and talent agencies mail order and e commerce transaction processing management and public relations services media postproduction services photography and commercial art studios police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars psychologist telecommunications facility design and management telemarketing writers and artists offices This use does not include "Banks and Financial Services," which are separately defined.  <b>3.Government.</b> An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.  <b>4.Medical.</b> An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatry, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.</p>	<p>Office Office shall mean facilities in which the administrative activities, record-keeping, clerical work, and other similar affairs of a business, profession, service, industry, or government are conducted and, in the case of professionals such as, but not limited to, dentists, physicians, therapists, bankers, lawyers, engineers, and accountants, the facilities where such professional services are rendered. The incidental sale of goods which are furnished as part of the professional service is allowed. The term office includes "medical office" and "financial office."</p>

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>RESTAURANT</b>	Restaurant means an establishment provided with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests.	Definition of Eating & Drinking Establishments Use Category Commercial establishments engaged primarily in the sale of food or drink to consumers for on premises or off-premises consumption. B. Specific Eating & Drinking Establishments Use Types and Definitions 1. Eating and Drinking Establishment A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a Completely Enclosed Structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.	<b>Restaurant, fast food</b> shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes all of the following characteristics: (1)food and beverages are usually served in edible containers or in paper, plastic or other disposable containers; and(2)there is no drive-in facility as a part of the establishment. <b>Restaurant, limited mixed-use</b> shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes all of the following characteristics: (1)food and beverages are usually served in edible containers or in paper, plastic or other disposable containers;(2)there is no drive-in or drive-through facility as a part of the establishment;(3)the establishment is contained within or physically abuts a multi-family dwelling;(4)the establishment is clearly subordinate and accessory to a multi-family dwelling;(5)the establishment shall not exceed one thousand five hundred (1,500) feet in gross leasable floor area;(6)the establishment shall not engage in serving alcohol; and(7)the establishment shall not engage in the playing of amplified music. <b>Restaurant, standard</b> shall mean any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics: (1)customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or(2)customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.	"Eating and drinking establishment" means a use in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include restaurants and drinking establishments. <b>1."Drinking establishment"</b> means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants. <b>2."Restaurant"</b> means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.	<b>Restaurant, delicatessen.</b> An establishment which sells ready-to-eat foods, in bulk or individual servings, primarily for consumption off the premises, and is not a fast food restaurant. <b>Restaurant, fast food.</b> An establishment whose design or principal method of operation includes five (5) or more of the following characteristics. In addition, any restaurant with a drive-through facility shall be considered a fast food restaurant. (1)A permanent menu board is provided from which to select and order food.(2)Customers pay for food before consuming it.(3)A self-service condiment bar is provided.(4)Trash receptacles are provided for self-service bussing.(5)Furnishing plan indicates hard finished stationary seating arrangement.(6)Most main course food items are substantially prepared or cooked on premises and packaged in individual, nonreusable containers. <b>Restaurant, sit down.</b> An establishment engaged in the preparation and retail sale of food and beverages, which is characterized by table service to customers and that is not a delicatessen restaurant, fast food restaurant or nightclub.	A business where food and beverages are prepared for and served to patrons for consumption either on-premises or off-premises. 1. The sale of alcohol for on-premises consumption requires separate approval as a tavern. The sale of alcohol for off-premises consumption requires separate approval for an alcohol sales establishment. 2. A restaurant may include ancillary live entertainment without a separate approval, except in the N-2R and N-3R zones, so long as all of the following conditions are met: a. No permanent space is dedicated for live entertainment. b. No admission is charged for live entertainment. c. When live entertainment is offered, it is clearly incidental and subordinate to the restaurant use.	<b>Carry Out Food Store:</b> A store which serves food or non-alcoholic beverages for immediate consumption not on the premises, but usually in the vicinity of the store. A Carry Out Food Store is usually characterized as an establishment which: serves food altered in texture and/or temperature on a customer-demand basis; puts such food in non-sealed packages or edible containers; requires payment for such food prior to consumption; and provides no seating or other physical accommodations for on-premises dining. Examples of this type of facility include, but are not limited to, delicatessens and other stores without seating which sell doughnuts, croissants, ice cream, frozen yogurt, cookies, whole pizzas and sandwiches. A Bakery or Food Products Store is not considered a Carry Out Food Store. <b>Quick Service Restaurant:</b> An establishment which serves food or beverages for immediate consumption either on the premises, or to be taken out for consumption elsewhere. A Quick Service Restaurant is usually characterized as an establishment in which food is cooked on a customer-demand basis, payment is required prior to consumption, and seating or other physical accommodations for on-premises customer dining, with limited or no table service (no waiters or waitresses), is provided. Examples of this type of facility may include, but are not limited to, establishments selling primarily hamburgers or other hot or cold sandwiches, hot dogs, tacos and burritos, pizza slices, fried chicken or fish and chips. <b>Full Service Restaurant:</b> An establishment which serves food or beverages for immediate consumption primarily on the premises, with only a minor portion, if any, of the food being taken out of the establishment. A Full Service Restaurant is characterized as an establishment in which food is cooked or prepared on the premises on a customer-demand basis, which requires payment after consumption, and provides seating and tables for on-premises customer dining with table service (waiters or waitresses).	Retail Sales And Service A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking. C. Examples. Examples include uses from the four subgroups listed below: 3. Entertainment-oriented: <b>Restaurants, cafes, delicatessens, taverns, and bars;</b> indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.	<b>Restaurant, Standard.</b> An establishment where food and/or beverages are prepared to order, served by wait staff, and usually consumed on-premises. A standard restaurant's principal method of operation includes ordering by customers from an individual menu or menu board and the service of food and beverages by a restaurant employee at the same table or counter where the items are consumed. Standard restaurants may sell and serve alcoholic beverages. Average monthly revenue from food and nonalcoholic beverages shall exceed fifty percent of the total average monthly revenue from the sale of food, nonalcoholic beverages and alcoholic beverages. <b>Restaurant, Specialty.</b> An establishment whose primary business is the sale of one or more specialty types of food or beverage that is or are not considered a complete meal (e.g., candy, coffee, or ice cream). Specialty restaurants may only offer alcoholic beverages for sale in those districts where a bar is a permitted use or in those districts where a bar is a conditional use, upon obtaining conditional use approval. <b>Restaurant, Carry-Out.</b> An establishment maintained, operated, or advertised or held out to the public as a place where food, beverage, or desserts are served in disposable containers or wrappers from a serving counter for consumption off the premises. Carry-out restaurants may not offer alcoholic beverages for sale.	<b>Restaurant .</b> A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. Does not include sales of fermented malt beverages or intoxicating liquor. <b>Restaurant-Nightclub .</b> An establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11). (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14) <b>Restaurant-Tavern .</b> Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)	Restaurant: An establishment that prepares and serves food and beverages to the public. This use may include table, counter, drive-thru, drive-in, take-away and delivery services either individually or some combination thereof. This term includes ice cream, yogurt, gelato and smoothie shops; bakeries; bagelries; doughnut shops; coffee shops; and, similar establishments. Accessory beer, wine and liquor sales may or may not be permitted as provided in Sec. 8.7.24, Accessory Alcohol Sales. Restaurants deriving more than 50% of its annual gross food and beverage sales from the sale of alcoholic beverages shall be considered a bar, tavern, or nightclub, as applicable. This term does not include catering establishments.	<b>Restaurant</b> An establishment whose primary business is to prepare and sell food or beverages in a ready-to-consume state for consumption on or off the premises. A restaurant with drive-through, carryout restaurant, convenience store, or craft beverage production establishment as defined herein, is not considered a restaurant.  This use does not include a snack bar or refreshment stand at a public or non-private recreational facility that is operated solely by the agency or group operating the recreational facility as an accessory use for the convenience of the patrons of the facility. Entertainment that is provided for the enjoyment of the patrons and is incidental to the principal dining function may be considered accessory to a restaurant. This entertainment may include dancing by patrons, subject to the licensing requirements of Chapter 27 of the County Code. <b>Restaurant, Carryout</b> Any establishment whose primary business is to prepare and sell ready-to-consume food or beverages, primarily for consumption off-site. Up to eight seats may be provided for on-site consumption or customer waiting. A restaurant with more than eight seats is considered a restaurant. A carryout restaurant does not include a restaurant with drive-through facilities, convenience store, or craft beverage production establishment.	Restaurant or Cafe: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: 1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; 2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.	<b>Restaurants (land use).</b> An establishment that sells prepared food or beverages either indoors or outdoors in nondisposable containers. A restaurant may provide for the accessory sale of food and nonalcoholic beverages for off-site consumption provided that all food and beverages sold for on-site consumption are served in nondisposable containers. A restaurant with a bar area exceeding 500 square feet or 30 percent of the dining area shall be classified as a bar.  <b>Restaurants, Fast Food (land use).</b> A restaurant that sells prepared food either indoors or outdoors in disposable containers (e.g., paper or plastic). These uses include retail bakeries that provide on-site seating. A restaurant with a bar area exceeding 500 square feet or 30 percent of the dining area shall be classified as a bar.  <b>Restaurants, Formula Fast Food (land use).</b> A fast-food restaurant which is required by contractual or other arrangements to offer standardized employee uniforms, exterior design, food preparation, ingredients, interior decor, menus, or signs; or adopts an appearance, food presentation format, or name which causes it to be substantially identical to another restaurant regardless of ownership or location.  <b>Restaurants with Limited Live Entertainment (land use).</b> A restaurant, including a fast food or formula restaurant that provides accessory live entertainment, where the performance area does not exceed 75 square feet, and customer dancing does not occur. The use shall be classified as a nightclub (commercial entertainment) if the performance area exceeds 75 square feet or customer dancing is provided. Live entertainment does not include a sexually oriented business.  <b>Restaurants with Walk-up Window (land use).</b> A restaurant, including a fast food or formula fast food restaurant that provides an exterior walk-window in which orders for food are taken and/or customers are served food.	Food or Drink Establishment Food or drink establishment shall mean an operation that stores, prepares, packages, serves, vends or otherwise provides food or drinks for immediate human consumption.

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>DATA PROCESSING FACILITY</b>	Data processing facilities means facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.	[Within Office definition]	None	[Within Office definition]	Same as office	None	None	[Within Office definition]	None	[Within Office definition]	None	[Within Office definition]	None	[Within Office definition]	Mail Order Catalog Sales Mail order catalog sales shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.
<b>COMPUTER DESIGN &amp; DEVELOPMENT</b>	Computer design and development facility means a business primarily engaged in the development of, or engineering of, computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.	[Within Office definition]	None	None	[(1)Light industrial uses. Light industrial uses are low impact uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which have little or no adverse effect on surrounding properties. Light industrial uses generally do not include processing of raw materials or production of primary materials. Light industrial uses include, but are not limited to, the production or processing of the following:a.Apparel and other finished products made from fabrics.b.Computers and accessories, including circuit boards and software.c.Electronic components and accessories.d.Fabricated leather products such as shoes, belts and luggage, except no tanning of hides.e.Furniture and fixtures, except no metal working.f.Household appliances and components, except no metal working.g.Measuring, analyzing, and controlling instruments.h.Medical and optical goods and technology.i.Musical instruments.j.Novelty items, pens, pencils, and buttons.k.Office and commercial equipment, except no metal working.l.Paper and paperboard products, except no pulp, paper or paperboard mills.m.Pharmaceuticals, health and beauty products.n.Precision machined products, including jewelry.o.Printing and publishing, including distribution.p.Signs, including electric and neon signs.q.Sporting and athletic goods.r.Telecommunications products.	Research/Laboratory Facility. A facility where research and development is conducted in industries including, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, electronics and instrumentation, and <b>computer hardware and software</b> . A research/laboratory facility does not involve the manufacture, fabrication, processing, or sale of products, with the exception of prototype development.	None	[Within Office definition]	Research and Development (R&D). An establishment where research and development is conducted in industries including, but not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and <b>computer hardware and software</b> . Research and development does not involve the bulk manufacture, fabrication, processing, or sale of products.	[Within Office definition]	Research, Testing and Development Laboratory: A facility for scientific research, and the <b>design, development and testing of computer software</b> , and electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Also includes chemical and biotechnology research, testing and development and materials and soils testing.	[Within Office definition]	Research and Development Uses: Facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities, and where no more than 30 percent of the total floor area is office. Includes pharmaceutical, chemical, and biotechnology research and development.	[Within Office definition]	None

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>PRINTER AND BINDER</b>	Printer and binder means an industrial use that provides commercial printing services involving typesetting, printing, and the binding of printed media such as books, magazines, and periodicals but does not include a duplicating service.	Wholesale Trade or Storage, General "Wholesale trade or storage, general" use is defined to include all of the following activities: c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services: i. Advertising; ii. Employment services; iii. Equipment rental and leasing; iv. Property management, security and maintenance, including custodial services; v. <b>Printing and reproduction services; vi. Publishing and bookbinding;</b> vii. Air courier pickup and delivery "drop-off points"; viii. Personnel services; ix. Computer programming, data processing and other computer-related services; x. Mailing, addressing, stenographic services; and xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library. xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as "office" uses.	Print shop shall mean an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.	None	[Within Light Industrial definition]	None	Light Manufacturing: Primarily involved in baking, brewing, fabricating, milling, processing and other similar forms of mechanical and chemical treatment. Light manufacturing uses are generally in the following groups in the North American Industrial Classification System (NAICS): <b>Printing and Publishing</b>	Industrial Service A. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. B. Accessory uses. Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks. C. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; <b>printing, publishing and lithography;</b> exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, drycleaning, and carpet cleaning plants; and photofinishing laboratories. D. Exceptions. 1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site. 2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.	Printing Establishment. A large-scale facility for the custom reproduction of written or graphic materials on a custom order basis. Typical processes include, but are not limited to, offset printing, photocopying, blueprint printing and copying, and binding. Printing establishments do not include a commercial copy shop, where services such as photocopying, binding, and access to computers and facsimile sending and receiving are provided. A commercial copy shop is considered a personal service establishment.	None	Industry, Manufacturing and Processing: Limited/Light: Such uses include the manufacturing, assembly or production of parts and products, primarily from previously prepared materials. Typical uses include: <b>printing and related support activities;</b> breweries and distilleries; cabinet shop; apparel manufacturing; food and ice manufacturing; component manufacturing/assembly; computer or electronic product manufacturing/assembly; electrical equipment; furniture and related product manufacturing/assembly; machinery manufacturing; photo-finishing laboratories (excluding one-hour labs); welding shops; machine shops. This category also includes the facilities for the repair or servicing of commercial and industrial vehicles, machinery, equipment, products or by-products.	Production or Processing An establishment primarily engaged in the <b>printing,</b> production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of goods or products, that does not meet the definition for a Production or Processing, Heavy use. Goods are generally not displayed or sold on-site; however, limited retail sales and other related non-production activities may be allowed if they are accessory to the primary production activity.	Industrial, Light – General: This use includes manufacturing, storage, transportation, construction, repair, and wholesale uses that do not include hazardous wastes or resulting large truck usage/parking on the site. Light industrial uses include, but are not limited to, the following: <b>Printing and publishing</b>	Printing and Publishing (land use). An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.	None

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>TELECOMMUNICATIONS</b>	Telecommunications use means businesses primarily engaged in the design, development, engineering, or provision of telecommunication access services but excluding retail sales, manufacturing and repair, or installation services to customers.	Communication Services Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, telecommunication facilities major impact utilities. Facilities that broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as non-dental or non-medical "office" uses. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services. a. Broadcast and/or Recording Studio An establishment containing one or more broadcasting studios for the over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, television programs or motion pictures. This term does not include transmission towers.	None	None	[Within Light Industrial definition]	Research/Laboratory Facility. A facility where research and development is conducted in industries including, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, <b>communication and information technology</b> , electronics and instrumentation, and computer hardware and software. A research/laboratory facility does not involve the manufacture, fabrication, processing, or sale of products, with the exception of prototype development.	None	None	<b>Research and Development (R&amp;D).</b> An establishment where research and development is conducted in industries including, but not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, <b>communications and information technology</b> , electronics and instrumentation, and computer hardware and software. Research and development does not involve the bulk manufacture, fabrication, processing, or sale of products.	Telecommunications Center . An office facility that is responsible for transmission, receipt, acceptance, processing, and distribution of incoming and outgoing communications.	Personal Wireless Communications Services: Commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access service as identified in the Telecommunications Act of 1996.	None	Industrial, Light – General: This use includes manufacturing, storage, transportation, construction, repair, and wholesale uses that do not include hazardous wastes or resulting large truck usage/parking on the site. Light industrial uses include, but are not limited to, the following: <b>Communications</b>	Communications Facilities (land use). Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities and wireless telecommunication antenna facilities. This use includes radio, television, or recording studios, and telephone switching centers.	Data Center Data center shall mean an office building used to house computer or telecommunication systems and associated components, such as computer servers, telecommunications and related storage systems.
<b>NON-PROFIT MEMBERSHIP CLUB</b>	Nonprofit membership club means a nonprofit organization with established formal membership requirements and bylaws, and with the objective of providing for the interests of its members.	Club or Lodge A building or land used for the activities of an association of persons for the promotion of a private or nonprofit common objective, such as literature, science, politics, and good fellowship. A club or lodge is not accessory to, or operated as, or in connection with a tavern, eating or drinking place, or other commercial establishment open to the general public.	Clubs and lodges shall mean organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.	"Community club or center" means an institution used for athletic, social, civic or recreational purposes, operated by a nonprofit organization, and open to the general public on an equal basis. Activities in a community club or center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar activities.	<b>Club or lodge.</b> An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests or activities, and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings and a constitution or bylaws.	Lodge or Private Club. A facility for the use of a membership organization or association with elected officers and directors, pursuant to a charter or bylaws, that excludes the general public from its premises and holds property for the common benefit of its members. 1. A lodge or private club may not charge a temporary membership fee in order to allow non-members to enter or use the premises. 2. A lodge or private club may serve meals and alcohol on the premises for members and their guests only.	Club/Lodge: A group of persons organized for a purpose to pursue common goals, activities or interests, usually characterized by certain membership qualifications, payment of fees or dues, regular meetings and a constitution or by-laws. A building or area used by such a group shall be considered a club.	Retail Sales And Service A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking. C. Examples. Examples include uses from the four subgroups listed below: 3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, <b>membership clubs, and lodges</b> ; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.	Social Club or Lodge. Structures operated by an organization or association for some common purpose, such as, but not limited to, a fraternal, social, educational, or recreational purpose or a union hall, but not including clubs organized primarily for profit or to render a service which is customarily carried on as a business. Such organizations and associations shall be incorporated under the laws of Louisiana as a nonprofit corporation or registered with the Secretary of State of Louisiana. Fraternities/sororities are not considered social clubs or lodges.	Lodge or Club, Private . A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.	Private Club/Lodge: A permanent facility for organizations operating on a membership basis for the promotion of the interests of its members, including facilities for business associations; professional membership organizations; labor unions and similar organizations; civic and social organizations; political organizations, and other membership organizations. This term does not include outdoor firearm/archery ranges or adult entertainment establishments. Membership is not required for the rental of such facility.	Club, Service Organization, or Community Center. A facility operated by a nonprofit corporation, association, or group of people for social, educational, recreational, or service-oriented activities. This use may include meeting rooms, game rooms, clubhouses, swimming pools, courts, exercise equipment, snack bars, kitchens, and similar facilities. This use does not include standalone community swim, tennis, and recreation clubs, which are a different use in this category, or commercial indoor or outdoor recreation facilities, which are in the Recreation and Entertainment category.	Lodges or Fraternal Associations: Permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members; includes union halls.	Lodges or Fraternal Associations: Permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members; includes union halls.	<b>Clubs, Lodges, Private Meeting Halls (land use).</b> A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>ADULT ED FACILITY/ VOCATIONAL SCHOOL</b>	<p><b>Adult education facility</b> means an academic educational use serving a clientele at least fifty percent of which are individuals who are eighteen years of age or older.</p> <p><b>Vocational or trade school</b> means a secondary or higher education facility primarily teaching useable skills that prepare students for jobs in a trade to be pursued as a career or occupation but does not include a college or university.</p>	Vocational or Professional School Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as Home Occupation, college or university, or elementary or secondary school.	None	<p><b>"School, vocational or fine arts"</b> means an institution that teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or that teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes, except businesses that provide training, instruction, or lessons exclusively on an individual basis, which are classified as general retail sales and service uses, and except those businesses accessory to an indoor participant sports use.</p> <p><b>"Institute for advanced study"</b> means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.</p>	<p><b>Educational arts center.</b> A facility owned and operated by a non-profit organization where lessons in the performing and visual arts are offered, including music, theater and dance.</p> <p><b>School, vocational or business.</b> A use which meets state requirements for a vocational or business school.</p>	Commercial School. A school that teaches industrial, clerical, managerial, commercial, artistic, or other select skills; conducts a commercial enterprise, such as a driving school; or a privately operated school that does not offer a complete educational curriculum.	School: A building or group of buildings for educational and/or classroom purposes operated by the Berkeley Unified School District (BUSD) and/or other private or public education institutions offering a general course of study at primary, secondary or high school levels which is equivalent to the courses offered by the BUSD. Day nurseries, <b>vocational and trade schools shall be considered schools only when incidental</b> to the conduct of the school as defined herein.	Trade schools where industrial vehicles and equipment, including heavy trucks, are operated = Industrial Service Business and trade schools = retail sales and service Retail Sales and Service: Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; <b>business, martial arts, and other trade schools;</b> dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.	Educational Facility, Vocational. A school that teaches industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), commercial, or artistic skills, or a school conducted as a commercial enterprise, such as a driving school or school for general educational development (GED). This definition applies to privately operated schools that do not offer a complete educational curriculum. Vocational educational facilities do not include university educational facilities. An "Educational Facility, Vocational" includes ancillary uses that serve the student population, such as cafeterias, restaurants, and retail goods establishments. Vocational educational facilities may also include child care centers.	Schools, Arts, Technical or Trade . Business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, GED preparation, computer use or programming, or cosmetology.	None	Specialized Instruction Center A center primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. This use does not include a child care center, home day care facility, health and exercise facility, or riding school.	<p><b>Trade Schools:</b> A specialized school frequently owned and operated privately for profit providing on-site training of business, commercial, industrial and trade or vocational skills.</p>	Schools Specialized education and training. Includes business, secretarial schools, and vocational schools offering specialized trade and commercial courses. Includes specialized non-degree-granting schools offering subjects including: art, ballet and other dance, computers, cooking, drama, driver education, language, and music. Also includes seminaries and other facilities exclusively engaged in training for religious ministries, and establishments furnishing educational courses by mail. Facilities, institutions, and conference centers are included that offer specialized programs in personal growth and development (e.g., arts, communications, environmental awareness, and management).	<p><b>School.</b> School shall mean an institution where instruction is given and shall include the following institutions: Academies, Private College, Private School, Satellite College, Vocational Schools.</p> <p><b>Vocational Schools</b> Vocational schools shall mean facilities for training and instruction in business and vocational skills.</p>

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>PUBLIC OR PRIVATE OFFICE PROVIDING SOCIAL SERVICES</b>	Public or private office uses providing social services means an organization whose activities are conducted for the benefit of the community and not for the gain of any private person or organization, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, cultural, charitable, scientific, historical, athletic, or medical activities.	[Within Office definition]	Semipublic use shall mean uses operated by recognized religious, philanthropic, educational or other charitable institutions on a nonprofit basis and in which goods, merchandise and services are not provided for sale on the premises.	[Within Office definition]	<b>Community center.</b> An establishment operated by a non-profit organization or government agency, which includes recreational and cultural facilities, meeting rooms, social service facilities and public health facilities, or any combination thereof, and that is not a public park.	<b>Government Offices.</b> Offices owned, operated, or occupied by a government agency, including government officials and departments, <b>social service facilities</b> , public works facilities, and courthouses. <b>Professional Offices.</b> A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services. Professional offices do not include government offices.	Office Use: A building or portion of a building used for conducting the business or affairs of a profession, business service, non-profit organization, agency, public utility and/or government entity.	Community Services A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass, outdoor, or short term shelter with no minimum length of stay when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. B. Accessory uses. Accessory uses may include <b>offices, , , social service facilities,</b>	[Within Office definition]	Counseling/Community Service Organization . An organization that provides a variety of social and community-based services within a single tenant space. Activities include but are not limited to day treatment services, job training, office functions, counseling, neighborhood/group meetings, physical therapy, food bank, and transportation services.	[Within Office definition]	[Within Office definition]	[Within Office definition]	Public and Semi Public Use. A land use that is generally operated by public agencies or private entities, and may include city administration buildings, child day care centers, colleges, fire stations, and religious facilities. These uses include:•adult day care, general•animal shelters•charitable institutions•child day-care centers•club, lodge, private meeting hall	Neighborhood Support Services Neighborhood support services shall mean those human, social, educational, counseling, health, and other support services provided primarily for the support of persons residing in adjacent residential areas, which occur frequently and so require facilities in relative proximity to places of residence and do not include residential or overnight accommodations.
<b>INDOOR AMUSEMENT ESTABLISHMENT</b>	Indoor amusement establishment means a commercial operation open to the public without membership requirements, including, without limitation, bowling alleys, indoor arcades, theaters, pool halls, skating rinks, dance halls, and reception/banquet facilities.	Arts, Recreation and Entertainment Services, Indoor Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, Community Center and adult business uses. This definition includes, but is not limited to: c. Amusement Center and Arcade d. Billiard Parlor e. Bowling Center; Ice Rink; Swimming Pool, Tennis Club and Similar Sports Clubs, Indoor f. Children’s Indoor Play Center h. Fitness and Recreational Sports Center Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. i. Personal Instruction Studio Personal instruction studios for dance, martial arts, photography, music and similar activities.	<b>Limited indoor recreation use</b> shall mean facilities established primarily for such activities as exercise or athletic facilities; and amusement or recreational services, such as billiard or pool parlors, pinball/video arcades, dance studios, martial art schools, arts or crafts studios; or exercise clubs, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, basketball or competitive swimming. This definition is intended to restrict the type of recreational use allowed to those small-scale facilities containing no more than five thousand (5,000) square feet that would be compatible with typical buildings and uses in the zone district in which this use is allowed. <b>Unlimited indoor recreational use and facility</b> shall mean establishments primarily engaged in operations and activities contained within large-scale gymnasium-type facilities such as for tennis, basketball, swimming, indoor soccer, indoor hockey or bowling.	"Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.	Indoor recreation area. An establishment providing indoor recreation facilities such as bowling, pool/billiards, table tennis and video and arcade games.	Amusement Facility, Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.	Commercial Recreation Center: Any establishment other than a theater at which recreation facilities are offered or amusement devices provided to the public as a principal commercial activity of such establishment. This may include, but is not limited to, bingo parlors, bowling alleys, skating rinks, billiard or pool halls, miniature golf courses and amusement device arcades.	Retail Sales And Service A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking. C. Examples. Examples include uses from the four subgroups listed below: 3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; <b>indoor or outdoor continuous entertainment activities</b> such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.	Indoor Amusement Facilities. Spectator and participatory uses conducted within an enclosed building, such as movie theaters, bowling alleys, pool halls, arcades, and indoor sporting exhibitions. Indoor amusement facilities do not include stadiums, arenas, or live performance venues. Indoor amusement facilities may include ancillary uses such as snack bars or restaurants for the use of patrons but do not serve alcoholic beverages. However, if a standard restaurant, live entertainment – secondary use, or bar is allowed within the district, such uses may be included as part of the indoor amusement facility so long as separate approval is obtained for the standard restaurant, live entertainment – secondary use, or bar.	Recreation, Indoor . A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.	Indoor Amusement: Includes pool halls, bowling lanes, game arcades, escape rooms, haunted houses, skating rinks and similar uses. This term does not include adult entertainment.	Commercial Recreation, Indoor An establishment providing recreational activities predominantly indoors. Examples of this use include movie theaters, music venues, bowling alleys, indoor skating facilities, amusement arcades, indoor shooting and archery ranges, tennis and similar courts, recreational crafting activities, and similar establishments where the predominant recreation or entertainment activity takes place inside a building. Consumption of food and beverages may occur but is not the primary activity. This use does not include any use meeting the definition of a golf course or country club; quasi-public park, playground, or athletic field; restaurant; or public entertainment.	Commercial Recreation - Indoor (land use). Provision of indoor participant or spectator recreation that is operated as a business and open to the public for a fee. This classification includes billiard parlors, bowling alleys, ice- or roller-skating rinks, and karaoke uses.	Recreational Facilities, Enclosed Commercial Enclosed commercial recreational facilities shall mean facilities which are enclosed in a building and used for recreation including but not limited to: golf, racquetball, tennis, and other court games, fitness centers, bowling, skating, skate boarding, rock climbing, video gaming, indoor shooting or archery ranges, paint ball, laser tag, or swimming.	

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>INDOOR RECREATIONAL OR ATHLETIC FACILITY</b>	Indoor recreational or athletic facility means an indoor facility where persons participate in recreational or athletic activities, including, without limitation, a martial arts school, dance studio, and an exercise and health club.	Fitness and Recreational Sports Center Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.	<b>Health club</b> shall mean an establishment that is open only to members and guests and that provides facilities for at least three (3) of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers and lockers.	"Sports and recreation, indoor" means an entertainment use in which facilities for engaging in sports and recreation are provided within an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include but are not limited to bowling alleys, roller and ice skating rinks, dance halls, racquetball courts, physical fitness centers and gyms, and videogame parlors.	Sports and health facility. An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms. A sports and health facility shall not include any use which could be defined as an indoor recreation area.	None	Dance, Exercise, Martial Arts or Music Studio: An establishment in which customers assemble for group exercises, dancing, self-defense training, aerobics, choral or musical instrument instruction, other movement drills for learning, rehearsal or non-audience performances.	[Within Retail Sales and Service definition]	Health Club. An establishment that provides health and fitness facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, and may include ancillary facilities such as locker rooms, showers, massage rooms, saunas, sales of related health equipment and clothing, juice bars, and other related uses.	Recreation, Indoor . A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.	Indoor Sports Facility: Includes athletic, racquet, swim or health club, gymnastic facility, or similar uses. This term does not include firearm or archery range.	<b>Health and Exercise Facility, Large</b> An indoor facility, other than a small health and exercise facility, where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs and gyms. Accessory uses to serve the members may include child care, restaurant, retail sales, massage therapy, and personal service. This definition does not include a community center. <b>Health and Exercise Facility, Small</b> An indoor facility having a maximum gross floor area of 6,000 square feet where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs, fitness classes, training, and instruction. Accessory uses to serve the members may include child care, restaurant, retail sales, massage therapy, and personal service. This definition does not include a community center or a specialized instruction center.	None	None	Recreational Facilities, Enclosed Commercial Enclosed commercial recreational facilities shall mean facilities which are enclosed in a building and used for recreation including but not limited to: golf, racquetball, tennis, and other court games, fitness centers, bowling, skating, skate boarding, rock climbing, video gaming, indoor shooting or archery ranges, paint ball, laser tag, or swimming.
<b>PARKS AND RECREATION USES</b>	Parks and recreation uses means uses which include playfields, playgrounds, athletic facilities, and golf courses, which are owned by a public agency, a neighborhood or homeowners association and is operated for the benefit of the residents of the community, neighborhood or homeowners association.	Definition of Cultural / Special Purpose / Public Parks & Open Space Use Category Cultural/ Special Purpose/Parks and Open Space use category is defined as uses generally providing for display, performance, preserving, or enjoyment of heritage, history, the arts, parks and open space. The use category includes, but is not limited to museums, libraries, parks and open space owned or operated by either public or private entities	Parks, recreation and open lands shall mean natural areas as described in the Natural Areas Policy Plan, parks and recreation facilities as described in the Parks and Recreation Policy Plan whether such facilities are owned or operated by the City or by another not-for-profit organization, environmental interpretation facilities, outdoor environmental research or education facilities, or public outdoor places.	"Parks and open space" means a use in which an area is permanently dedicated to recreational, aesthetic, educational or cultural use and generally is characterized by its natural and landscape features. A parks and open space use may be used for both passive and active forms of recreation.	<b>Park, neighborhood.</b> A public park less than six (6) acres, designed to serve a single neighborhood. <b>Park, public.</b> A park operated by the City of Minneapolis, including all park buildings.	Open Space. A site reserved for active or passive recreation or natural resources protection	None	Parks And Open Areas A. Characteristics. Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. B. Accessory uses. Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking. C. Examples. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.	Parks and Playgrounds. A non-commercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Parks and playgrounds include, but are not limited to, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, playgrounds, beaches, and park district field houses, which may have indoor recreation facilities.	None	Park, General: An area that is predominately open space, used principally for active or passive recreation, and not used for a profit-making purpose.	Outdoor Public Use, General: Outdoor recreational uses include public areas for active recreational activities including, but not limited to, jogging, cycling, tot lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts. Also included are recreational uses such as arboretums, nature areas, wildlife sanctuaries, picnic areas, recreation-oriented parks and other open spaces such as youth recreation camps.	Park and Recreation Facilities (land use). A noncommercial park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility. This use includes community centers.	None	



	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>OUTDOOR ENTERTAINMENT</b>	Outdoor entertainment means a use of land which provides entertainment services partially or entirely outside of an enclosed building, including, without limitation, driving ranges, miniature golf facilities, amusement parks, or go-cart tracks.	Arts, Recreation and Entertainment Services, Outdoor: Commercial establishments engaged in providing outdoor amusement, recreation, or entertainment services by and for participants, for the payment of a fee or admission charge, excluding Community Center and adult business uses. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to: a. museum/Special Interest Parks A complex with both indoor and Outdoor Entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge. b. Batting Cages c. Go-Cart Raceway d. Ice Rinks, Outdoor e. Miniature Golf Course f. Private Golf Course Private golf course, defined to mean an area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. g. Skateboard Centers or Parks h. Swimming Pools, Outdoor i. Tennis Clubs, Outdoor j. Outdoor Theaters, Amphitheaters, or Other Permanent Outdoor Performance Spaces	Outdoor recreation facility shall mean an area devoted to active sports or recreation such as go-cart tracks, miniature golf, archery ranges, sport stadiums or the like, and may or may not feature stadium-type seating.	"Sports and recreation, outdoor" means an entertainment use in which facilities for engaging in sports and recreation are provided outside of an enclosed structure, and in which any spectators are incidental and are not charged admission. Examples include tennis courts, water slides, and driving ranges.	Outdoor recreation area. An establishment providing outdoor recreation facilities such as a golf driving range, skating rink, miniature golf course or other nonmotorized amusement. An outdoor recreation area shall not include an outdoor theater.	Amusement Facility, Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, campgrounds, batting cages, drive-in movie theater, recreational vehicle parks, petting zoos, golf courses, miniature golf courses, and amusement parks.	Commercial Recreation Center: Any establishment other than a theater at which recreation facilities are offered or amusement devices provided to the public as a principal commercial activity of such establishment. This may include, but is not limited to, bingo parlors, bowling alleys, skating rinks, billiard or pool halls, miniature golf courses and amusement device arcades.	[Within Retail Sales and Service definition]	Outdoor Amusement Facility. Participatory and spectator uses conducted outdoors, which may include partially enclosed facilities. Typical uses include, but are not limited to, miniature golf courses, batting cages, archery ranges, outdoor racetracks, theme parks, and amusement parks. An outdoor amusement facility includes ancillary uses, such as food stands, snack bars, or restaurants for the use of patrons, but do not serve alcoholic beverages.	Recreation, Outdoor . A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, swimming pool, water park, an outdoor stage, band shell, or amphitheater.	Outdoor Amusement: Includes paintball facility, outdoor archery, miniature golf, bumper boats, batting cages, go-karts, BMX facilities, golf driving ranges not associated with a golf course and similar uses.	Commercial Recreation, Outdoor A commercial facility devoted to passive or active recreation where activities predominately take place outdoors. Examples of this use include outdoor swimming pools, outdoor athletic fields or courts, outdoor shooting ranges, and similar facilities where the predominant recreation activity takes place outside of a building. This use does not include any use meeting the definition of a golf course or country club or quasi-public parks, playgrounds, and athletic fields.	Commercial Recreation Facilities, Outdoor: These uses include golf driving ranges, outdoor commercial amusement facilities including but not limited to outdoor stadiums, racing facilities, rodeos, music arenas, theme parks, amusement parks, miniature golf establishments, ice and roller skating rinks, water slides, batting cages, archery ranges, pistol ranges and shooting ranges.	Commercial Recreation - Outdoor (land use). Provision of outdoor participant or spectator recreation that is operated as a business and open to the public for a fee. This classification includes amusement parks, golf courses, miniature golf courses, and outdoor swimming pools.	Recreational Facilities, Outdoor Outdoor Recreational facilities shall mean facilities primarily for participation in recreational activities such as but not limited to tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, skate boarding, swimming, golf, and outdoor shooting or archery ranges. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

	<b>BOULDER</b> Population: 106k Area: 27 sq miles	<b>DENVER</b> 705k 155 sq miles	<b>FORT COLLINS</b> 166k 59 sq miles	<b>SEATTLE</b> 724k 84 sq miles	<b>MINNEAPOLIS</b> 420k 58 sq miles	<b>BUFFALO</b> 256k 53 sq miles	<b>BERKELEY</b> 121k 18 sq miles	<b>PORTLAND</b> 645k 145 sq miles	<b>NEW ORLEANS</b> 390k 350 sq miles	<b>MADISON</b> 255k 102 sq miles	<b>SAVANNAH</b> 145k 113 sq miles	<b>FAIRFAX COUNTY</b> 1.1 million 406 sq miles	<b>FLAGSTAFF</b> 72k 66 sq miles	<b>PASADENA</b> 141k 23 sq miles	<b>LINCOLN</b> 284k 99 sq miles
<b>PERSONAL SERVICES</b>	<p><b>Personal service use</b> means an establishment that provides personal services for the convenience of the neighborhood, including, without limitation, barber and beauty shops, shoe repair shops, bicycle repair shops, dry cleaners, laundries, self-service laundries, bakeries, travel agencies, newsstands, pharmacies, photographic studios, duplicating services, automatic teller machines, and the healing arts (health treatments or therapy generally not performed by a medical doctor or physician such as physical therapy, massage, acupuncture, aromatherapy, yoga, audiology, and homeopathy).</p>	<p>A. Definition of Retail Sales, Service &amp; Repair Use Category -- Not Including Vehicle or Equipment Sales, Services &amp; Repair 1. The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses. 2. This category includes but is not limited to: a. <b>Banking and financial services</b>, b. Food sales, c. Animal sales and services, d. General merchandise sales, e. <b>Personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, and mortuaries</b> including accessory crematory services), and f. <b>Consumer repair services Dental / Medical Office or Clinic</b> An office use where the primary service is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses. <b>Fitness and Recreational Sports Center</b> Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. <b>Professional Studio</b> A specific type of arts, recreation and entertainment, indoor service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.</p>	<p><b>Personal and business service shops</b> shall mean shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.</p>	<p>"Retail sales and services, general" means a general sales and service use that is not a multi-purpose retail sales use. General retail sales and services include general retail sales uses, general services uses, and customer service office uses. Examples of general retail sales include but are not limited to bookstores, florists, and clothing stores. Examples of general services include but are not limited to shoe repair, hair cutting salons, pet grooming, pet daycare centers and dry cleaning. Customer service offices are used in which services are provided to individuals and households in an office setting in a manner that encourages walk-in clientele and in which generally an appointment is not needed to conduct business, including but not limited to uses such as branch banks, travel agencies, brokerage firms, real estate offices, and government agencies that provide direct services to clients.</p>	<p>(1) <b>General retail sales and services.</b> General retail sales and services uses include the retail sale of products or the provision of services to the general public that produce minimal off-site impacts. General retail sales and services include but are not limited to the following uses: a. Bakery. b. Barber shop/beauty salon. c. Bicycle sales and repair. d. Clothing and accessories. e. Drug store. f. Dry cleaning pick-up station. g. Electronics. h. Film developing. i. Furniture store. j. Hardware store. k. Interior decorating/upholstery. l. Jewelry store. m. Locksmith. n. Massage and bodywork establishment. o. Picture framing. p. Radio and television service and repair. q. Shoe repair/tailor. <b>Drug store.</b> A convenience retail store with a pharmacy. <b>Clinic.</b> An establishment where patients are admitted for medical or dental exams and treatment on an outpatient basis only. A use providing only counseling services shall not be considered a clinic. <b>Massage and bodywork establishment.</b> Any establishment wherein massage and/or bodywork is offered or provided to members of the public. <b>Sports and health facility.</b> An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms. A sports and health facility shall not include any use which could be defined as an indoor recreation area.</p>	<p><b>Retail and Service, General.</b> A business that provides goods or services directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser. <b>Medical Clinic.</b> A facility for physicians, dentists, chiropractors, physical therapists, alternative medical practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis</p>	<p><b>Personal/Household Service, General.</b> A business establishment which provides commercial services directly to customers. This use includes barber/beauty shops, clothing, shoes and/or household items repair shops, dry cleaning and laundry agents, framing/mounting shops, optician shops, photocopy stores, photography studios postal/packaging/po box service shops, and other similar establishments. This use excludes massage. <b>Bakery.</b> a. An establishment which engages primarily in the sale of breads or other baked goods, whether baked on-site or at another location. A bakery is not considered a food service establishment if: i. No customer seating or other physical accommodations for on-site dining are provided; and ii. The breads and baked goods are not packaged for immediate consumption. b. Any establishment whose breads and baked goods are predominantly sold at retail from a different location or locations are deemed a wholesale and/or manufacturing use, subject to the regulations of the district in which it is located. <b>Repair Service, Non-Vehicle.</b> An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair. <b>Medical Practitioner Office.</b> Clinics or offices and related laboratories for doctors, dentists, chiropractors, optometrists, mental health practitioners, osteopaths, chiropractists, and similar practitioners of the traditional healing arts, as well as holistic healthcare providers and practitioners of a non-traditional nature. This use includes acupuncturists, herbalists, nutritionists, midwives, reflexologists, iridologists, physical therapists, and bodyworkers, but excludes offices for veterinarians or opticians. <b>Gyms and Health Clubs.</b> An indoor facility where exercise equipment, classes and related activities related to personal health and fitness are available to paying customers. Excludes parks/playgrounds.</p>	<p><b>Retail Sales And Service A.</b> Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. <b>Personal service-oriented:</b> Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming. <b>Entertainment-oriented:</b> Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, <b>health clubs, gyms,</b> membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days. <b>Repair-oriented:</b> Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.</p>	<p><b>Personal Service Establishment.</b> An establishment primarily engaged in the provision of frequent or recurrent services of a personal nature. Typical uses include, but are not limited to, beauty salons and spas, barbershops, tanning salons, massage establishments, tattoo parlors, commercial copy shops, animal grooming, shoe repair, personal item repair shops, laundromats, dry cleaners, and tailors. Personal service establishments do not include any adult uses. <b>Medical/Dental Clinic.</b> A facility operated by one (1) or more physicians, dentists, chiropractors, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, non-residential abuse addiction treatment facilities, and physical therapy offices for physical rehabilitation.</p>	<p>Service Business . Business that provide services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following: (a) Barber and beauty shops. (b) Tattoo shop. (c) Dry-cleaning pick-up station. (d) Interior decorating/upholstery. (e) Locksmith. (f) Mailing and packaging services. (g) Photocopying, document reproduction services. (h) Consumer electronics and repair. (i) Shoe repair. (j) Tailor shop; and (k) Watch repair, other small goods repair. <b>Retail, General.</b> General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. For the purpose of this ordinance, general retail sales include but are not limited to the following: (a) Antiques and collectibles store. (b) Art gallery. (c) <b>Bicycle sales and repair.</b> (d) Book store, music store. (e) Clothing and accessories. (f) <b>Drugstore, pharmacy.</b> (g) Electronics sales and repair. (h) Florist. (i) Jewelry store. (j) Hardware store. (k) <b>News stand, magazine sales.</b> (l) Office supplies. (m) Pet store. (n) Photographic equipment, film developing. (o) Stationery store. (p) Picture framing; and (q) Video store. <b>Physical, Occupational or Massage Therapy .</b> An establishment where licensed professional therapists provide services to clients on an outpatient basis. <b>Health/Sports Club, Fitness Center or Studio.</b> An establishment for the conduct of indoor sports and exercise activities, including yoga, martial arts, and other similar uses, and which may include related locker and shower rooms, offices and classrooms.</p>	<p><b>Personal Service Shop:</b> Includes, but is not limited to, such uses as hair salon, barber shop, beauty salon, nail salon, tanning establishment, massage therapy, acupuncture and day spa. Does not include massagists and massage establishments as identified in City Code Chapter 1, Article C or as amended. <b>Repair-oriented Services:</b> An establishment offering repair services for personal items such as appliances, bicycles, canvas products, clocks, computers, firearms, jewelry, musical instruments, office equipment, electronics, shoes, watches, clothing, locks and furniture. Does not include the repair of internal combustion engines such as those found in lawnmowers, chainsaws, outboard motors, or vehicles. <b>Dry Cleaner/Laundry, Neighborhood:</b> An establishment of less than 5,000 square feet where dry cleaning and laundering service, not including self-service, occurs on-site. Items to be cleaned may be dropped off by patrons or delivered from laundry/dry cleaning drop-off facilities. This term does not include laundry/dry cleaning plants. The size limitation shall not apply to establishments existing as of Effective Date of this Ordinance. <b>Dry-cleaning/Laundry Drop-off Facility:</b> An establishment where articles are brought to the premises for transport to a laundry/dry cleaner. <b>Indoor Sports Facility:</b> Includes athletic, racquet, swim or health club, gymnastic facility, or similar uses. This term does not include firearm or archery range.</p>	<p><b>Personal Service:</b> An establishment primarily engaged in rendering frequent or recurrent services of a personal nature to individuals. Examples of this use include barber shops and beauty salons, tattoo parlors, laundromats, limited-scale laundry and dry-cleaning sites, tailors, shoe cleaning or repair shops, and other similar places of business. This definition does not include any use listed separately in this Zoning Ordinance. <b>Massage Therapy Establishment:</b> Any fixed place of business that provides treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. <b>Medical Care Facility:</b> Any institution, place, building, or agency that offers or provides health services and medical, psychiatric, or surgical care to two or more persons, primarily as inpatients, suffering from a health condition, illness, disease, injury, or other physical or mental condition, including but not limited to persons with disabilities. For the purposes of this Ordinance, this term includes a hospital, assisted living facility, nursing facility, and other facilities that may be described as a behavioral health care facility, intermediate/extended care facility, medical care facility, medical school, and other similar institutions or facilities. This term does not include a congregate living facility, continuing care facility, group residential facility, independent living facility, physician's office, first aid station for emergency medical or surgical treatment, medical laboratory, or medical office providing out-patient services. <b>Health and Exercise Facility, Small</b> An indoor facility having a maximum gross floor area of 6,000 square feet where patrons participate in exercise or similar activities designed to improve and preserve physical fitness, including health clubs, fitness classes, training, and instruction. Accessory uses to serve the members may include child care, restaurant, retail sales, massage therapy, and personal service. This definition does not include a community center or a specialized instruction center.</p>	<p>General Services: Facilities primarily engaged in providing personal services, commercial services, and miscellaneous repair services and shops, including but not limited to the following: Clothing service/rental, non-theatrical Photography/portraits/photo-finishing Dry cleaning and laundromats Legal document services Locker rental, except cold storage Salon services Tattoo parlors Valet parking Home electronics and small appliance repairs Private wedding chapels</p>	<p><b>Personal Services (land use).</b> An establishment providing nonmedical services to individuals as a primary use. Examples of these uses include: barber shops home electronics and small appliance repair beauty shops laundromats (self service laundries) clothing rental Nail salons day/health spa Spas and hot tubs for rent dry cleaning pick up stores shoe repair shops Fortunetellers, psychics, and similar services tanning salons hair salons tailor <b>Day/Health Spa.</b> Any premises, place of business or membership club providing facilities devoted especially to health, beauty, and relaxation that deals with the cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments. A medical spa shall be classified as a Medical Office land use. <b>Medical Office.</b> An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatry, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.</p>	<p><b>Personal Services</b> Personal establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services may include but are not limited to: beauty shops, barbershops, shoe repair, funeral services, nail salons, health clubs, domestic services, dry cleaning drop off stations including cleaning and pressing and diaper services. <b>Office</b> Office shall mean facilities in which the administrative activities, record-keeping, clerical work, and other similar affairs of a business, profession, service, industry, or government are conducted and, in the case of professionals such as, but not limited to, dentists, physicians, therapists, bankers, lawyers, engineers, and accountants, the facilities where such professional services are rendered. The incidental sale of goods which are furnished as part of the professional service is allowed. The term office includes "medical office" and "financial office."</p>



# Use Table Functional Fixes

---

## **SURVEY RESPONSE REPORT**

12 March 2018 - 16 May 2022

### **PROJECT NAME:**

Land Use Table and Standards





**Use Table Functional Fixes  
Questionnaire Responses  
April 14 - May 16, 2022**



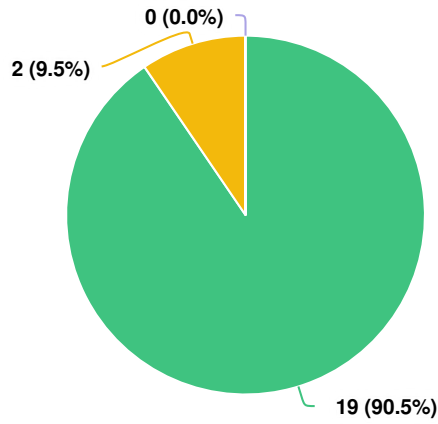
---

# QUESTIONNAIRE RESPONSES

---



**Q1** Do you use the City of Boulder’s land use code, or have you ever needed to look up zoning information?



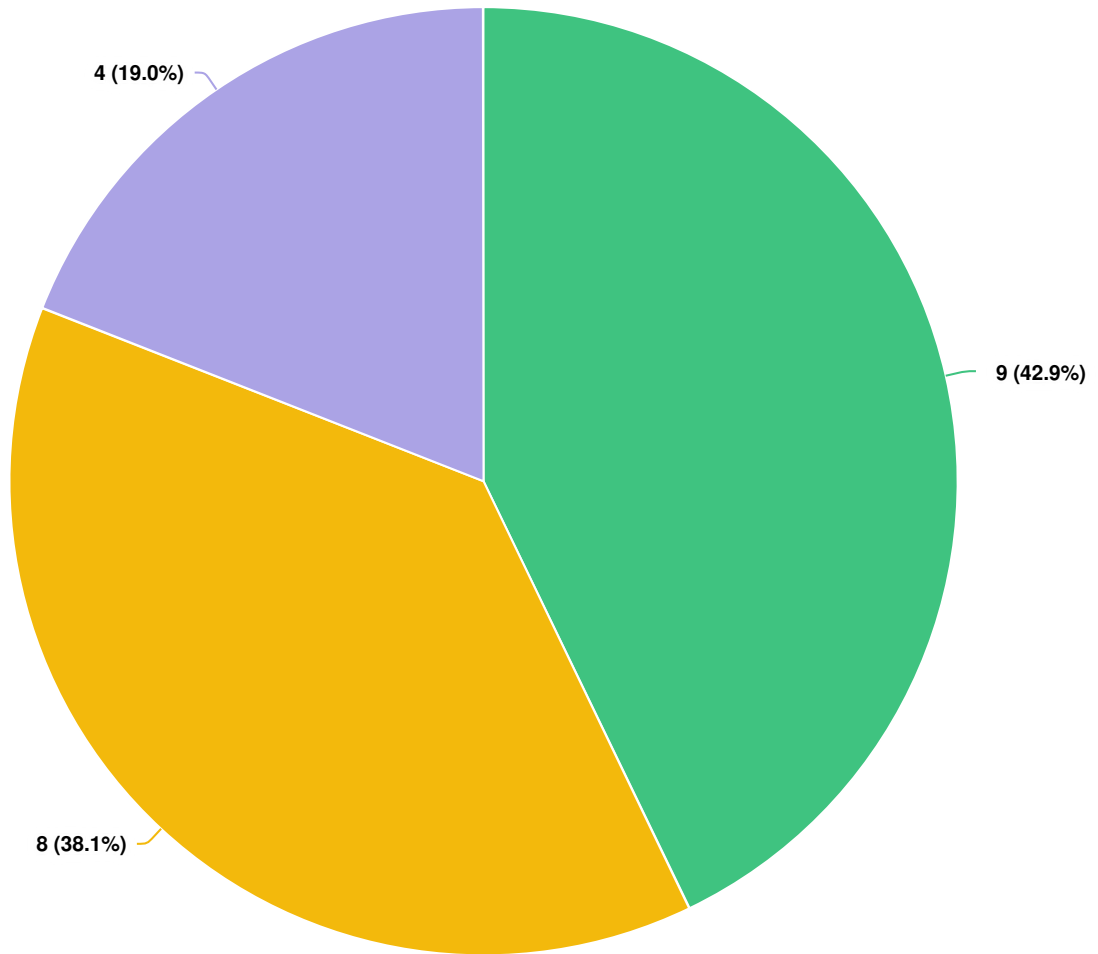
**Question options**

- Yes
- No
- I'm not sure

Optional question (21 response(s), 0 skipped)  
Question type: Radio Button Question



**Q2** Are you able to easily understand which uses are allowed in certain zoning districts with our current use table?



**Question options**

- Yes
- No
- I'm not sure

Optional question (21 response(s), 0 skipped)  
Question type: Radio Button Question



**Q3 | Are there specific parts of the current use table that you find challenging to use or confusing?**

Screen Name Redacted

4/14/2022 09:56 AM

the definitions sections at the end of the Land Use Code are very important to understand what is actually covered by the different categories. The non-conforming section is hard to follow

Screen Name Redacted

4/14/2022 10:50 AM

The nuance in zoning classifications comes to mind...

Screen Name Redacted

4/20/2022 11:23 AM

Its challenging because you have to skip around to do an analysis. Put yourselves in the shoes of a design professional compiling a zoning analysis. It really needs to be thought of in terms of a flow chart. I understand the need for tables that has all the info together, but maybe there is a hot ink that gets you from the zone info to the tables and back. Rarely are we looking at these table in isolation, we are putting together the parameters of a project. Honestly with today's technology, the interface should easily be able to walk someone through the analysis. In my view there would be the "code" then software that helps you analyze the code as it applies to your project. This would save professionals time, staff time, and the public \$. Hopefully you will have a UI test group made up of homeowners, business owners, Planning staff, and design professionals that do some hypothetical test cases to see how friendly it is.





Screen Name Redacted

4/25/2022 01:13 PM

A legend would be nice for explaining what the different letters in the cells mean.

Screen Name Redacted

4/25/2022 01:13 PM

I was unclear what exactly was meant by an animal unit.

Screen Name Redacted

5/04/2022 01:05 PM

Yes. The main overall usability problem, is the spreadsheet format. This particular spreadsheet isn't interactive, so from an Information Design point of view, it's really a "table." The problem is, that this table has too much content to be viewed on a single screen online. So you have to scroll. This makes it difficult to keep track of what you're doing (overloads short-term memory). This usability problem will be much worse for users who aren't familiar with the jargon used (esp the labeling of rows and columns). One short-term fix is to let users download the .csv or the .xlsx file and manipulate the rows and columns themselves, to only view the info they are looking for. Obviously this would only help users who are familiar with Excel. Another short-term fix is to provide a FAQ; but these are expensive to maintain since they have to be updated manually. A longer-term fix would be to create a "wizard" front-end that lets users choose a question; then queries the spreadsheet and produces an answer. This would probably help more users. If designed properly, this solution can be less expensive to maintain. You probably already know all this, though. :-)

If you would like to discuss this further, feel free to contact me [laurie@laurielamar.com](mailto:laurie@laurielamar.com). As a retired User Experience Researcher and Information Designer, I have solved this exact problem for many businesses as well as CDOT.

<https://www.linkedin.com/in/laurielamar/>



Screen Name Redacted

5/05/2022 04:28 PM

There must be a better way to simplify this table. There are too many zone categories, uses and allowed vs permitted options (limited includes 18 options?). I applaud the staff for trying to simplify its use and look forward to seeing the changes when done.

Screen Name Redacted

5/06/2022 06:33 AM

Nothing jumps out right now.

Screen Name Redacted

5/06/2022 06:52 AM

Add better definitions for floor area, especially so for occupied roofs which are a growing amenity incorporated in buildings.



Screen Name Redacted

5/06/2022 07:22 AM

Office - Technical and Office - Professional are redundant as uses. The definitions should be combined as one use.

Screen Name Redacted

5/06/2022 07:24 AM

Increasing accumulations of asterisks and footnotes compromise the function of the table somewhat

Screen Name Redacted

5/06/2022 07:23 AM

Not with the use table

Screen Name Redacted

5/06/2022 07:48 AM

Certain zones allow for different uses....such as Business zones allow for housing. Intensity modules, form module also all very confusing. It takes consultants and money to be able to interpret allowable use.

Screen Name Redacted

5/06/2022 08:16 AM

Sometimes the amount of uses within each 'use area' can be overwhelming an hard to understand. I suggest a hotlink or hover over option for these uses, allowing the definition of each use to be easily referenced while using the table. For instance, if I want to quickly understand how the city defines 'transitional housing' I can hover over the words and the definition pops up. Another suggestion would be to make the top portion of the table able to be 'locked' so that you are able to scroll down and still see the important zoning district information as you go down. For years, I have had to change my screen size and use my mouse carefully to make sure I stay in the right column as I scroll down for information



Screen Name Redacted

5/06/2022 01:53 PM

Some specific use definitions can be ambiguous

Screen Name Redacted

5/09/2022 02:26 PM

"Use limitations" - excessively long. why? emblematic of years of successive restrictions and unnecessary complications

Screen Name Redacted

5/10/2022 03:33 PM

The presentation and implementation of the limited use standards is a bit unwieldy.

Screen Name Redacted

5/14/2022 01:20 PM

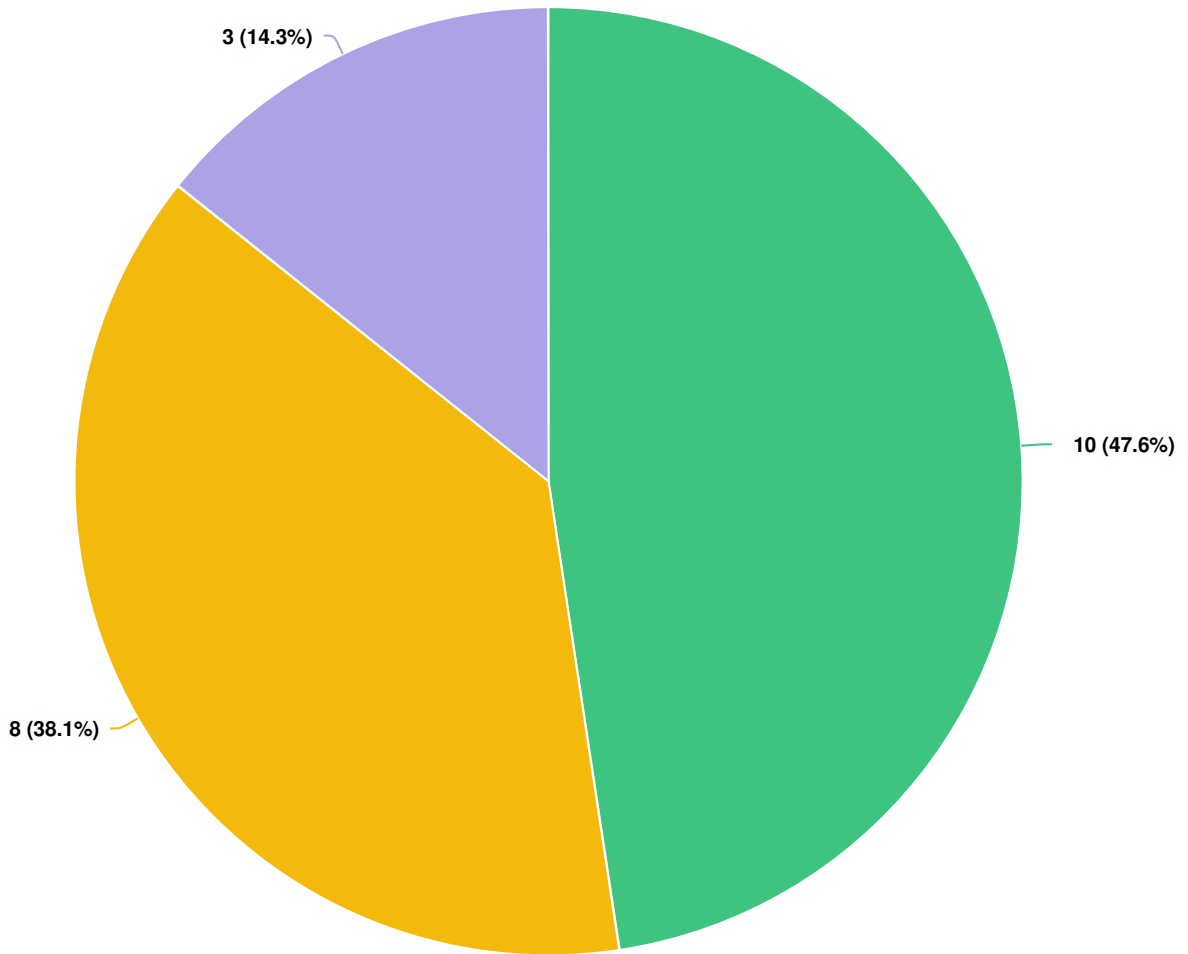
1. Because there are so many subtle distinctions among uses, it sometimes can be difficult to know which line of the table applies. 2. Conditional uses ("C" entries) aren't tied to the actual conditions for approval. You really have to look through the entire code to know what makes a particular conditional use allowable or not on a given site.

**Optional question** (18 response(s), 3 skipped)

**Question type:** Essay Question



**Q4 Do you have trouble finding the standards, provisions, or criteria that relate to different land uses in the code?**

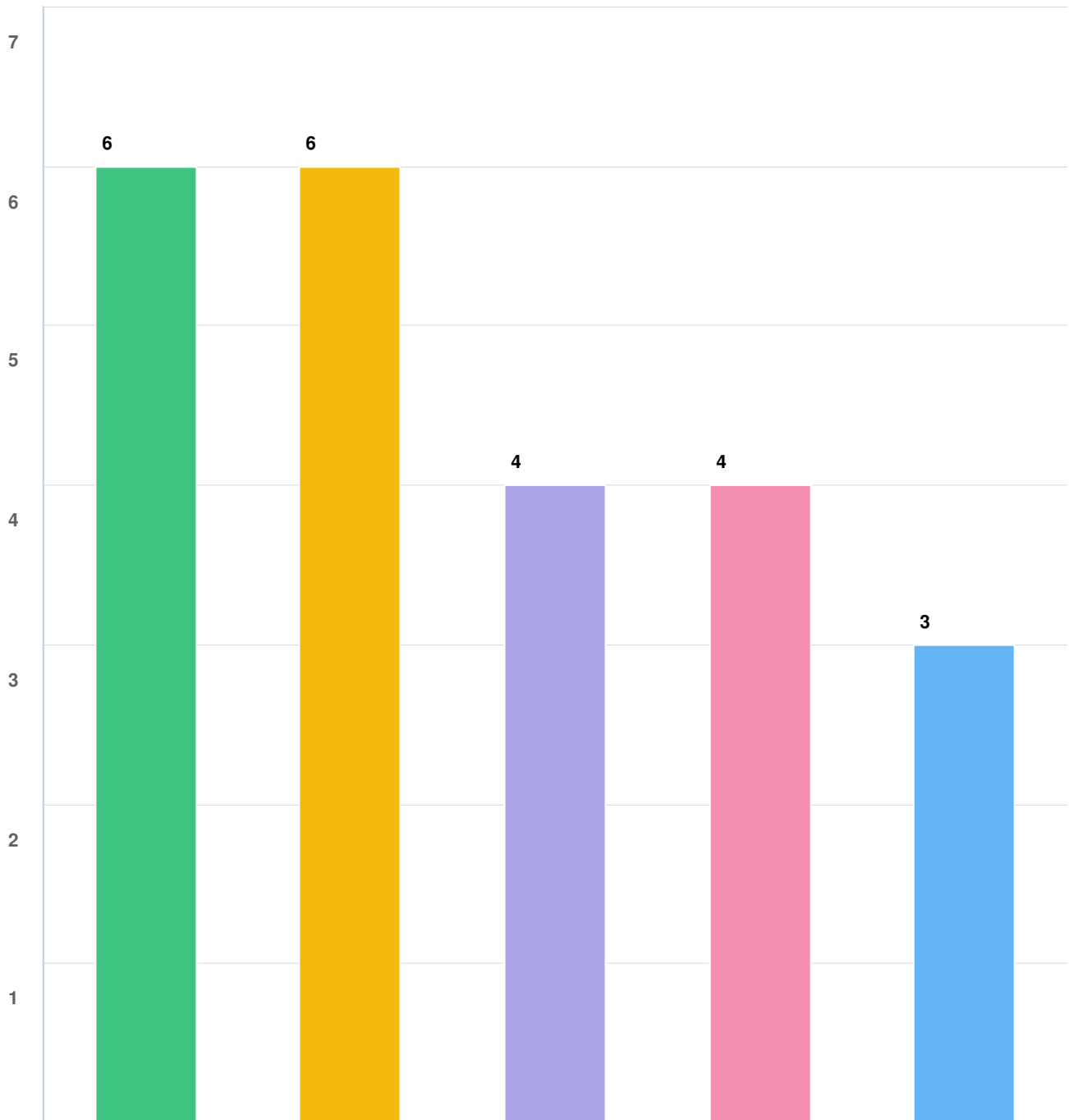


**Question options**

- Yes
- No
- I'm not sure

Mandatory Question (21 response(s))  
Question type: Radio Button Question

**Q5** Which of the following land use related standards do you have trouble finding or understanding? Choose any that apply.



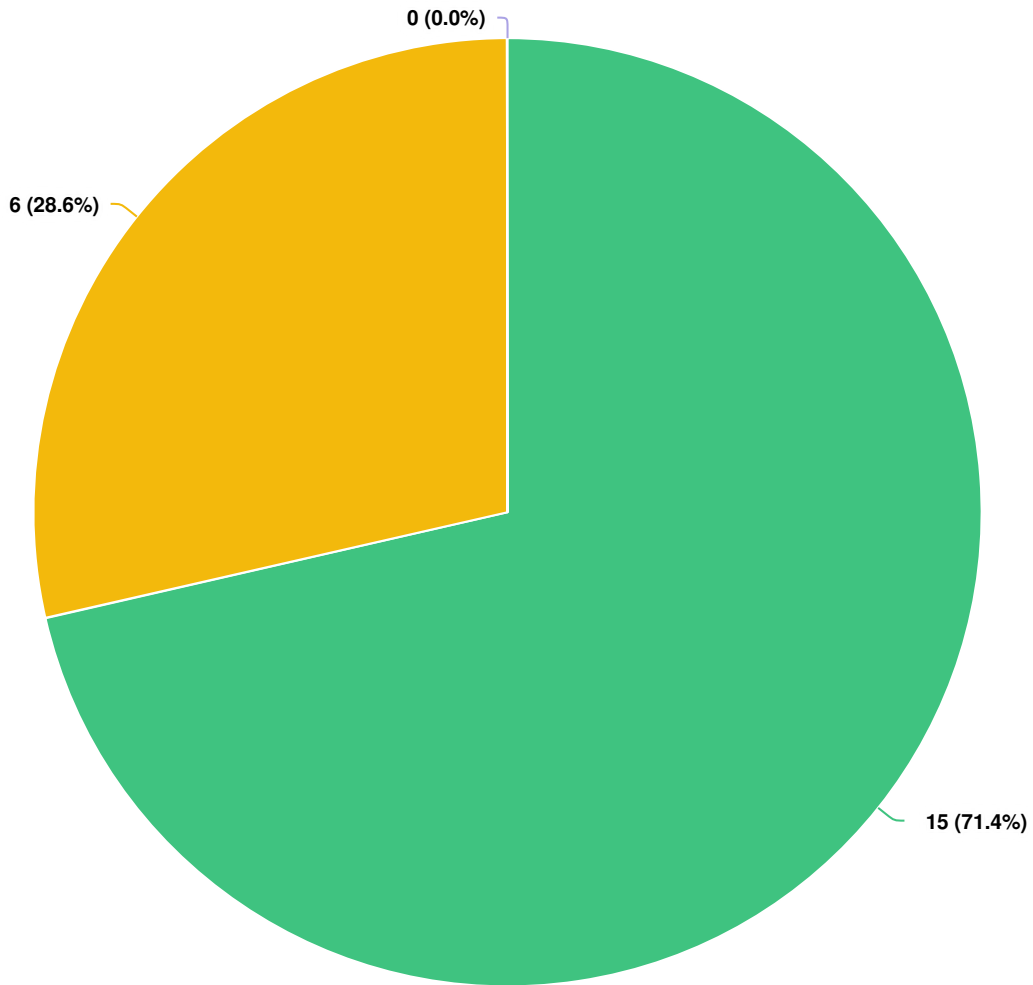
**Question options**

- When a different type of review might be required
- Limitations on size or location
- Operating standards (hours of operation, outdoor storage rules, good neighbor meeting requirements, etc.)
- The zoning districts where my business or building would be allowed
- Other (please specify)

*Optional question (9 response(s), 12 skipped)*  
*Question type: Checkbox Question*



**Q6** Have you ever applied for a building permit, conditional use, or use review to build or open a business in the City of Boulder?



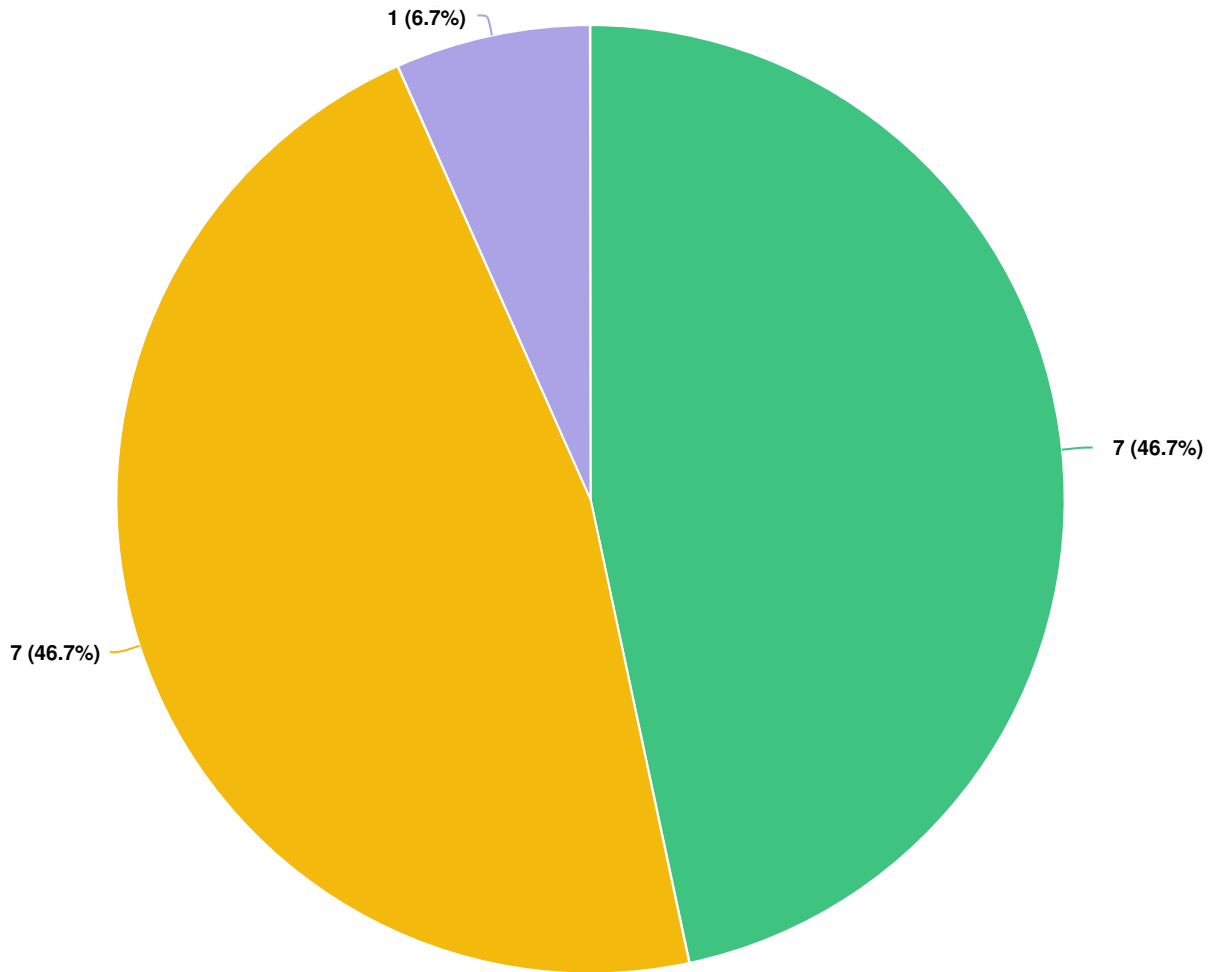
**Question options**

- Yes
- No
- I'm not sure

Mandatory Question (21 response(s))  
Question type: Radio Button Question



**Q7 Was it clear what was required for approval of your application and what criteria would be used to evaluate the application?**



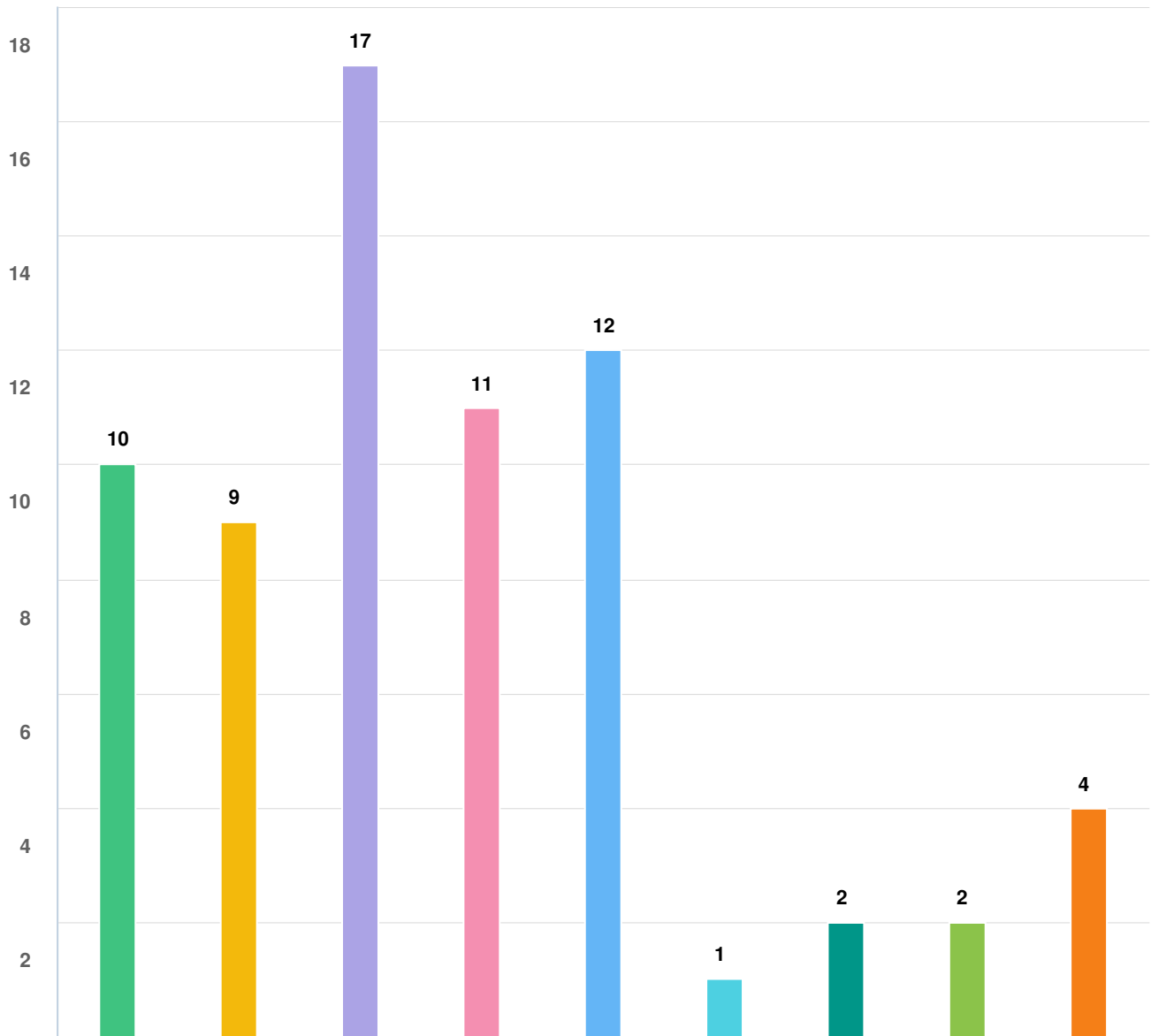
**Question options**

- Yes
- No
- I'm not sure

*Optional question (15 response(s), 6 skipped)  
Question type: Radio Button Question*



**Q8** Which of these strategies do you think would improve the usability of Boulder’s use table? Check all that you think would help.



**Question options**

- Improving the formatting and design of the table to make it easier to read online
- Grouping similar land uses under broader common sense categories
- Eliminating outdated or uncommon uses from the table (like newsstands, travel agencies, data processing)
- Updating definitions and names of uses to be more concise and use common language
- Relocating specifics (like maximum square footage) from rows of the table, or other use limitations, into one consolidated spot in the code for all standards and limitations related to uses.
- Adding more rows of uses to the table.    ● None of these.    ● I am not familiar enough with the table to answer this question.
- Other (please specify)

*Optional question (21 response(s), 0 skipped)*  
*Question type: Checkbox Question*



**Q9 | Do you have any other input you would like to share regarding the use table and standards?**

Screen Name Redacted

4/14/2022 09:56 AM

I think the use tables are easy to follow. Definitions and terminology could be updated. I often run into situations where i am not sure where a particular use falls and some of this could probably be fixed through an update.

Screen Name Redacted

4/14/2022 10:50 AM

I would like to see use tables that serve people rather than developers.

Screen Name Redacted

4/20/2022 11:23 AM

I'm so glad you are tackling this!

Screen Name Redacted

5/04/2022 02:39 PM

You're not the only government agency struggling with these kinds of problems. You might find it useful to attend conferences like this: <https://rosenfeldmedia.com/civic-design-2021/> Good luck! And as a citizen, I want to thank you for all your hard work.

Screen Name Redacted

5/05/2022 04:28 PM

See previous comments.



Screen Name Redacted

5/06/2022 07:48 AM

There is a lot of hedge language in the tables....words like "generally allowed" or "may be allowable". This leads to lack of surety when pursuing opportunities for development. Elimination of that type of language, along with a simplification of the uses into zoning categories that make more sense, would be very helpful. I also have not applied for permits for a business, but have applied for many many building permits for affordable housing development and affordable housing renovation.

Screen Name Redacted

5/06/2022 08:16 AM

see prior comments. re: definitions and locking the top row

Screen Name Redacted

5/09/2022 02:26 PM

Reduce and simplify the number of land uses. Reduce restrictions on residential uses in line with the community's desire for more housing. Let's move beyond the slow growth policies of the past.

Screen Name Redacted

5/10/2022 03:33 PM

I would urge the City to implement the concept (that it has been discussing for a number of years) of encouraging residential development in industrial zones by, for example, eliminating the contiguity requirement in Section 9-6-4(f)(2) and otherwise lowering/ deleting the relevant hurdles to entry.

**Optional question** (9 response(s), 12 skipped)

**Question type:** Essay Question

# Formatted Use Table

NOTE: This document shows how the formatting changes to the use table will appear on Municode, our online code publisher.

TABLE 6-1: USE TABLE

A = Allowed   C = Conditional Use   U = Use Review   [] = Specific Use Standards Apply   - = Prohibited																													
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	P	A	Specific Use Standards	
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	P	A		
<b>RESIDENTIAL USES</b>																													
<i>Household Living</i>																													
Duplex	-	A	A	A	[A]	A	A	-	-	[C]	A	A	A	[A]	-	[A]	-	[A]	A	A	A	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (c) 9-6-2(c)	
Dwelling unit, attached	-	A	A	A	[A]	A	A	[A]	-	[C]	A	A	A	[A]	[A]	[A]	-	[A]	A	A	A	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (d) 9-6-2(c)	
Dwelling unit, detached	[A]	[A]	A	A	[A]	[A]	[A]	-	-	[C]	[A]	[A]	[A]	[A]	-	[A]	-	[A]	A	A	A	-	[U]	[U]	-	[U]	[U]	9-6-3(a), (b), (e) 9-6-2(c)	
Efficiency living unit	-	-	-	-	[U]	[A]	A	-	-	[A]	A	A	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (f) 9-6-2(c)	
Live-work unit	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	U	[U]	[U]	A	-	-	9-6-3(a), (b)	
Mobile home park	-	U	U	-	U	U	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Townhouse	-	A	A	A	[A]	A	A	A	-	[C]	A	A	A	[A]	-	[A]	-	[A]	A	A	A	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (g) 9-6-2(c)	
<i>Group Living</i>																													
Boarding house	-	-	U	U	A	A	A	-	-	U	A	A	[A]	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(h) 9-6-2(c)	
Congregate care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	[U]	-	9-6-3(i)	
Custodial care facility	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	[U]	[U]	[U]	-	[U]	-	[U]	-	[U]	-	[U]	[U]	-	[U]	[U]	-	-	-	9-6-3(i)	
Fraternity, sorority, and dormitory	-	-	-	-	-	A	A	-	-	U	-	-	-	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(j) 9-6-2(c)	
Group home facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	-	-	-	-	-	9-6-3(k)	
Residential care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	-	-	9-6-3(i)	
Transitional housing	[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]	-	-	9-6-3(l)
<i>Residential Accessory</i>																													
Accessory dwelling unit	[C]	[C]	-	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	9-6-3(m)	
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	9-6-3(n)	
Home occupation	[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]	[A]	9-6-3(n)
<b>PUBLIC AND INSTITUTIONAL USES</b>																													
<i>Community, Cultural, and Educational</i>																													
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A		
Club or lodge	-	-	-	-	-	-	-	-	-	-	-	-	A	U	[A]	A	A	A	A	A	A	-	-	-	-	U	-	9-6-4(a)	
Community services	-	-	-	-	-	-	-	-	-	U	U	U	C	A	[A]	[A]	A	A	[A]	A	A	-	U	-	U	U	-	9-6-4(b) 9-6-2(c)	
Governmental facility	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	A	U	-	9-6-2(c)
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-		
Museum	-	-	-	-	-	-	-	-	-	-	-	-	A	U	A	[A]	A	A	A	A	A	U	U	U	U	U	U	-	9-6-2(c)
Open space, park, and recreation use	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	A	
Private college or university	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	A	-	A	-	U	U	-	U	U	-	A	-		
Private elementary, middle, or high school	U	U	U	U	U	A	U	-	-	U	U	U	A	A	A	A	A	A	A	U	A	U	-	-	-	-	-		
Public college or university	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	A	-	
Public elementary, middle, or high school	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	A	-	
Religious assembly	A	A	A	A	U	A	A	-	-	A	U	U	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-		
Specialized instruction facility	U	U	U	-	U	U	U	-	-	U	U	U	[A]	A	[A]	[A]	A	A	U	A	U	[A]	[A]	[A]	[A]	A	-	9-6-4(c) 9-6-2(c)	
<i>Care and Shelter</i>																													
Daycare center	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[C]	[U]	[C]	[C]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	9-6-4(d)
Daycare, home	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

		A = Allowed   C = Conditional Use   U = Use Review   [] = Specific Use Standards Apply   - = Prohibited																												
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	P	A	Specific Use Standards		
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	P	A			
Day shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-	9-6-4(e)		
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]	[U]	-	9-6-4(e)		
Overnight shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-	9-6-4(e)		
<b>Infrastructure</b>																														
Airport and heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	
Essential municipal and public utility service	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	U	U	-	9-6-2(c)	
Wireless communications facility	[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]	9-6-4(f)	
<b>COMMERCIAL USES</b>																														
<i>Food, Beverage, and Lodging</i>																														
Bed and breakfast	-	-	-	-	-	[U]	[C]	-	-	[U]	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(a)	
Brewery, distillery, and winery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	-	-	-	9-6-5(b)	
Commercial kitchen and catering	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	U	U	U	U	U	A	A	A	A	-	-	-		
Hostel	-	-	-	-	-	U	U	-	-	U	A	U	[A]	U	[A]	-	-	A	[A]	[A]	U	-	U	U	-	-	-	-	9-6-5(c)	
Hotel or motel	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	-	-	U	A	A	U	-	-	-	-	-	-	-		
Mobile food vehicle	[A]	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(d)	
Restaurant, brewpub, and tavern	-	-	-	-	-	U	[A]	-	-	[A]	A	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[C]	[C]	[C]	[A]	-	9-6-5(e)		
<i>Recreation and Entertainment</i>																														
Art or craft studio	-	U	U	U	U	U	U	U	-	[A]	[A]	[A]	A	A	A	A	A	A	A	A	A	A	A	A	A	U	-	-	9-6-5(f)	
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	-	-	U	-		
Indoor athletic facility	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	[A]	[A]	A	A	A	A	A	A	U	U	U	U	-	-	-	9-6-5(g)	
Indoor commercial recreation	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	A	U	U	U	-	-	-	-	-	-	-		
Outdoor recreation or entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	U	U	U	-	-	-	-	-	U	-		
Small theater or rehearsal space	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	A	U	U	U	A	A	U	A	-	-	-		
Temporary event	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	9-6-5(h)
<i>Office Uses</i>																														
Medical laboratory	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	[A]	-	-	-	U	A	-	U	-	-	9-6-5(i), (j) 9-6-2(c)		
Offices, administrative	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	A	A	-	-	-	9-6-5(i), (k) 9-6-2(c)	
Office, medical	-	U	U	U	-	U	U	-	-	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	[C]	-	-	U	-	9-6-5(i), (l) 9-6-2(c)	
Office, professional	-	U	U	U	U	U	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	-	-	-	-	-	9-6-5(i), (m) 9-6-2(c)	
Office, technical	-	U	U	U	U	U	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	[A]	A	A	-	-	-	9-6-5(i), (n) 9-6-2(c)	
<i>Retail Sales Uses</i>																														
Accessory sales	-	-	-	-	-	A	A	-	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	-		
Building material sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	U	-	-	-	[A]	[A]	[A]	[A]	-	-	-	9-6-5(o)	
Convenience retail sales	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	A	A	A	A	A	A	A	-	A	A	A	-	A	-	-	9-6-5(p)	
Fuel sales	-	[U]	[U]	[U]	-	[U]	[U]	-	-	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	-	9-6-5(q)	
Retail sales	-	-	-	-	-	-	-	-	-	[U]	-	[U]	[A]	-	[A]	[A]	A	A	A	A	A	[A]	-	-	-	-	-	-	-	9-6-5(r)
<i>Service Uses</i>																														
Animal hospital or veterinary clinic	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	A	U	A	-	-	U	A	A	A	U	-	-	-		
Animal kennel	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	A	U	-	-	-	A	A	U	A	-	-	-		
Broadcasting and recording facility	-	U	U	-	U	U	U	-	-	[A]	[A]	[A]	A	A	[A]	[A]	A	A	A	A	A	A	A	A	A	-	-	-	9-6-5(s) 9-6-2(c)	
Business support service	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	[A]	[A]	A	A	A	A	A	[A]	U	U	[A]	-	-	-	9-6-5(t) 9-6-2(c)	
Financial institution	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	U	[A]	[A]	A	A	[A]	[A]	[A]	-	-	-	-	-	-	-	9-6-5(u) 9-6-2(c)	
Industrial service center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	-	-	9-6-5(v)	
Mortuary and funeral chapel	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	U	U	-	-	U	-	-	-	-	-	-	-		
Non-vehicular repair and rental service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[A]	[U]	[U]	[U]	[U]	[A]	[U]	-	[A]	-	-	-		

		A = Allowed   C = Conditional Use   U = Use Review   [] = Specific Use Standards Apply   - = Prohibited																											
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	P	A	Specific Use Standards	
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	P	A		
Neighborhood business center	-	[U]	[U]	-	-	[U]	[U]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(w)	
Personal service use	-	U	U	U	-	U	A	U	U	A	A	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-		
<b>Vehicle-Related</b>																													
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	-	-	-	-	-	-		
Drive-thru use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	-	-	-	-	-	9-6-5(x)	
Fuel service station	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(y)	
Principal parking facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	[U]	U	U	-	[U]	[U]	A	A	A	U	U	9-6-5(z) 9-6-2(c)	
Sales or rental of vehicles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[A]	[U]	-	-	-	[A]	[A]	-	-	-	-	9-6-5(aa)	
Service of vehicles	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	[U]	U	[A]	U	-	-	-	A	A	[A]	A	-	-	9-6-5(bb)	
<b>INDUSTRIAL USES</b>																													
<i>Storage, Distribution, and Wholesaling</i>																													
Cold storage locker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	U	A	A	A	A	-	-	-		
Outdoor display of merchandise	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	[A]	-	-	-	[A]	[A]	[A]	[A]	-	-	9-6-6(a)	
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	U	A	-	-	-			
Self-service storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Warehouse or distributions facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-		
Wholesale business	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	A	A	A	A	-		
<i>Production and Processing</i>																													
Manufacturing use	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	-	-	[A]	-	-	-	-	[A]	A	A	A	-	-	9-6-6(b)	
Manufacturing use with potential off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	9-6-6(c)	
Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	-	-		
Recycling collection facility - large	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	-	-	-	[U]	[U]	[U]	[U]	[U]	-	9-6-6(d)	
Recycling collection facility - small	-	-	-	-	-	-	-	-	-	-	-	-	[C]	-	[C]	[C]	[C]	[U]	[U]	[U]	[U]	[C]	[C]	[C]	[C]	[C]	-	9-6-6(e)	
Recycling processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	-	[U]	-	9-6-6(f)	
<i>Industrial Services</i>																													
Building and landscaping contractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	A	A	A	A	-	-		
Cleaning and laundry plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-		
Equipment repair and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	A	A	A	A	-	-		
Lumber yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-			
Printer and binder	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-		
<b>AGRICULTURE AND NATURAL RESOURCE USES</b>																													
Community garden	[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]	[A]	[A]	9-6-7(a)
Crop production	A	A	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
Firewood operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-	-	-		
Greenhouse and plant nursery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A		
Mining industries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U		
Oil and gas operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	[U]	9-6-7(b)	
Pasture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	
<b>ACCESSORY USES</b>																													
Accessory building or use	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	A	A	