



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: February 2, 2023

AGENDA TITLE

Continuation of second reading and consideration of a motion to amend and pass Ordinance 8556, amending Title 9, “Land Use Code,” B.R.C. 1981, to update the use table and use standards related to industrial uses and districts and setting forth related details.

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager
Brad Mueller, Director of Planning & Development Services
Charles Ferro, Senior Planning Manager
Karl Guiler, Senior Policy Advisor
Lisa Houde, Senior City Planner

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 better align the use table and standards related to industrial areas with adopted comprehensive plan guidance for industrial areas.

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. The project was paused in Fall 2020 due to staffing challenges during the pandemic.

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 (Adopted June 21, 2022)
- Module Two: Industrial Areas (Summer/Fall 2022)
- Module Three: Neighborhood-Serving Uses (2023: Timing to be determined based on other work program priority items)

An updated summary of the proposed Module Two changes for the Use Table and Standards project can be found in **Attachment A**, and Ordinance 8556 is provided in **Attachment B**. These changes focus on updates to better align the use table and standards related to industrial areas with adopted Boulder Valley Comprehensive Plan guidance for industrial areas. In addition to the descriptions and analysis provided in this memo, an attached annotated ordinance in **Attachment C** includes detailed footnotes describing each proposed change.

At first reading on [December 1](#), City Council noted their support for requests for additional stakeholder engagement prior to second reading. City staff engaged with the Boulder Chamber of Commerce and several interested property owners, real estate professionals, and other stakeholders to better understand the concerns prior to the second reading and public hearing.

On [December 15](#), council held a public hearing and provided feedback and suggested changes to the proposed ordinance related to residential uses, office uses, and manufacturing uses. Council moved to continue the second reading to January 19 asking staff to prepare amendments to Ordinance 8556 implementing council's feedback. Council also requested some additional research regarding the size of each industrial district, which is included in this memo. Since the public hearing on December 15, staff has continued to engage with interested stakeholders regarding potential changes.

At the [January 19](#) meeting, council amended their meeting agenda to continue the item to the February 2 meeting. Revisions to the ordinance since the January 19 meeting include the inclusion of IG and IM properties within ¼ mile of the Boulder Junction transit station as properties eligible for residential development, and the reintroduction of the administrative office use type to allow for offices ancillary to industrial or research and development uses to be located on a separate lot.

The proposed ordinance has been revised in response to council feedback and public input. The revised Ordinance 8556 can be found in **Attachment B**. Note that Ordinance 8556 as read on first reading can be found as Attachment B to the [December 15 staff memo](#). The proposed amendments to Ordinance 8556 include:

- **Residential Uses:** With the proposed amendments, residential uses in the IM (Industrial – Manufacturing) zoning district and the IG (Industrial – General) zoning district would remain allowed by Use Review, where the first reading ordinance previously would have prohibited residential uses in the IM zoning district. Location eligibility for parcels within the IG and IM zoning districts are proposed so that parcels are eligible for residential uses if they are **either** (1) supported by an adopted subcommunity or area plan, (2) located within ¼ mile of the Boulder Junction transit center or (3) if they have at least one-sixth contiguity to a residential use, zoning, or parks or open space (the current standard).

The proposed amended ordinance would continue to prohibit residential use from the IS (Industrial – Service) districts, to ensure that those areas in particular, which amount to less than 8 percent of all the industrial land in the city, are preserved for industrial service and small business opportunities. Note that live-

work units are still proposed to be allowed as a conditional use in all industrial districts.

As the various iterations of the ordinance have resulted in changes to the numbers of IG and IM zoned properties eligible for residential development, a comparative summary table is shown below:

	Parcels Eligible Under Current Code	Parcels Eligible Under First and Second Reading Version (Dec. 1 and Dec. 15)	Parcels Eligible Under Jan. 19 Amended Second Reading	Parcels Eligible With Current Ordinance 8556 – Feb. 2 Amended Second Reading
<i>Districts and standards used to determine residential eligibility</i>	<ul style="list-style-type: none"> • IG or IM • 1/6 contiguity 	<ul style="list-style-type: none"> • IG • Subcommunity plan support 	<ul style="list-style-type: none"> • IG and IM • Subcommunity plan support • 1/6 contiguity 	<ul style="list-style-type: none"> • IG and IM • Subcommunity plan support • 1/6 contiguity • Transit station proximity
IG	40	139	210	232
IM	31	0	35	35
Total Eligible	71 parcels (16%)	139 parcels (31%)	245 parcels (54%)	267 parcels (59%)

- Office Uses:** The consolidation of *professional office* and *technical office* remains in the proposed amended ordinance. However, the limitations or “guardrails” for office uses in the IG and IM district are proposed to be amended on second reading in response to concerns from stakeholders and the City Council. The previously proposed restriction to prohibit office uses on the ground floor of buildings is proposed to be removed. In addition, the limit of 50,000 square feet of office space per parcel is proposed to be amended to 50,000 square feet per use, which would be a significantly simpler regulation to administer and track. The proposed amendment would also allow for approval of office uses greater than 50,000 square feet through a Use Review, with additional criteria that would require that the area remains primarily used for industrial uses or research and development and that new buildings are designed to be able to be adapted to accommodate light industrial uses in the future. In the revised amended second reading ordinance, the *administrative office* use type is retained as noted above, and has been specifically limited to only industrial zoning districts.
- Manufacturing Uses:** Due to concerns raised with proposed modifications to the definitions of “manufacturing use” and “manufacturing use with potential off-site impact,” the proposed revised ordinance instead retains the existing definitions for these uses, but simply changes the names of the uses to “light manufacturing” and “general manufacturing,” respectively.

At the December 15 meeting, City Council also requested information about the amount of land within each industrial zoning district. In the city, there is a total of 2,306 acres of industrial land, divided among the following districts:

- **IS-1:** 91.79 acres (3.98%)
- **IS-2:** 86.34 acres (3.74%)
- **IG:** 961.73 acres (41.70%)
- **IM:** 1,149.77 acres (49.86%)
- **IMS:** 16.57 acres (0.72%)

STAFF RECOMMENDATION

Suggested Motion Language:

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

Motion to amend and pass on second reading Ordinance 8556, amending Title 9, "Land Use Code," B.R.C. 1981, to update the use table and use standards related to industrial uses and districts and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – Ordinance 8556 is focused on updates that better align the allowed uses in the industrial districts with the policy guidance in the Boulder Valley Comprehensive Plan related to industrial areas. For the most part, the proposed changes in the ordinance will expand opportunities for additional businesses to locate in the industrial districts, with some limitations on office space and modifications to the allowed locations of residential uses. These changes will support the needs of a diverse and sustainable economy while preserving important industrial land in the city for industrial uses. As directed by City Council in their August 25 study session, the changes simplify the administration of office uses while also implementing guardrails to avoid accelerating speculative office development in these areas and to protect space for industrial uses.
- **Environmental** – These updates do not have direct environmental impacts but will provide greater alignment of the land use code and comprehensive plan.
- **Social** – The changes are intended to allow for additional services to be provided within industrial areas, as guided by adopted comprehensive plan policies. As City Council directed in their August 25 study session, the proposed changes would provide additional opportunities for housing in some areas, while protecting industrial uses in others, particularly for industrial services uses.

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. On October 18, 2022, Planning Board reviewed Ordinance 8556 and unanimously recommended approval of the ordinance to City Council with the following motion:

L. Kaplan moved, and **M. McIntyre** seconded, that the Planning Board recommend that City Council adopt Ordinance 8556, amending Title 9, “Land Use Code,” to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project, and add form descriptions for live/work spaces and make live/work a conditional use in industrial zones.

On this motion, **J. Boone** offered a friendly amendment to add BVCP 7.07 (Mixture of Housing Types) and 7.10 (Housing for a Full Range of Households) to the memo component of the packet on page 55, but **L. Kaplan** and **M. McIntyre** did not accept the friendly amendment.

The motion was defeated by a vote of 2-4 (ml Robles absent, L. Smith, J. Boone, S. Silver and J. Gerstle voting against).

Another motion was made by **S. Silver**, seconded by **J. Boone**, that the Planning Board recommend that City Council adopt Ordinance 8556, amending Title 9, “Land Use Code,” to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project, and also recommend adding form descriptions for live/work spaces and make live/work a conditional use in industrial zones, and furthermore add BVCP 7.07 (Mixture of Housing Types) and 7.10 (Housing for a Full Range of Households) to the memo component of the packet on page 55. **The motion passed 6-0 (ml Robles absent).**

The full draft minutes of the October 18, 2022 Planning Board meeting are available in **Attachment K**.

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 D**. Feedback received specific to Module Two is summarized below.

General Public

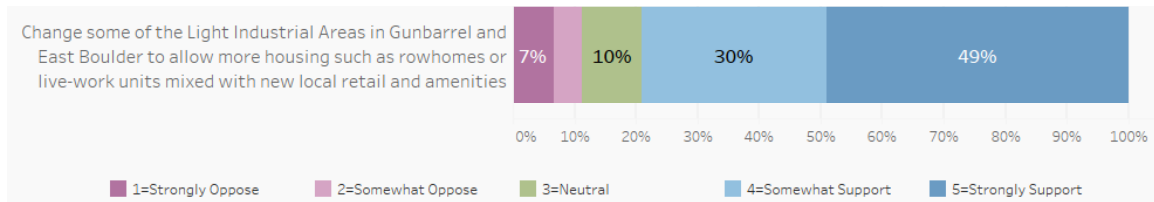
2016 BVCP Community Survey

The [Boulder Valley Comprehensive Plan 2016 Community Survey](#) was intended to help guide and inform the 2015/16 update of the Boulder Valley Comprehensive Plan.

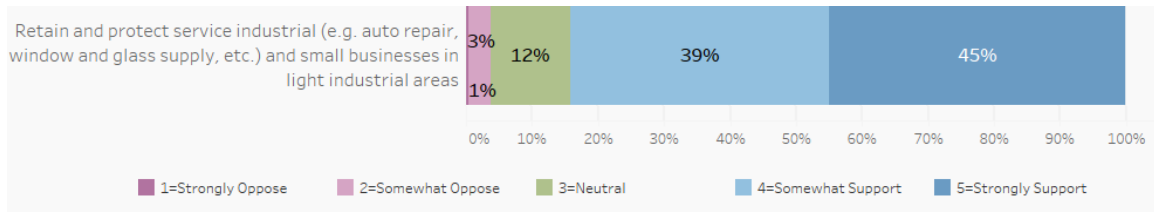
The 2016 BVCP Community Survey addressed a variety of topic areas that were important focus areas for the BVCP update, including reaction to potential land use plan changes for residential infill and non-residential, options for future housing choices, feedback on building heights, desired neighborhood improvements, developer

requirements, and other related topics. The statistically valid survey had a margin of error at the 95 percent confidence interval of approximately +/-3.9 percentage points.

Residential uses: In questions gauging support/opposition for land use changes to allow for more housing, changing “some of the light industrial areas in Gunbarrel and East Boulder to allow more housing such as rowhomes or live-work units mixed with new local retail and amenities” was the most supported land use change. Of four housing approaches presented, 79 percent supported this change, 11 percent opposed, and 10 percent was neutral.



Service industrial and small businesses: The survey also asked about businesses in Boulder and strong support was observed for retaining and protecting service industrial and small businesses in light industrial areas. 84 percent of respondents supported it, 12 percent were neutral, and only 4 percent were opposed.



2020 Be Heard Boulder Questionnaire

In 2020, staff and the Planning Board subcommittee created a use table questionnaire to gauge initial interest in the focus areas for the project. A majority of the 82 respondents at that time expressed support for more residential, retail, and restaurant uses in the light industrial areas.

2022 Be Heard Boulder Questionnaire

This year, to reach the general public, staff developed another online questionnaire on the project’s Be Heard Boulder site related specifically to Module Two changes to the use table and standards. The questionnaire was promoted through the City’s social media, the city’s Nextdoor account, on the City’s website, and was sent directly to frequent code users, stakeholders, and business owners to solicit input. It was also promoted in the August Planning & Development Services Newsletter, a monthly email that reaches over 5,000 subscribers on a mailing list.

The questionnaire was open for input from August 30 through September 22 and a total of 91 people responded. The questions aimed to understand whether respondents believed that housing is appropriate in industrial areas, and if so, how the city should determine appropriate sites for housing. In addition, the questionnaire attempted to better understand which businesses respondents felt were appropriate in industrial areas. Respondents provided additional helpful details supporting their answers in a few open-

ended questions as well. The detailed results from the questionnaire are attached to this memo in **Attachment E**.

Public Comment

As noted in the **Executive Summary**, staff has continued to engage interested stakeholders, including property owners, the Boulder Chamber of Commerce, real estate professionals and others throughout December and January. At subsequent meetings with stakeholders, discussions focused primarily on changes to residential eligibility and allowances for accessory offices. Staff considered and researched each suggested modification to the residential eligibility, including using adjacency, proximity to transit of ¼ mile and ½ mile, and proximity to services.

Public comments received prior to the publication of this memo are included in **Attachment M**. Additional feedback received by staff after that date will be forwarded to City Council. All feedback received will be summarized in the staff presentation before City Council on February 2.

Use Table and Standards Working Group

Staff met with the Use Table and Standards Working Group on August 8, 2022, and October 6, 2022, to discuss Module Two changes. The working group consists of about 20 stakeholders and interested residents, and members of the arts and business communities.

In the initial meeting on August 8, interactive polling was used to prompt discussion about potential changes related to housing and businesses in industrial areas. The group discussed where housing may or may not be appropriate, and many noted that subcommunity planning was the best way to get guidance. The group also discussed the different concept people have of what is an “industrial use,” and generally supported a mix of uses, but also expressed concerns about potentially displacing industrial businesses if a broader mix of uses is allowed. The group overall did not find it very important to differentiate between professional and technical offices, which are currently categorized as two separate uses in the Land Use Code as discussed later in this memorandum.

In the October 6 meeting, the group reviewed a summary of the proposed ordinance changes and engaged in a robust discussion of the potential approaches. Most of the discussion focused on the proposed changes to residential. Several working group members expressed concern about the proposal to prohibit residential uses in Industrial - Service (IS) and Industrial – Manufacturing (IM) zones, where they are currently allowed by-right and by use review, respectively. Some other members of the group, however, supported the suggestion as a strategy to preserve industrial land. There were also concerns raised by some members about the proposed requirement to limit office space on the ground floor in the IG district. The group also discussed how to best define the art and craft studio use in the use table to clarify this common artistic use. Many members of the group also expressed support for private school uses in industrial areas as well as increasing the flexibility for live-work units.

A more detailed summary of feedback from the working group meetings is included in **Attachment F**.

Planning Board Liaison Group

In addition to the working group, staff has been meeting regularly with two liaison members of the Planning Board to delve deeper into the potential changes to the industrial districts. In August, staff and the liaison members of the Planning Board toured the three industrial areas of the city and discussed many topics relevant to Module Two. In early October, staff met again with the Planning Board liaisons to discuss in detail the draft changes proposed in the ordinance.

One of the primary topics discussed was residential development in industrial areas and whether subcommunity plan guidance is adequate to determine appropriate locations, and ensuring that proposed code language clearly indicates that there must be adopted subcommunity or area plan guidance for residential in order to allow this use in industrial areas. Limitations on office uses were also discussed to determine the appropriate control needed in these areas. Some concerns were expressed about allowing private schools in industrial areas, and the liaisons recommended modifying the use review criteria so that potential impacts on schools are analyzed.

2019-2020 Planning Board Subcommittee

In their meetings in 2019 and 2020, the Planning Board Subcommittee completed a thorough analysis of the use table and provided specific guidance related to Module Two changes. Additionally, members of the public provided input during the subcommittee meetings. This public feedback and detailed Planning Board Subcommittee guidance is summarized in **Attachment G**.

BACKGROUND

Project History and Schedule

The Use Table and Standards project began in 2018 as one of the Planning Board's priority items for land use code updates. The goals of the revisions 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.
- Aligning the use table and permitted uses with the BVCP goals, policies, and land use designations, such as ensuring walkable neighborhoods, and preserving existing industrial areas as places for industry while also supporting a greater mix of uses and additional housing.
- 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. The subcommittee undertook a significant amount of work to identify relevant BVCP policies, develop areas of consideration and focus areas for the project, complete a detailed analysis of the use table and standards, and guide public engagement strategies for the project. The subcommittee met over 20 times in 2019 and 2020 and the group's input and analysis from that time continues to inform and shape the project.

Phase One of the project was completed in 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 in **Attachment D**.

Phase Two kicked off in Spring 2020 and focuses on simplification of the use standards chapter, supporting mixed-use nodes along corridors, and encouraging 15-minute neighborhoods in residential, commercial, and industrial districts. The 15-minute neighborhood concept is integral to several comprehensive plan policies related to walkable access to a range of services. A full list of relevant BVCP policies is available in the attached project charter.

Community engagement efforts to inform Phase Two of the project took place in Summer 2020, and the [Planning Board](#) and [City Council](#) were 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 as it is re-initiated.

The remaining work for Phase Two has been organized into three modules for analysis and adoption. The technical updates in Module One were adopted on June 21, 2022 and focused on improving user-friendliness by restructuring the chapter, simplifying the table, and clarifying language in the standards and definitions. Please note that the timeline for Module Three still tentative as other work program tasks may impact this schedule.

- Module One: Functional Fixes (Spring 2022) – *Ordinance Adopted June 21, 2022*
- Module Two: Industrial Areas (Summer/Fall 2022)
- Module Three: Neighborhood-Serving Uses (2023: To Be Determined)

Module Two Intent

Module Two is a comprehensive review of all uses and their allowances in the industrial zoning districts. The intent of Module Two is to better align the uses allowed in the land use code with the policies in the [Boulder Valley Comprehensive Plan](#), specifically:

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.

Light Industrial Area Guiding Principles

1. Preserve established businesses and the opportunity for industrial businesses. The primary role of the industrial areas for research and light manufacturing should be maintained through existing standards. Housing infill should play a subordinate role and not displace established businesses or the opportunity for industrial businesses.
2. Encourage housing infill in appropriate places. Housing infill should be encouraged in appropriate places (e.g., at the intersection of collector/ arterial streets, near transit and on underutilized surface parking lots) and along open space and/ or greenway or trail connections. Housing should be located near other residential uses or retail services.
3. Offer a mix of uses. Encourage the development of a mix of uses that is compatible with housing (e.g., coffee shops, restaurants) to serve the daily needs of employees and residents, in particular at the intersection of collector/arterial streets.

As the Use Table and Standards project has developed, it became clear that the issues related to uses in the industrial districts differ from the residential or commercial districts, and splitting the two into separate modules would be prudent to allow the proper focus and depth of analysis to each. Since this project was taking place simultaneously to the development of the East Boulder Subcommunity Plan (which was [adopted by City Council on October 6, 2022](#)), the intent with Module Two has also been to modify the code where possible to implement any guidance specific to use types from the East Boulder Subcommunity Plan. Further implementation of the subcommunity plan, such as land use map changes, rezonings, or programs, will occur as a separate process at a later date, but the robust engagement related to the EBSP has provided helpful guidance for potential changes to the industrial districts citywide.

Industrial Areas

There are three areas of the city that include industrial zoning districts: East Boulder, Gunbarrel, and a small part of North Boulder (see map in **Attachment H**). In the initial rounds of engagement for this project in 2019 and 2020, several common topics emerged as potential issues to address in this module. The concept of 15-minute neighborhoods, or areas with walkable access to needed services and amenities, has been a focus of the discussion for these industrial areas. The adopted comprehensive plan policies also mention developing a diverse mix of uses, allowing housing in appropriate locations, and supporting existing and potential industrial businesses.

Industrial Land in Boulder

There are four industrial zoning districts in Boulder: IS-Industrial Service, IG-Industrial General, IM-Industrial Manufacturing, and IMS-Industrial Mixed Service. There is a total of 2,306 acres of industrial land, divided among the following districts:

- **IS-1:** 91.79 acres (3.98%)
- **IS-2:** 86.34 acres (3.74%)

- **IG:** 961.73 acres (41.70%)
- **IM:** 1,149.77 acres (49.86%)
- **IMS:** 16.57 acres (0.72%)

Since 2011, Boulder has seen a net increase in Boulder’s inventory of industrial land of about 19 acres. 12 parcels in the city have changed from a non-industrial district to an industrial district, and 5 parcels have changed from industrial to non-industrial. This includes 17 acres of additional land in the IG district, 5 acres in the IS-1, and 1 acre in IS-2. In both IM and IMS, there has been a decrease in 2 acres each. Maps of the specific parcels can be found in **Attachment I**.

Industrial Businesses in Boulder

Staff analyzed Quarterly Census of Employment and Wages data from the Bureau of Labor Statistics to better understand the types of businesses currently located in industrial districts based on their North American Industry Classification System (NAICS) code classifications. Information on businesses in the industrial districts was available at both the sector (2-digit) and industry group (4-digit) level. The most common sectors of current businesses in the industrial districts are listed below, as well as the most common industry groups within each sector:

Professional, Scientific, and Technical Services

- Computer Systems Design and Related Services
- Architectural, Engineering, and Related Services
- Management, Scientific, and Technical Consulting Services
- Scientific Research and Development Services

Manufacturing

- Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
- Beverage Manufacturing
- Pharmaceutical and Medicine Manufacturing

Wholesale Trade

- Professional and Commercial Equipment and Supplies Merchant Wholesalers
- Miscellaneous Durable Goods Merchant Wholesalers
- Grocery and Related Product Merchant Wholesalers

Staff also analyzed the location of these sectors and industry groups within each industrial zoning district. The following summarizes the common sectors in each zoning district:

Common Sectors in Industrial - Service 1 (IS-1)

- Other Services (except Public Administration)
- Wholesale Trade
- Retail Trade
- Professional, Scientific, and Technical Services
- Manufacturing

Common Sectors in Industrial - Service 2 (IS-2)

- Retail Trade
- Construction
- Other Services (except Public Administration)

Common Sectors in Industrial - General (IG)

- Professional, Scientific, and Technical Services
- Manufacturing
- Wholesale Trade

Common Sectors in Industrial - Manufacturing (IM)

- Professional, Scientific, and Technical Services
- Manufacturing
- Information

A detailed summary of this data is available in **Attachment J**.

SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8556

The following sections provide background and summarize major topics related to the proposed Module Two changes. An updated summary handout is also available in **Attachment A**.

Residential Development in Industrial Zoning Districts

Current Regulations & History

In the Land Use Code, residential development is currently allowed with a Use Review in the Industrial - General (IG) and Industrial - Manufacturing (IM) zoning districts. Use Review is a discretionary review process that can allow uses if they are appropriate in a proposed location. Sometimes, uses will have specific criteria that are used to analyze their compatibility, as well as the general Use Review criteria, or mitigation measures are included as conditions of approval. Staff reviews and makes decisions on most Use Review applications, but those decisions are subject to call-up by both Planning Board and City Council, and are subject to public appeal.

In the late 1990s, the city undertook the Future Employment Project in an effort to reduce projected job growth in the city, and in 1997 completed a Comprehensive Rezoning Study which created three of the current industrial zoning districts (IS, IG, IM). No residential uses were allowed in any industrial districts, except for live-work units.

In 2004, the City Council adopted an ordinance that allowed residential uses in the industrial districts through Use Review and established specific standards for these uses. At the time, the change was intended to be a “more modest approach to allowing residential uses in appropriate locations to provide an opportunity to monitor the potential impacts and benefits of converting industrial lands to residential over time.” The standards have not been significantly updated since they were adopted in 2004.

In the 18 years since residential uses were allowed in the IG and IM districts, four residential projects have received Use Review approval (Boulder View Apartments:

2013, Velo Condos: 2021, 4775 Spine Road: approved 2021, Waterview: approved 2021.)

The following briefly summarizes the existing standards for residential uses in the Industrial zoning districts:

- The existing standards limit residential uses to sites that are over 2 acres in size and located at least partially contiguous to either an existing residential use or zoning district, or to a park or open space. **Attachment K** shows a map of industrially-zoned properties that are currently eligible for residential uses based on existing standards, as well as the location of existing or approved residential developments.
- In addition to Use Review approval, Site Review is required if the development also includes nonresidential uses or if the site is over 5 acres in size, or if any modifications are requested.
- Some small retail uses are permitted as accessory to the residential use.
- Some unique setback requirements apply, and only nonresidential uses are subject to the Floor Area Ratio limits for the zoning district.
- Projects must demonstrate environmental suitability and mitigate any potential noise impacts, and owners must sign a legal document called a “declaration of use” to notify future owners and tenants of the property’s status as a residential use in an industrial zoning district.

Boulder Valley Comprehensive Plan Guidance

The Boulder Valley Comprehensive Plan was most recently updated in 2021. As noted previously in this memo, *Policy 2.21: Light Industrial Areas* on [Page 47 of the plan](#), provides specific guidance for light industrial areas, including preserving existing industrial areas as places for industry and innovation while also encouraging housing infill in appropriate places. The plan notes that housing should occur in a logical pattern and in proximity to planned amenities, including retail and transit, should play a subordinate role, and not displace industrial businesses.

Guidance for East Boulder

The [East Boulder Subcommunity Plan](#) (2022) envisions the evolution of East Boulder as home to new and affordable housing that complements existing uses. The land use plan identifies several areas of change, including mixed-use industrial neighborhoods that would integrate diverse housing, commercial, and retail options.

In addition, the [Transit Village Area Plan](#) (2007, revised 2010) provides adopted land use guidance for the adjacent area northeast of the railroad tracks, south of Valmont, and west of Foothills Highway. The Transit Village area, now dubbed Boulder Junction, is envisioned by the plan to evolve into a lively, mixed-use, pedestrian-oriented place where people will live, work, shop, and access regional transit.

Guidance for Gunbarrel

The [Gunbarrel Community Center Plan](#) (2004, amended 2006) envisions a mixed-use industrial/residential district characterized by a mix of residential and compatible light industrial uses primarily north of Lookout Road, with other industrial areas outside of the south and west of the retail core remaining largely the same.

Guidance for North Boulder

The [North Boulder Subcommunity Plan](#) (1995, last revised 2020) emphasizes the importance of preserving the highly valued service industrial uses in the area, but also notes that the office/light industrial areas of the subcommunity should provide live-work or workshop opportunities and allow some residential uses.

Residential: Proposed Ordinance Including Proposed Amendments to Ordinance 8556 for Consideration on February 2

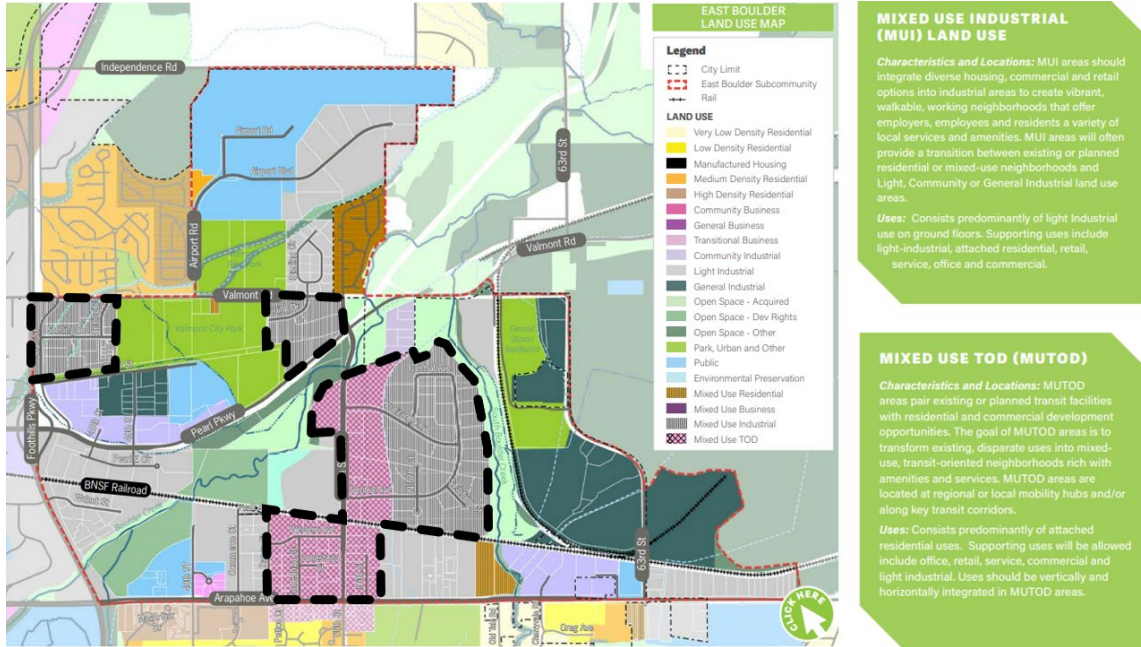
In the proposed amendments to the ordinance, residential uses would be prohibited in the IS district, but would continue to be permitted by Use Review in the IG and IM zoning districts as they are currently. As noted above, Policy 2.21 of the comprehensive plan states that residential development should be in the IG district only; however, other policies in the comprehensive plan support increasing housing options throughout the city in appropriate areas and the combination of use review and location limitations will help to ensure that residential locations are appropriate in the IM district.

Some changes are recommended to the associated standards. The ordinance would remove the minimum lot size of two acres which currently limits the number of parcels eligible for residential development. In addition, the proposed amendments to the ordinance would determine the suitability of a site for residential development in industrial districts based on **either** the land use plan or map from applicable adopted subcommunity or area plans, **or** location within ¼ mile of the Boulder Junction transit center, **or** the existing contiguity requirement. Most of the land area in industrial districts has applicable guidance regarding appropriate locations for residential uses from adopted subcommunity and area plans, but contiguity would allow for additional land area to become eligible for residential that is not covered by adopted plans. Additionally, a ¼ mile radius is a typical catchment area used for transit-oriented development in the Denver region (see the [Denver Regional Council of Governments recent data brief](#) on high-frequency transit). As described in the ordinance, this distance would be calculated from the lot boundaries of the Boulder Junction transit station lot.

The current approach, which uses **only** contiguity to residential uses or zoning, open space, or parks, does not allow for the logical development of residential, and in East Boulder particularly creates somewhat random locations of residential that may or may not be aligned with plan guidance. By incorporating an alternative way to include eligibility based on subcommunity plan guidance, there will be much greater alignment with adopted plans, but still retain the existing contiguity standard for other areas, including outside plan boundaries, such as the southern part of Gunbarrel.

For example, the following land use map from the East Boulder Subcommunity Plan identifies areas for Mixed Use Industrial and Mixed Use TOD, where residential is described as an appropriate use. The areas highlighted in the thick black dashed line are

those areas where residential use is therefore supported by the subcommunity plan and would be eligible to pursue a Use Review for residential development. Other areas of the subcommunity that are not identified for Mixed Use Industrial or Mixed Use TOD would not be eligible unless they met the contiguity requirements. Note that there are also other land uses like Mixed Use Residential which allow for residential as well.



The ordinance retains several of the existing standards for residential development in industrial districts, including buffers from adjacent uses, setbacks from oil and gas operations, environmental assessments, noise mitigation, and declarations of use.

The ordinance would also remove the requirement for Site Review if a project is mixed-use, as well as most of the unique bulk and density standards and modification standards, with the exception of a specific floor area ratio exemption for residential uses. The projects would still be subject to the typical bulk and density standards and Site Review thresholds of all projects in industrial districts.

Finally, specific allowances for accessory convenience stores, personal service, or restaurant uses would be removed as greater allowances for these types of uses would be made generally in the districts, so these standards would no longer be necessary to provide that additional flexibility.

In addition to potential changes to the use table and standards and as part of the P&DS work plan, staff will explore other methods of implementing planning guidance for housing infill in industrial areas, particularly in the East Boulder Subcommunity Plan area, such as rezonings and/or developing form based code as part of separate efforts at a later time.

Residential Eligibility

With the proposed amendments to the ordinance, the ordinance would have the following impacts on the number of parcels eligible for residential development in the IG and IM

districts, out of a total of 451 IG and IM parcels, as well as the acreage out of a total of 1,663 acres. A map of the eligible parcels is also available in **Attachment N**.

	Parcels Currently Eligible - Contiguity	Parcels Eligible With Ordinance 8556	Acres of Currently Eligible Land - Contiguity	Acres of Eligible Land With Ordinance 8556
IG	40	232	195	506
IM	31	35	709	721
Total Eligible	71 parcels (16%)	267 parcels (59%)	904 acres (54%)	1,227 acres (74%)

Note that IG and IM parcels with approved or constructed residential uses (11 parcels, 42 acres) or parks and open space properties (8 parcels, 169 acres) are not included in this table.

Offices in Industrial Zoning Districts

Current Regulations & History

Boulder’s land use code differentiates “*professional office*” and “*technical office*” as two different land use types. *Professional offices* are prohibited in all industrial zoning districts, while *technical offices* are allowed in all industrial districts. The definitions, which were recently clarified through Module One of this project, are currently as follows:

Office, professional means offices of firms or organizations providing professional service to individuals and businesses. Examples include, without limitation, accounting, legal, insurance, real estate, investment, and counseling services. Client contact may occur regularly at the office. Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use. This use does not include technical, medical, or administrative offices, or uses otherwise listed in the use table.

Office, technical means offices of businesses providing professional services in a technical field. This use type is characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. These establishments primarily provide services to other businesses. Examples include, without limitation, publishers, architecture, engineering, graphic, industrial, and interior design, biotechnology or life sciences, 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. This use does not include professional, medical, or administrative offices, or uses otherwise listed in the use table.

The history of the differentiation between *professional offices* and *technical offices* dates back to 1997, when the City undertook a Comprehensive Rezoning Study. One of the goals of the project at that time was to limit the amount of speculative office buildings and to accommodate the needs of start-up businesses. In the industrial zoning districts, the objectives were to “preserve the community’s industrial zones for industrial uses by limiting professional office uses that provide services primarily to individuals or to uses not located in the industrial zones” and to “recognize and accommodate the need for office uses that are directly related to industrial uses or are more industrial in character.”

Through the Comprehensive Rezoning Study, the classifications of *professional office* and *technical office* emerged in order to define the types of office uses that should and should not be allowed in the industrial zones. The prohibition of professional offices in the industrial districts was intended to reduce projected job growth at the time due to the jobs and housing imbalance in Boulder. To determine the appropriate office uses in industrial zones, criteria were developed based on client traffic and whether the use was an “employment use or a professional service” and whether that service primarily was for individuals or for industrial uses in the industrial districts. The policy to limit job growth of professional offices in industrial districts has been implemented by defining these two uses separately for the last 25 years.

In implementation, the differentiation between the two types of offices regularly presents administrative challenges. While improvements were made in Module One of this project, the definitions are ambiguous and difficult to implement consistently, resulting in excess staff time determining which use definition applies, and have a risk that outcomes are more difficult to predict. Other challenges arise simply because much has changed in the last 25 years since the differentiation between *professional office* and *technical office* was created. Client traffic no longer is a marker of the type of office use as many offices of both types conduct business virtually with clients. There are many uses that include components of both types of offices, such as a patent lawyer with no client contact. In addition, businesses may evolve their business model over time and morph from one type to another.

Staff was not able to find any other cities that differentiate office types in this way to limit office development. Some other cities have similar goals to reduce office growth, like San Francisco, which restricts the amount of large-scale (projects 25,000 sf or above) office space development authorized in a given year. However, Portland is the only peer city that staff identified that similarly delineates between a “traditional office” use and an “industrial office” use.

In Portland, the policy intent behind this regulation was quite different than Boulder. This regulation is applied in only one area of the city and is intended to boost job growth, broaden the mix of employment uses, and revitalize historic industrial buildings that had been left vacant or underutilized as larger manufacturing operations moved out of the city. In this area, a limited amount of traditional office is allowed on each site depending on lot size, and a larger, but still limited, amount of industrial office is allowed per site. City of Portland staff noted that the regulation has successfully supported significant job growth in this area of Portland.

Boulder Valley Comprehensive Plan Guidance

The plan details specific guidance for the support of a variety of uses in light industrial areas, including “technical offices, research and light manufacturing”. No other specific policy guidance in the plan differentiates between types of office. For several decades, the plan has recognized Boulder’s role as a regional job center and includes policies regarding the jobs and housing balance and has aimed to reduce future imbalances through land use policy changes.

Guidance for East Boulder

The East Boulder Subcommunity Plan does not differentiate between professional office and technical office, rather providing guidance for a more general office type. The policy guidance from the plan does not outline the same type of policy intent to restrict office development in East Boulder. Offices are envisioned in every place type outlined for the areas of change, with the exception of purely residential place types.

Many of the place types in the East Boulder plan envision offices above the ground floor in the areas of change. Outside the areas of change, the plan retains light industrial, general industrial, and community industrial future land use.

The Transit Village Area Plan envisions that new office and industrial space will be developed throughout the area, and specifically identifies much of the northern portion northeast of the railroad tracks to be an office-industrial land use, to allow more density and greater flexibility in types of office uses.

Guidance for Gunbarrel

The Gunbarrel Community Center Plan similarly does not distinguish between professional office and technical office. The mixed-use industrial/residential district identified in the plan notes that limited offices uses may exist above the ground floor, and the industrial district is “characterized by large, industrial and office buildings”.

Guidance for North Boulder

The North Boulder Subcommunity Plan was first adopted in 1995 and thus predates the division between professional office and technical office. One recommendation focuses on allowing a small amount of non-service offices by Use Review in neighborhood commercial centers (offices that do not directly serve customers).

Office: Proposed Ordinance Including Proposed Amendments to Ordinance 8556 for Consideration on February 2

In Ordinance 8556, the *professional office* and *technical office* use types have been combined into one more general office use type. In addition, the revised ordinance for February 2 includes a slight revision to the *administrative office* use to accommodate research and development uses in industrial districts that may have supporting office space located on a different lot within the same zoning district, and often within the same business park, and therefore would not fall under the *accessory office* definition. .

In response to additional concerns expressed by City Council, Planning Board, and the Use Table and Standards Public Working Group regarding office uses potentially displacing industrial uses, the following limitations on office have been proposed in the revised ordinance. Note that the IG and IM limitations set forth below have been updated since the December 15 public hearing to reflect the proposed amendments to the ordinance that have been drafted to address concerns expressed by City Council about the creation of a large percentage of nonconforming properties and the potentially challenging administration of the previously proposed limits within typical commercial leasing scenarios.

In the IS and IMS Zoning Districts:

Offices would be limited to 5,000 square feet in size and would be otherwise prohibited. This is the same current restriction that exists for technical offices in the IS zoning districts.

In the IG and IM Zoning Districts:

- Offices are allowed by-right if the use is no greater than 50,000 square feet in floor area. Note that this applies only to **principal** uses; accessory offices, such as accessory offices supporting a research and development use or other light industrial use, are not subject to this floor area limit.
- If a proposed office use exceeds 50,000 square feet, a use review would be required. In addition to the typical use review criteria, the applicant would have to demonstrate that the primary use of the surrounding area would remain industrial and any newly constructed office building would have to be designed to allow the building to be easily adapted for industrial or research and development uses in the future (such as higher ceiling heights or integration of loading doors).
- Note that all non-residential buildings in the industrial zones would continue to be subject to maximum floor area ratio (FAR) based on lot size as currently specified in the land use code.

Other Proposed Changes

There are several changes to additional use types in the ordinance, based on previous input received from the public and Planning Board subcommittee. All changes are also explained in the associated footnotes in the annotated ordinance in **Attachment C**.

Zoning district purposes: [Section 9-5-2](#) of the Land Use Code establishes the purposes of each zoning district. Some changes are proposed to the purpose statements for the IG and IM districts to align them with language used in the Boulder Valley Comprehensive Plan for the Light Industrial and General Industrial land use classifications.

Live-work units: Currently, live-work units are only allowed in certain districts when the “work” function is a use allowed in an industrial district. To increase the allowance of live-work units citywide, the definition in the ordinance has been amended to allow any type of nonresidential use that is allowed in the zoning district. Live-work units are also currently only allowed by Use Review in the IS, IG, and IM zoning districts and are allowed by right in the MU-4 and IMS districts. The proposed ordinance allows live-work units in all mixed-use or downtown zoning districts, and in the highest density residential districts, subject to the applicable review process for the “work” function of the use.

As recommended by the Planning Board, live-work units are proposed as a conditional use in the industrial districts. A condition was added specifying that live-work units in the industrial districts must be incorporated in a building with at least 50 percent nonresidential space, to ensure that lots with live-work units are not utilized for solely residential uses in districts where, otherwise, residential uses would typically be prohibited (IS) or require Use Review (IG, IM, IMS). Planning Board also recommended

the inclusion of form descriptions in the definition of live-work units, which have been included in the attached ordinance as well.

Manufacturing: Boulder currently has two types of manufacturing uses in the use table, “*manufacturing use*” and “*manufacturing use with potential for off-site impact*.” Most cities in the state and around the country instead commonly use terms like “light manufacturing,” “general manufacturing,” or “heavy manufacturing.” The ordinance would rename these use types “light manufacturing” and “general manufacturing.” If the ordinance is amended as proposed for consideration on February 2, the definitions would remain largely the same.

Research and development: The ordinance proposes amending the current “medical laboratory” use type with an updated title, “research and development,” and creating a more generalized definition. This use would now include research and experimental development in industrial, biotechnology, life sciences, medical, computer hardware or software, and electronics industries. Research and development uses, which are currently typically classified as “manufacturing use,” “technical office,” or a mix of both, would be more clearly defined to incorporate labs, offices, warehousing, and light manufacturing within the overarching research and development use. Unlike the proposed limitations for offices, research and development uses would be permitted uses in the IG and IM districts without any size restrictions. This supports the BVCP policies on uses intended for the industrial areas and aligns with community feedback on appropriate uses for Boulder’s industrial areas.

Restaurants: Restaurants are currently a conditional use in the industrial districts with restrictions on where they may be located (for instance, they are currently only permitted on major streets). To allow restaurants in more locations in the industrial districts, the ordinance would make restaurants an allowed use in these districts, subject to certain standards. The majority of the current conditional use standards for restaurants are proposed to be removed, apart from retaining the existing hours of operation limits. In addition, restaurants would be allowed by right as long as they are located within a building that also includes industrial, residential, or office uses. This standard is intended to ensure that the restaurant serves and supports nearby uses, rather than allowing for standalone restaurant buildings. This change would work towards the city’s goals to encourage a mix of uses in industrial areas as restaurant options near employment locations allow employees to have walkable access.

Retail sales and personal services: Currently, both retail sales and personal services are prohibited as a principal use in all industrial districts. To foster a greater mix of uses and services in industrial areas, retail uses and personal service uses are proposed to be allowed, but limited to a 2,000 square foot size limitation to ensure they are small-scale, and required to be located within a building that also includes industrial, residential, or office uses. The size limit mirrors what is currently allowed in an industrial service center. Personal services would be allowed within IG and IMS, and retail services would be allowed in each industrial district. Note that as part of Phase One of this project, convenience retail sales (limited grocery and household item sales for a neighborhood) became an allowed use in the industrial districts.

Indoor athletic facilities: An indoor athletic facility is currently required to go through the Use Review process for approval in industrial districts. The proposed ordinance would allow indoor athletic facilities that are under 5,000 square feet by-right. If the facility is larger than 5,000 square feet, applicants could pursue a Use Review for approval. This change is intended to acknowledge a number of smaller indoor athletic facilities that have been approved through Use Review and provide a more streamlined path for business owners to operate small facilities in the industrial districts. Indoor athletic facilities are often a health and wellness option for employees that work in the city's industrial areas.

Schools: Currently, private elementary, middle, and high schools are prohibited in the industrial districts, while public schools are allowed, specialized instruction facilities are allowed with size limits, and private colleges are allowed by Use Review in IG and IM. In the ordinance, private schools are allowed by Use Review in the same districts (IG and IM) as private colleges, to ensure compatibility with adjacent uses. In addition, private colleges would be allowed by Use Review in the IMS district. To ensure that external impacts to the use would be reasonably mitigated, a change is proposed to the use review criteria that would ensure that the proposed use reasonably mitigates potential negative impacts from nearby properties.

Broadcasting and recording facilities: The definition for this use type is proposed to be more generalized and the use type name to be renamed as "media production," to better categorize the many types of technology and media production currently taking place in Boulder.

Art or craft studio: One of the initial goals identified in early public engagement for the project included greater flexibility for creative uses. In the ordinance, the art or craft studio use has been updated with a new name, "art studio or workshop," which better reflects the use definition, and the definition has been slightly modified to clarify that art studios or workshops may also include accessory sales, lessons, and some limited events.

Small theaters or rehearsal space: Similarly, to better support creative uses, small theaters are proposed to be an allowed use in the IM district where they are currently prohibited.

Industrial service centers: This use type is proposed to be removed. Only one property was developed as an industrial service center since the regulations were put into place in 2008. The intent of industrial service centers was to provide a mix of services to the area; with the other proposed changes to allow more retail, restaurants, and personal services in industrial districts, the need for this use type is no longer relevant and has been eliminated.

Animal hospital or veterinary clinic: The ordinance would make these clinics an allowed use in Industrial Mixed Services (IMS) district, rather than requiring Use Review, to align with the allowances for animal kennels.

Cold storage lockers: In response to guidance from Planning Board Subcommittee, cold storage lockers are proposed to be prohibited in the downtown districts.

Breweries, distilleries, wineries: Complex language that stemmed from limited use requirements are proposed to be streamlined and clarified in the ordinance. The

requirements for IS and IMS have been consolidated together, with these uses being limited to a maximum of 15,000 square feet in both types of districts, which is the current limit in the IS districts.

ANALYSIS

Staff finds that the proposed ordinance implements the adopted policies of the comprehensive plan related to industrial areas. The following analysis is provided to demonstrate how the objectives are met through the proposed ordinance.

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. Goals for the project 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.
- 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.

The proposed ordinance is the second module of work for Phase Two of the project. Module One, which was adopted in June, greatly improved the user-friendliness of an important part of the Land Use Code by restructuring Chapter 9-6 into a system of consolidated specific use standards and a simplified version of the use table. The Module Two changes will better align the use table and permitted uses with the BVCP goals, policies, and land use designations. This serves a public purpose in that it implements the adopted comprehensive plan policies for these areas.

For example, the ordinance would limit the location of residential development in the IG and IM districts only to those parcels identified as appropriate for residential use through adopted subcommunity or area plans, and to those meeting the existing contiguity standards or located within ¼ mile of the Boulder Junction transit station lot boundaries. These subcommunity and area plans have gone through long processes with significant public input to identify appropriate locations based on proximity to existing or planned amenities as suggested by the BVCP. The contiguity standard and transit standard ensures that other eligible parcels without existing planning guidance are in proximity to other residential uses or amenities like transit, parks, or open space that would be a benefit to a residential use, which is the case for some vacant parcels in the IM zones that based on proximity to amenities would be considered appropriate for residential development, and some IG properties within a short walking distance of the Boulder Junction transit station.

In addition, integrating a more diverse mix of uses, including retail and restaurants, will implement the plan, while keeping them limited in size for their intended purpose to serve the employment and potentially future residential uses in the area. Limitations on allowed office space will ensure that office uses are kept to a smaller footprint and larger office space would remain adaptable for industrial businesses in the future. The changes would also simplify a challenging part of the current 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 purpose of each industrial district is currently noted in Section 9-5-2:

Industrial - Service 1 and Industrial - Service 2 (IS-1 and IS-2): Service industrial areas primarily used to provide to the community a wide range of repair and service uses and small-scale manufacturing uses.

Industrial – General (IG): General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses, are located. Residential uses and other complementary uses may be allowed in appropriate locations.

Industrial – Manufacturing (IM): Industrial manufacturing areas primarily used for research, development, manufacturing, and service industrial uses in buildings on large lots. Residential uses and other complementary uses may be allowed in appropriate locations.

Industrial - Mixed Services (IMS): Industrial areas on the edge of a main street commercial area, which are intended to provide a transition between a main street commercial area and established industrial zones. Industrial main street areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; first floor uses are predominantly industrial in character; uses above the first floor may include industrial, residential, or limited office uses, and where complementary uses may be allowed.

The proposed changes are consistent with the purpose of these zoning districts. As part of this ordinance, some changes to the purpose statements of the IG and IM districts are proposed to better align them with the General Industrial and Light Industrial land use designation descriptions in the BVCP.

The proposed changes will preserve established businesses and the opportunity for industrial businesses, with the primary role of the industrial areas being maintained for research and light manufacturing. In particular, the ordinance prohibits residential uses from the IS districts (other than live-work uses), to ensure that those areas in particular, which amount to less than 8 percent of all the industrial land in the city, are preserved for industrial service and small business opportunities.

However, housing infill will also be encouraged in appropriate places, guided by adopted policies from subcommunity planning efforts, transit proximity, and the contiguity standard. In addition, the changes will encourage a more diverse mix of uses in the industrial areas that are compatible with both housing and employment uses.

Are there consequences in denying this ordinance?

If the proposed ordinance is denied, the land use allowances in the use table and standards would continue to be misaligned with the adopted policies of the comprehensive plan. Specifically, residential uses would continue to be evaluated based only on contiguity and potentially out of alignment in some areas with adopted subcommunity or area planning efforts. Also, residential uses would continue to be allowed in the IS district, which is not in line with BVCP policies. Office uses would continue to be divided into “professional” or “technical” office, leading to confusion for business owners, property owners, and staff. Live-work units would continue to be limited in both area and scope with a definition that restricts the additional development of this use type. The mix of uses envisioned by the BVCP would not be possible as retail and personal service uses would continue to be prohibited in industrial areas, and restaurants would remain significantly limited by existing conditional use standards.

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

Staff does not anticipate that adverse effects may result with the adoption of this ordinance. While the limitations on residential uses and office uses would be modified in ways that better align with the BVCP and simplify use interpretations of office uses, both residential and office uses would continue to have significant limitations to ensure that they do not displace the intended primary role of the industrial districts for industrial uses. New limitations on office would simplify the regulations, are not anticipated to create many nonconforming properties, and would allow for a reasonable size limit for offices to be allowed by-right, with the ability to obtain a Use Review for larger uses. The addition of restaurants and retail and personal service uses are also limited to ensure that these are kept at a small-scale, capable of serving the area without significantly displacing industrial uses.

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. Module One focused on the restructuring and reorganization to clean up the use table and standards and was adopted in June 2022.

Staff is aiming to complete the overall project in early 2023, which necessitates that this second module is completed as soon as possible to allow time for robust public and stakeholder engagement and staff analysis in Module Three. In addition, City Council has identified three new priority projects related to code changes on their work program for

2022-2023, which require the completion of this project to allocate staff resources to those new projects.

How does the ordinance compare to practices in other cities?

Many cities around the country employ a variety of strategies to preserve industrially zoned land for industrial uses. Many cities permit a mix of uses in industrial areas, including retail, restaurants, and personal services, although many have size limits on those uses.

A range of tools, such as prohibition of residential uses, overlay districts that permit residential within industrial districts, or limiting residential development to identified mixed-use residential and industrial districts, can be found to address the common balance that cities try to find between development of housing and preservation of industrial land.

As noted in the memo above, Boulder is one of the only cities in the country that distinguishes between “professional office” and “technical office,” and Boulder’s land use code incorporates many limitations on office uses that are rare in other cities. The proposed consolidation of professional and technical offices will be more in line with typical practice, and the general colloquial understanding of office uses. Limitations like those recommended for the IG and IM districts are not commonly found in other zoning codes. However, some cities have tackled this issue, like San Francisco, which has an annual limit on large-scale office development, and Portland, which limits offices by floor area in certain industrial areas of the city.

In many cities, particularly ones that have undergone recent zoning updates, research and development uses are called out as their own use type and regulated as such, particularly in areas of the country well-known for these types of businesses, such as the “research triangle” in the Raleigh-Durham area of North Carolina.

Many cities allow live-work units to include more than just industrial uses as the “work” function, and the new definition and specific use standards reflect more common practice in other cities. Cities typically differentiate live-work units from home occupations in that home occupations must be an accessory use.

Most cities use a tiered definition system of manufacturing, often “light manufacturing,” “general manufacturing,” and “heavy manufacturing” or similar language. The proposed updates to the manufacturing names in this ordinance align with common practice and terminology in other cities.

Additional proposed changes are aligned with general practice in other cities. Apart from Boulder’s regulations regarding limiting office uses, which are fairly rare, the proposed changes in this ordinance will be similar to approaches in many other cities in the country.

How will this ordinance implement the comprehensive plan?

Implementation of the comprehensive plan is one of the main goals of the overall Use Table and Standards project. The proposed changes aim to implement policies related to industrial areas.

Changes in the ordinance would limit residential development in industrial areas only to the IG, IM, and IMS districts, and future housing would be located in a more logical pattern in proximity to existing and planned amenities, as guided by either contiguity, proximity to transit, or the extensive subcommunity or area planning processes with significant public engagement to determine a future land use map or plan that identifies appropriate locations for housing. Several types of residential development, such as attached units, duplexes, and townhomes, would be allowed through Use Review in the IG and IM zoning districts to encourage a mix of housing types and housing for a full range of households.

It is important to note that changes to the use table allowances, as proposed in this ordinance, are not the full implementation of an adopted subcommunity or area plan. Other implementation steps for these plans, such as the East Boulder Subcommunity Plan, may also involve later work to rezone properties or develop a Form-Based Code in identified areas of change.

Regulations for offices would be clearer in the industrial areas by eliminating the current distinction between professional and technical offices. However, this use would continue to be limited in size by-right in the industrial districts to ensure that space is preserved for established businesses and the opportunity for industrial businesses, with Use Review options for larger buildings that will still retain potential design adaptability for industrial uses in the future.

These changes would encourage the industrial areas to develop a greater mix of uses, by increasing flexibility for retail and personal service uses. However, each of these uses would be limited in scale and location to ensure that they would not overtake space intended for industrial use but rather support those uses and provide amenities not currently available in the area. Similarly, restaurants would be allowed in more locations. These uses would continue to be subject to all parking and development standards to ensure that the sites can adequately accommodate the use.

The primary Boulder Valley Comprehensive Plan policy this project aims to implement in Built Environment Policy 2.21, as listed below, in addition to several other relevant policies:

Built Environment Policy 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.

Light Industrial Area Guiding Principles

1. Preserve established businesses and the opportunity for industrial businesses. The primary role of the industrial areas for research and light manufacturing should be

- maintained through existing standards. Housing infill should play a subordinate role and not displace established businesses or the opportunity for industrial businesses.
2. Encourage housing infill in appropriate places. Housing infill should be encouraged in appropriate places (e.g., at the intersection of collector/ arterial streets, near transit and on underutilized surface parking lots) and along open space and/ or greenway or trail connections. Housing should be located near other residential uses or retail services.
 3. Offer a mix of uses. Encourage the development of a mix of uses that is compatible with housing (e.g., coffee shops, restaurants) to serve the daily needs of employees and residents, in particular at the intersection of collector/arterial streets.

Built Environment Policy 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.

Economy Policy 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).

Economy Policy 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.

Economy Policy 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.

Economy Policy 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.

7.07 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.

7.10 Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and abilities, and to a variety of household incomes and configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

Housing Policy 7.11: 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.

Community Well-Being & Safety Policy 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.

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.

ATTACHMENTS

- Attachment A: Module Two Summary of Changes
- Attachment B: Ordinance 8556
- Attachment C: Annotated Ordinance
- Attachment D: Project Charter
- Attachment E: Public Questionnaire Response Summary
- Attachment F: Working Group Meeting Notes Summaries
- Attachment G: Planning Board Subcommittee Guidance
- Attachment H: Map of Industrial Zoning Districts
- Attachment I: Map of Industrial Parcel Changes 2011-2021
- Attachment J: Existing Business Types in Industrial Zoning Districts
- Attachment K: Residential in Industrial – Contiguity Analysis Map
- Attachment L: October 18, 2022 Planning Board Draft Minutes
- Attachment M: Written Public Comments Received
- Attachment N: Updated Map of Eligible Parcels

Summary of Changes

MODULE TWO – INDUSTRIAL AREAS

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 goals of the revisions 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.
- 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.

Module Two Purpose

The second phase of the Use Table and Standards project is divided into three modules. Module Two is a comprehensive review of all uses and their allowances in the Industrial zoning districts. The intent of Module Two is to better align the uses allowed in the land use code with the policies in the Boulder Valley Comprehensive Plan, specifically:

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.

Light Industrial Area Guiding Principles

1. **Preserve established businesses and the opportunity for industrial businesses.** The primary role of the industrial areas for research and light manufacturing should be maintained through existing standards. Housing infill should play a subordinate role and not displace established businesses or the opportunity for industrial businesses.
2. **Encourage housing infill in appropriate places.** Housing infill should be encouraged in appropriate places (e.g., at the intersection of collector/ arterial streets, near transit and on underutilized surface parking lots) and along open space and/ or greenway or trail connections. Housing should be located near other residential uses or retail services.
3. **Offer a mix of uses.** Encourage the development of a mix of uses that is compatible with housing (e.g., coffee shops, restaurants) to serve the daily needs of employees and residents, in particular at the intersection of collector/arterial streets.

Residential Uses

Prohibit residential uses in IS district (except live-work). In the IG and IM districts, continue to allow residential development with use review and updated specific use standards:

- Modify the way sites are determined to be eligible for residential use. Use **either** current contiguity requirements, **or** proximity to Boulder Junction transit center, **or** determine appropriate locations based on land use guidance in adopted subcommunity plans.
- Remove minimum lot size, as well as several unique bulk standards to simplify specific use standards.
- Maintain other existing standards such as environmental assessment requirement, floor area exemption for residential uses, noise mitigation standards, and requirement for declarations of use.

Offices

Combine *professional office* and *technical office* into one generalized *office* use type to simplify the code. Allow offices as a principal use in industrial districts with limitations:

- IS and IMS Districts: Limit to 5,000 square foot maximum size.
- IG and IM Districts: Limit to 50,000 square feet per use. Use review option for larger offices with criteria related to design adaptability and predominant industrial use of the area.
- Limitations do not apply to offices that are accessory to other uses.

Retail Uses and Personal Services

Allow with a maximum size of 2,000 square feet, and only in buildings with industrial, residential or office uses.

Research and Development Uses

Update existing *medical laboratory* use definition and rename to allow for more types of research and development. Allow in IG and IM with no size limit. Allow in IS and IMS districts with maximum size of 5,000 square feet, where use review is currently required.

Restaurants

Allow by-right rather than as a conditional use, subject to simplified specific use standards including hours of operation and location in a building with industrial, residential, or office uses. Option for use review.

Live-Work Units

Update definition, allow in most mixed-use, downtown, business, and high density residential districts. Allow as a conditional use in all industrial districts.

Indoor Athletic Facilities

Allow by-right up to 5,000 square feet. Use review option for larger facilities.

Breweries, Wineries, Distilleries

Simplify and consolidate minor differences between specific use standards for different districts.

Private Schools

Allow private elementary, middle, and high schools in the IG, IM, and IMS districts by use review. Allow private colleges in IMS district by use review.

Updated Definitions or Names

- *Art or craft studio* – “art studio or workshop”
- *Broadcasting and recording facility* – “media production”
- *Manufacturing use* – “light manufacturing”
- *Manufacturing use with potential off-site impacts* – “general manufacturing”

Removed Uses or Definitions

- Remove industrial service center and printer & binder.
- Remove definitions for unused terms: data processing center, telecommunications use, computer design and development.

Updated Ordinance Changes

FEBRUARY 2, 2023 CITY COUNCIL VERSION – AMENDED SECOND READING

Residential Uses

- Removed proposed prohibition of residential uses in IM district
- Residential uses allowed by use review in both IG and IM districts
- Location eligibility updated. Parcels in IG and IM eligible for residential use with use review if:
 - Residential use is consistent with adopted subcommunity or area plan guidance, or
 - Parcel is within ¼ mile of the Boulder Junction transit center, or
 - Parcel is contiguous to residential use or zoning, or parks or open space.

Offices

- Removed proposed prohibition of office on ground floor in IG and IM district
- Reintroduced *administrative office* use type for IG and IM district
- In the IG and IM districts, limit offices to 50,000 square feet per use allowed by right, rather than previously proposed combined floor area per lot limit
- Use review required for offices larger than 50,000 square feet. Offices must meet typical use review criteria as well as additional criteria related to building design adaptability for new construction, and predominant industrial use of the area

Updated Definitions or Names

- Updated name of “manufacturing use” to “light manufacturing” and “manufacturing use with potential off-site impact” to “general manufacturing,” but reverted back to current code definitions rather than previously proposed changes
- Minor consistency changes to existing manufacturing definitions to remove references to research and development, as that is now a separate use
- Clarity added for showrooms/ancillary sales permitted within light manufacturing

ORDINANCE 8556

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO UPDATE THE USE TABLE AND USE STANDARDS RELATED TO INDUSTRIAL USES AND DISTRICTS AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 2-3-12, "Board of Zoning Adjustment and Building Appeals," B.R.C. 1981, is amended to read as follows:

2-3-12. - Board of Zoning Adjustment and Building Appeals.

(a) The City of Boulder Board of Zoning Adjustment and Building Appeals consists of five members appointed by the city council for five-year terms.

(b) The board's functions are to:

...

(2) Hear and decide to grant or deny applications for variances from the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the size requirements for accessory dwelling units of Subparagraph 9-6-3(~~an~~) B.R.C. 1981;

...

Section 2. Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, is amended to read as follows:

4-18-2. - Public Property Use Permits.

(a) No person shall place for sale or for solicitation of orders any merchandise or other things upon any street, alley, sidewalk or other public property or suspended from any building or structure over the street, sidewalk or public property without first obtaining a permit from the city manager under this section.

(b) Nothing in this section shall be deemed to waive or supersede the requirement to obtain any other license or permit required by this code, including without limitation a license or permit to sell or display goods or merchandise on the Downtown Boulder Mall or University Hill, as required by chapter 4-11, "Mall Permits and Leases," section 4-18-4, "University Hill Mobile Vending Cart Permit," or for mobile food vehicle sales pursuant to section 9-6-5(d) "Mobile Food Vehicle-Sales," B.R.C. 1981.

...

Section 3. Section 4-20-43, "Development Application Fees," B.R.C. 1981, is amended to read as follows:

4-20-43. - Development Application Fees.

...

(b) Land use regulation fees:

...

(21) An applicant for a conditional use in a BC zoning district pursuant to Section 9-6-402(c)(1), "Specific Use Standards for Uses in the BC Zoning Districts~~Specific Use Standards for Business Community Areas Designated in Appendix N,~~" B.R.C. 1981 \$274

...

Section 4. Section 4-33-6, "Locations of Hemp Businesses," B.R.C. 1981, is amended to read as follows:

4-33-6. - Locations of Hemp Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a hemp business or to grow hemp outside of a locked enclosed space within a building. All hemp business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows hemp may be cultivated or produced shall be considered the "restricted area" portion of the business premises.

(b) Location—Permitted Use in Zoning District. A hemp business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:

(1) As "greenhouse/and plant nursery" for a hemp cultivation facility; or

(2) As "light manufacturing" ~~≤less than 15,000 square feet~~ in size for a hemp cultivation facility or for a hemp-infused product manufacturer.

...

Section 5. Section 6-14-7, "Locations of Medical Marijuana Businesses," B.R.C. 1981, is amended to read as follows:

6-14-7. - Locations of Medical Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a medical marijuana business or to grow medical marijuana outside of an enclosed building. All medical marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows medical marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

(b) Location - Permitted Use in Zoning District. A medical marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located as follows:

(1) As "~~personal service~~service use" for a medical marijuana center;

(2) As "greenhouse and plant nursery" for a cultivation facility; or

(3) As "light manufacturing" ~~≤less than 15,000 square feet~~ in size for a cultivation facility, for a medical marijuana-infused product manufacturer, or for a marijuana testing facility.

...

Section 6. Section 6-16-7, "Locations of Recreational Marijuana Businesses," B.R.C. 1981, is amended to read as follows:

6-16-7. - Locations of Recreational Marijuana Businesses.

(a) Fixed Location Required. It shall be unlawful to operate a recreational marijuana business or to grow recreational marijuana outside of a locked enclosed space within a building. All recreational marijuana business licenses shall be issued for a specific fixed location within an enclosed building. The portion of such premises upon which the floor plan shows recreational marijuana may be produced, dispensed, or possessed shall be considered the "restricted area" portion of the business premises.

1 (b) Location - Permitted Use in Zoning District. A recreational marijuana business license
2 may be issued only if the business qualifies as a use permitted as a matter of right in the
zone district where it is proposed to be located, as follows:

3 (1) as "personal service use" for a recreational marijuana center;

4 (2) as "greenhouse/ and plant nursery" for a recreational marijuana cultivation
5 facility; or

6 (3) as "light manufacturing" ≤ less than 15,000 square feet in size" for a recreational
7 marijuana cultivation facility, for a marijuana-infused product manufacturer, or
for a marijuana testing facility.

8 ...

9 Section 7. Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and
10 Long-Term Leases," B.R.C. 1981, is amended to read as follows:

11 **8-6-6. - Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases.**

12 (a) Purpose and Scope: Public rights-of-way and public easements are held by the city in
13 trust for public use to ensure the health, safety and welfare of the residents of the city.
14 The city council intends that all decisions regarding the granting of permission to place
15 an encroachment into public right-of-way or public easements are legislative in nature.
16 The city may determine from time to time at its discretion to issue a revocable permit,
short-term lease or long-term lease subject to the requirements set forth in this section
for certain encroachments into public rights-of-way and public easements that do not
adversely affect its present or future use.

17 (b) Permit Required and Application Requirements: No person shall place, maintain or
18 continue to use or maintain any encroachment in the public right-of-way or in a public
19 easement unless such person has a revocable permit, short term lease or long term lease
20 granted under this section; a small cell facilities in the public right-of-way permit under
21 Section 8-6-6.5, "Small Cell Facilities in the Public Right-of-Way Permits," B.R.C. 1981;
a revocable permit granted pursuant to City Charter Section 115; a current franchise
agreement with the city; or a right to be in the public right-of-way pursuant to state law.
An applicant for permission to encroach on public right-of-way or easement shall:

22 ...

23 (4) If the encroachment is a wireless communications facility, demonstrate that the
24 wireless communications facility has city manager approval for the proposed
25 location pursuant to the provisions of Subsection 9-6-10~~4~~(af), "Wireless
Communications ~~Facilities~~ Facility," B.R.C. 1981, and meets the standards of
Paragraph 9-6-10(a)(1), B.R.C. 1981.

1 ...

2 (d) Revocable Permit: The city manager may issue a revocable permit for a period not to
3 exceed three years, upon finding that:

4 (1) The encroachment is designed in a manner to be temporary in nature or the
5 encroachment is a wireless communications facility approved pursuant to the
6 provisions of Subsection 9-6-104~~(af)~~(af), "Wireless Communications
7 ~~Facilities~~Facility," B.R.C. 1981, that meets the standards of Paragraph 9-6-
8 104~~(af)~~(1), B.R.C. 1981;

7 ...

8 Section 8. Section 8-6-6.5, "Small Cell Facilities in the Public Right-of-Way Permits,"

9 B.R.C. 1981, is amended to read as follows:

10 **8-6-6.5. - Small Cell Facilities in the Public Right-of-Way Permits.**

11 ...

12 (k) Application and review. Applications for wireless facilities in the public right-of-way
13 shall be processed and reviewed using the review procedures and requirements described
14 in Section 9-6-104~~(af)~~(af) "Wireless Communications ~~Facilities~~Facility," B.R.C. 1981, for
15 the review of initial applications and for eligible facilities requests. The city manager
16 shall be the final approval authority for all eligible facilities requests. Applications for
17 small cell facilities within a right-of-way will be reviewed by the city manager to
18 determine that the requirements of this section have been met. If the review determines
19 that one or more of the conditions required by this section have not been met, the city will
20 notify the applicant in writing describing the reasons therefor or the conditions that have
21 not been satisfied.

18 ...

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

21 **9-2-3. - Variances and Interpretations.**

22 (a) Purpose: This section identifies those standards that can be varied by either the city
23 manager or the Board of Zoning Adjustment (BOZA). Some standards can be varied by
24 the city manager through an administrative Review process, others by BOZA by
25 another level of administrative Review. The city manager may defer any administrative
decision pursuant to this section to BOZA. This section also identifies which city

1 manager interpretations of this title may be appealed to BOZA and establishes a process
2 for such appeals.

3 (b) Interpretations: The city manager may decide questions of interpretation and
4 application of the regulations of this title as a ministerial function. Interpretations made
5 by the city manager of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards,"
6 and 9-8, "Intensity Standards," B.R.C. 1981, may be appealed to the BOZA by filing an
7 application in compliance with this section.

8 ...
9 (d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the
10 requirements of:

11 ...
12 (6) The size requirements for accessory units of Subsection 9-6-3(~~mn~~), B.R.C. 1981;

13 ...
14 (i) Floor Area Variances for Accessory Units: The BOZA may grant a
15 variance to the maximum floor area allowed for an attached accessory
16 dwelling unit or for a detached accessory dwelling unit under Subsection
17 9-6-3(~~mn~~), B.R.C. 1981, only if it finds that the application satisfies all of
18 the following applicable requirements of either Subparagraph (i)(1) or
19 (i)(2):
20 ...

21 Section 10. Section 9-2-15, "Use Review," B.R.C. 1981, is amended to read as follows:

22 **9-2-15. - Use Review.**

23 (a) Purpose: Each zoning district established in Section 9-5-2, "Zoning Districts," B.R.C.
24 1981, is intended for a predominant use, but other uses designated in Section 9-6-1,
25 "Schedule of Permitted Land Uses," B.R.C. 1981, may be allowed by use review if a
particular use is demonstrated to be appropriate in the proposed location.
Nonconforming uses may be upgraded or expanded under this section if the change
would not adversely affect the traffic and the environment of the surrounding area or if
the change would reduce the degree of the nonconformity or improve the appearance of
the structure or site without increasing the degree of nonconformity. Nonstandard
buildings may be changed, expanded or modified consistent with the criteria and
standards set forth in this section and Subsection 9-10-3(a), B.R.C. 1981.

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

5 ...

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

9 (A) A pollution prevention audit;

10 (B) Long-term plans for reducing air emissions and use of hazardous
11 materials;

12 (C) Data on air emissions control processes and demonstration that
13 appropriate emission control technology is being used;

14 (D) A description of plans for chemical handling, storage, chemical waste
15 disposal and spill prevention;

16 (E) A description of water and energy conservation measures planned for the
17 use;

18 (F) Plans for recycling and minimizing waste; ~~and~~

19 (G) The requirements specified in Section 9-6-7(b), B.R.C. 1981, related to oil
20 and gas operations; and

21 (H) A plan of control for any noise, smoke, vapor, dust, odor, glare, vibration,
22 fumes, or other environmental contamination, and an estimate of the
23 measurement of each at the property lines.

24 ...

25 (e) Criteria for Review: No use review application will be approved unless the approving
agency finds all of the following:

...

(3) Compatibility: The location, size, design and operating characteristics of the
proposed development or change to an existing development are such that the use
will be reasonably compatible with and have minimal negative impact on the use
of nearby properties, or, for residential uses or community, cultural, and

1 educational uses in industrial zoning districts, the proposed development
2 reasonably mitigates the potential negative impacts from nearby properties;

3 ...

- 4 (6) Conversion of Dwelling Units to Nonresidential Uses: There shall be a
5 presumption against approving the conversion of dwelling units in the residential
6 zoning districts to nonresidential uses that are allowed pursuant to a use review, or
7 through the change of one nonconforming use to another nonconforming use. The
8 presumption against such a conversion may be overcome by a finding that the use
9 to be approved serves another compelling social, human services, governmental
10 or recreational need in the community, including, without limitation, a use for a
11 daycare center, park, religious assembly, social service use, benevolent
12 organization use, ~~art or craft studio space~~ studio or workshop, museum, or an
13 educational use.

14 ...

15 Section 11. Section 9-3-10, "Airport Influence Zone," B.R.C. 1981, is amended to read
16 as follows:

17 **9-3-10. - Airport Influence Zone.**

- 18 (a) Legislative Intent: The purpose of this section is to enact an airport influence overlay
19 zone map and associated regulations, providing for certain land development controls
20 on the area surrounding the airport which may be affected by aircraft accidents and by
21 noise, vibrations, fumes, dust, smoke, fuel particles and other annoyances and
22 influences from airport operations. Further, the use of land within the airport influence
23 overlay zone affects the safe and efficient operation of the airport and aircraft using the
24 airport, and this section is intended to minimize risks to public safety and hazards to
25 aircraft users, and to protect the capacity of the airport to serve the city's air
transportation needs. Finally, this section is intended to promote sound land use
planning in the airport influence overlay zone.
- (b) Applicability of Section: The requirements of this section supplement those imposed on
the same lands by any underlying zoning provision of this code or any other ordinance
of the city. If there is a conflict between such requirements, the more restrictive
controls.
- (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

9-6-5(xv), 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 12. Section 9-5-2, "Zoning Districts," B.R.C. 1981, is amended to read as follows:

9-5-2. - Zoning Districts.

(a) Classification: Zoning districts are classified according to the following classifications based on the predominant character of development and current or intended use in an area of the community:

...

(b) Zoning Districts: Under the classifications defined in Subsection (a) of this section, the particular zoning districts established for the city are as in table 5-1 of this section:

...

(c) Zoning District Purposes:

...

(4) Industrial Districts:

(A) Industrial - Service 1 and Industrial - Service 2: Service industrial areas primarily used to provide to the community a wide range of repair and service uses and small-scale manufacturing uses.

(B) Industrial - General: General industrial areas where a wide range of light industrial uses, including research and development, ~~and manufacturing operations and~~, service industrial uses, media production, storage, and other intensive employment uses are located. Residential uses and other complementary uses may be allowed in appropriate locations.

(C) Industrial - Manufacturing: Industrial manufacturing areas primarily used for more intensive manufacturing, research, and development, ~~manufacturing, and~~ service industrial uses, storage, and warehousing in buildings on large lots. Residential uses and other complementary uses may be allowed in appropriate locations.

(D) Industrial - Mixed Services: Industrial areas on the edge of a main street commercial area, which are intended to provide a transition between a main street commercial area and established industrial zones. Industrial main street areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; first floor uses are predominantly industrial in character; uses above the first floor may include industrial, residential, or limited office uses, and where complementary uses may be allowed.

Section 13. Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, is amended to read as follows:

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

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 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		
RESIDENTIAL USES																													
<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]	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (g)	
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), (h) 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(i) 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(j)	
Custodial care facility	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	[U]	[U]	[U]	-	[U]	-	[U]	-	[U]	-	[U]	[U]	-	[U]	[U]	-	-	-	9-6-3(k)	
Fraternity, sorority, and dormitory	-	-	-	-	-	A	A	-	-	U	-	-	-	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(l) 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(m)	
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(n)	
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]	-	9-6-3(o)
<i>Residential Accessory</i>																													
Accessory dwelling unit	[C]	[C]	-	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	9-6-3(p)
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

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		A = Allowed C = Conditional Use U = Use Review [] = Specific Use Standards Apply - = Prohibited																															
Zoning District	RR-1, RR-2, RR, 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 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						
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]	9-6-3(o)(#)				
PUBLIC AND INSTITUTIONAL USES																																	
<i>Community, Cultural, and Educational</i>																																	
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A			
Club or lodge	-	-	-	-	-	-	-	-	-	-	-	-	A	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[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]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	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]	[A]	[A]	[A]	U	-	9-6-2(c)	
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Museum	-	-	-	-	-	-	-	-	-	-	-	-	A	U	A	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	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	A	A	A		
Private college or university	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	A	-	A	-	U	U	-	U	U	U	U	U	U	U	-	-		
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	-	U	U	U	U	U	U	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	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	A	A	A	-		
Religious assembly	A	A	A	A	U	A	A	-	-	A	U	U	A	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]	[A]	[A]	[A]	[A]	[A]	[A]	[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]	[C]	[U]	[C]	[C]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	9-6-4(d)		
Daycare, home	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Day shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[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]	[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]	[C]	[C]	[U]	-	9-6-4(e)			
<i>Infrastructure</i>																																	
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]	[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]	[C]	[C]	[C]	9-6-4(f)	
COMMERCIAL USES																																	
<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	U	A	A	A	A	-	-	-	-	-		
Hostel	-	-	-	-	-	U	U	-	-	U	A	U	[A]	U	[A]	-	-	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]	[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]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(e)	
<i>Recreation and Entertainment</i>																																	
Art or craft studio, Art studio or workshop	-	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	U	-	-	9-6-5(f)		
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	-	-	-	-	U	-		
Indoor athletic facility	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(g)	
Indoor commercial recreation	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	A	U	U	U	U	U	U	U	U	U	U	U	U	-		
Outdoor recreation or entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	U	U	U	U	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	-	-	-	-	-	-		

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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-4, RH-5, RH-7	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 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		
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]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (j) 9-6-2(e)
Office, administrative/ Administrative office	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (k) 9-6-2(e)
Office, medical/ Medical office	-	U	U	U	-	U	U	-	-	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (j) 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]	[A]	[A]	[A]	[A]	[A]	9-6-5(i), (m) 9-6-2(e)	
Office, technical	-	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(i), (n) 9-6-2(c)	
Research and development	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[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)	
<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	A	A	-
Building material sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	U	-	-	-	[A]	[A]	[A]	[A]	-	-	9-6-5(om)	
Convenience retail sales	-	[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(pn)	
Fuel sales	-	[U]	[U]	[U]	-	[U]	[U]	-	-	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(qo)	
Retail sales	-	-	-	-	-	-	-	-	-	[U]	-	[U]	[A]	-	[A]	[A]	A	A	A	A	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(rp)
<i>Service Uses</i>																													
Animal hospital or veterinary clinic	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	A	U	A	-	-	U	A	A	A	U	A	-	-	
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	A	A	-	9-6-5(oo) 9-6-2(e)
Business support service	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	[A]	[A]	A	A	A	A	A	[A]	U	U	[A]	-	-	9-6-5(tg) 9-6-2(c)	
Financial institution	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	U	[A]	[A]	A	A	A	[A]	[A]	[A]	-	-	-	-	-	-	9-6-5(ug) 9-6-2(c)	
Industrial service center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	-	-	-	9-6-5(vv)	
Media production	-	U	U	-	U	U	U	-	-	[A]	[A]	[A]	A	A	[A]	[A]	A	A	A	A	A	A	A	A	A	A	A	9-6-5(ss) 9-6-2(c)	
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]	-	-	-	
Neighborhood business center	-	[U]	[U]	-	-	[U]	[U]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(ww)	
Personal service use	-	U	U	U	-	U	A	U	U	A	A	A	A	A	A	A	A	A	A	A	A	-	[A]	-	[A]	-	-	9-6-5(u)	
<i>Vehicle-Related</i>																													
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	-	-	-	-	-	-	-	
Drive-thru use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	-	-	-	-	-	-	9-6-5(xx)
Fuel service station	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(yy)	
Principal parking facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	U	U	-	[U]	[U]	A	A	A	U	U	-	9-6-5(zz) 9-6-2(c)	
Sales or rental of vehicles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[A]	[U]	-	-	-	[A]	[A]	-	-	-	-	9-6-5(aay)	
Service of vehicles	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	[U]	U	[A]	U	-	-	-	A	A	[A]	A	-	-	9-6-5(bbz)	
INDUSTRIAL USES																													
<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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	U	-	-	-	-	-	
Warehouse or distributions facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-	
Wholesale business	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-

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

Zoning District	RR-1, RR-2, RR, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5, RH-7	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 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
Production and Processing																												
Manufacturing use	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	-	-	[A]	-	-	-	-	[A]	A	A	A	-	-	9-6-6(b)
Manufacturing use with potential off-site impacts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	9-6-6(eb)
General manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	9-6-6(c)
Light manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	-	-	[A]	-	-	-	-	[A]	A	A	A	-	-	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)
Industrial Services																												
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	-	-	
AGRICULTURE AND NATURAL RESOURCE USES																												
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]	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	-	-	U	
Oil and gas operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	-	[U]	9-6-7(b)
Pasture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	
ACCESSORY USES																												
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	

...

Section 14. Section 9-6-2, “Specific Use Standards – General,” B.R.C. 1981, is amended to read as follows:

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:

...

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

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

...

Section 15. Section 9-6-3, “Specific Use Standards – Residential Uses,” B.R.C. 1981, is amended to read as follows:

9-6-3. Specific Use Standards – Residential Uses.

(a) Residential Uses:

- (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 the IG and IM Zoning Districts: The following standards apply in the IG and IM zoning districts to residential uses that may be approved pursuant 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~~
~~Subparagraph (a)(2)(B) of this section.~~

3 (A) ~~Location Within the Industrial Districts: Dwelling units may be~~
 4 ~~constructed only on a lot or parcel that meets one or more of the following~~
 5 ~~requirements (i), (ii), or (iii). If a lot or parcel meets this location standard,~~
~~the approving authority shall presume that the standard in Paragraph 9-2-~~
~~15(e)(5), B.R.C. 1981, has been met.~~

6 (i) ~~The residential use is consistent with the land use plan or map in~~
 7 ~~an adopted subcommunity or area plan; or~~

8 (ii) ~~The lot or parcel is located within one-quarter mile of the Boulder~~
 9 ~~Junction transit station. Distance shall be measured by the city~~
 10 ~~manager on official maps as the radius from the closest point on~~
~~the perimeter of the applicant's lot or parcel to the closest point on~~
~~the transit station lot; or~~

11 (iii) ~~At least one-sixth of the perimeter of the lot or parcel is contiguous~~
 12 ~~with a residential use that includes one or more dwelling units, a~~
 13 ~~residential zoning district, or a city- or county- owned park or open~~
 14 ~~space. 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.~~

15 ~~Dwelling units may be constructed if located on a parcel that has at least~~
 16 ~~one-sixth of the perimeter of the parcel contiguous with a residential use~~
 17 ~~that includes one or more dwelling units or if contiguous to a residential~~
 18 ~~zone or to a City or county owned park or open space. Contiguity shall~~
 19 ~~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.~~

20 (B) ~~Residential and Nonresidential Uses Within a Project: If residential uses~~
 21 ~~are to be placed on the property, the entire property shall be used~~
 22 ~~exclusively for residential purposes except as otherwise provided in this~~
 23 ~~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.~~

24 (C) ~~Limited Retail Uses Permitted: Convenience store, personal service, or~~
 25 ~~restaurant uses may be permitted as accessory uses to a residential~~

1 development permitted by this subsection if all of the following standards
2 are met:

3 (i) ~~Each convenience store, personal service, or restaurant use does
4 not exceed two thousand five hundred square feet in floor area, and
5 in the case of restaurants, such restaurants shall close no later than
6 11:00 p.m. unless otherwise approved in a city review process.~~

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

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

16 (D) ~~Bulk and Density Requirements: All residential development shall be
17 subject to the bulk and density standards set forth in Section 9-7-1,
18 "Schedule of Form and Bulk Standards," B.R.C. 1981, and the
19 landscaping for the underlying zoning district, except as modified by the
20 following:~~

21 (i) ~~Lot Size: The minimum lot size shall be at least two acres. Projects
22 over five acres shall also be required to complete a site review
23 pursuant to Section 9-2-14, "Site Review," B.R.C. 1981.~~

24 (ii) ~~Side Yard Adjacent to a Street: The minimum side yard landscaped
25 setback from a street for all buildings that contain residential uses
shall be twenty feet.~~

(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) ~~(B) 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,~~

1 a minimum of forty percent of the required usable open space shall be
 2 configured as a common contiguous area that will provide for the active
 and passive recreational needs of the residents.

3 ~~(vi)~~(C) Setbacks from Existing Oil and Gas Operations: The use is located no
 4 closer than ~~two thousand~~2,000 feet from a well pad of an existing single-
 5 well oil and gas operations use in pre-production, no closer than ~~two~~
 6 ~~thousand five hundred~~2,500 feet from any well pad of an existing multi-
 7 well (two or more) oil and gas operations use in pre-production, and no
 8 closer than ~~five hundred~~500 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~~250 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.

9 ~~(F)~~(D) Buffers From Adjacent Land Uses: The applicant shall provide visual
 10 screening, which may include, without limitation, walls, fences,
 11 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
 12 areas.

13 ~~(G)~~(E) Environmental Suitability: The applicant shall demonstrate that the
 14 proposed use will not be affected by any adverse health or safety impacts
 15 associated with potential on-site pollution or contamination beyond that
 16 which is customarily acceptable for land that is used for residential
 17 purposes. This shall be demonstrated through the use of the environmental
 18 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.

19 ~~(H)~~(F) Construction Standards for Noise Mitigation: The applicant shall utilize
 20 construction standards that will achieve an interior day-night average
 21 noise level of no more than forty-five decibels, anticipating potential
 22 exterior day-night average industrial noise levels of seventy-three decibels
 23 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
 24 manner that is consistent with the federal Housing and Urban
 25 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

1 incorporated in the construction and site design as recommended by a
2 professional engineer.

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

9 ~~(J) — Modification of Standards: The approving authority is authorized to
10 modify the standards set forth in Section 9-2-14, "Site Review," B.R.C.
11 1981, or Subparagraphs (a)(2)(E), (F), (G) and (H) of this subsection,
12 upon finding that:~~

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

15 ~~(ii) — The modification is consistent with the purpose of the section; and~~

16 ~~(iii) — The modification is the minimum modification that would afford
17 relief and would be the least modification of the applicable
18 provisions of this chapter.~~

19 ~~(iv) — The city manager shall require that a person requesting a
20 modification supply the information necessary to substantiate the
21 reasons for the requested modification.~~

22 ...

23 **(g) Live-Work Unit:**

24 (1) General Standards: The following standards apply to live-work units:

25 (A) The commercial or industrial activity may be any nonresidential use
allowed in the same zoning district, subject to any applicable specific use
standards or review process for that use.

(B) The residential use is located above or behind a ground floor space for
nonresidential use.

(C) A resident of the live-work unit must be responsible for the work
performed in the nonresidential use.

(D) Only one kitchen is permitted.

1 (2) In the Industrial Zoning Districts:

2 (A) Review Process: In the industrial zoning districts, live-work units may be
3 approved as a conditional use if at least fifty percent of the floor area of
4 the building is for nonresidential use. Floor area within the live-work unit
5 is considered residential floor area.

6 **(gh) Townhouse:**

7 ...
8 **(hi) Boarding House:**

9 ...
10 **(ij) Congregate Care ~~Facilities~~Facility, Custodial Care ~~Facilities~~Facility, and**
11 **Residential Care ~~Facilities~~Facility:**

12 **(jk) Fraternity, Sorority, and Dormitory:**

13 ...
14 **(kl) Group Home Facility:**

15 ...
16 **(lm) Transitional Housing:**

17 ...
18 **(mn) Accessory Dwelling Unit:**

19 ...
20 **(no) Home Occupation:**

21 ...
22 Section 16. Section 9-6-5, “Specific Use Standards – Commercial Uses,” B.R.C. 1981, is
23 amended to read as follows:

1 **9-6-5 Specific Use Standards – Commercial Uses.**

2 ...

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

4 (1) General Standard: Any brewery, distillery, or winery approved as a conditional use
 5 or pursuant to a use review must also meet the following standard:

6 (A) Any restaurant within the brewery, distillery, or winery does not exceed
 7 thirty percent of the total floor area of the facility, or one thousand square
 8 feet, whichever is greater, including any outdoor seating areas.

9 ~~(1)(2)~~ In the IS-1 and, IS-2, and IMS Zoning Districts:

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

12 (i) Review Process: In the IS-1 ~~and, IS-2, and IMS~~ zoning districts,
 13 the following review process applies:

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

17 b. Conditional Use: Breweries, distilleries, and wineries that
 18 are not allowed by right may be approved as a conditional
 19 use if ~~the use does not exceed 15,000 square feet in floor area~~
 20 ~~and~~ any restaurant is closed between the hours of 11 p.m.
 21 and 5 a.m.

22 c. Use Review: If the use is not allowed by right or as a
 23 conditional use, the use may be approved only pursuant to a
 24 use review subject to the use review criteria in Paragraphs 9-
 25 2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981.

(ii) General Standards: No brewery, distillery, or winery shall exceed
15,000 square feet in floor area. 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.~~

~~(2)~~(3) 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 conditional use if 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 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.

~~(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:~~

1 (i) ~~Review Process: In the IMS zoning district, the following review~~
2 ~~process applies:~~

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

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

9 c. ~~Use Review: If any restaurant is open between the hours of~~
10 ~~11 p.m. and 5 a.m., the use may be approved only pursuant~~
11 ~~to a use review subject to the use review criteria in~~
12 ~~Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review,"~~
13 ~~B.R.C. 1981.~~

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

17 a. ~~The restaurant does not exceed thirty percent of the total~~
18 ~~floor area of the facility, or one thousand square feet,~~
19 ~~whichever is greater, including any outdoor seating areas;~~
20 ~~and~~

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

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

25 ...
26 (e) **Restaurant, Brewpub, and Tavern:**

27 (1) **Applicability:** This Subsection (e) sets forth standards for restaurants, brewpubs,
28 and taverns that are subject to specific use standards pursuant to Table 6-1, Use
29 Table.

30 (3) **Standards for Outdoor Seating:**

31 (A) **Applicability:** The following standards apply to any outdoor seating area
32 that is within 500 feet (measured from the perimeter of the subject
33 property) of a residential use module. Outdoor seating areas that are within

1 the BMS, DT, and I zoning districts are also subject to the provisions of
 2 Subparagraphs (e)(3)(~~BA~~)(i), (ii), or (iii) of this section, when applicable.

3 (10) In the Industrial Zoning Districts:

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

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

8 (i) ~~Review Process: The following review process applies:~~ In the
 9 industrial zoning districts, restaurants are allowed by right if the
 10 use is closed between the hours of 11 p.m. and 5 a.m. and is
 11 incorporated in a building with industrial, residential, or office
 12 uses. Restaurants that are not allowed by right may be approved
 13 only pursuant to a use review.

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

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

22 (ii) ~~General Standards: All restaurants in the Industrial zoning districts~~
 23 ~~that are not within a brewery, distillery, or winery approved as a~~
 24 ~~conditional use or pursuant to a use review must also meet the~~
 25 ~~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.

...
(f) ~~Art or Craft Studio~~ Studio or Workshop:

(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~~ studios or workshops are allowed by right for 2,000 square feet or less of floor area per lot or parcel. ~~Art or craft studios~~ studios or workshops that are not allowed by right may be approved only pursuant to a use review.

(g) Indoor Athletic Facility:

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

(A) Review Process: In the BT-1, BT-2, and BMS zoning districts, 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.

(4) In the Industrial Zoning Districts:

(A) Review Process: In the industrial zoning districts, an indoor athletic facility is allowed by right if the floor area does not exceed 5,000 square feet. An indoor athletic facility that is not allowed by right may be approved only pursuant to a use review.

...
~~(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 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.~~

1 ~~(k)~~ **Office, Administrative:**

2 (1) ~~In the DT-4 Zoning District:~~

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

7 ~~(j)~~ **Office, Medical Medical Office:**

8 ...

9 ~~(m)~~ **Office, Professional**

10 (1) ~~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, a professional office is allowed by right if at least fifty percent of~~
13 ~~the floor area of the building is for residential uses and the total floor area~~
14 ~~of nonresidential uses in the building is less than 7,000 square feet. A~~
15 ~~professional office that is not allowed by right may be approved only~~
16 ~~pursuant to a use review.~~

15 (2) ~~In the DT-4 Zoning District:~~

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

19 ~~(n)~~ **(k) Office, Technical:**

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

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

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

2 ~~(A)~~ Review Process: In the MU-4 and BMS zoning districts, a technical office
3 is allowed by right if the floor area of the use does not exceed 5,000 square
4 feet. A technical office that is not allowed by right may be approved only
5 pursuant to a use review.

6 ~~(3)~~(2) In the DT-4 Zoning District:

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

12 ~~(4)~~(3) In the IS-1 and, IS-2, and IMS Zoning Districts:

13 (A) In the IS-1 ~~and, IS-2, and IMS~~ zoning districts, ~~an technical~~ office is
14 allowed by right if the floor area of the use does not exceed 5,000 square
15 feet and is otherwise prohibited.

16 (4) In the IG and IM Zoning Districts:

17 (A) Review Process: In the IG and IM zoning districts, the following review
18 process applies to offices:

19 (i) Allowed Use: An office as a principal use is allowed by right if the
20 use does not exceed 50,000 square feet in floor area. This
21 restriction does not apply to administrative offices.

22 (ii) Use Review: If the office is not allowed by right, the use may be
23 approved only pursuant to a use review. In addition to meeting the
24 use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5)
25 "Use Review," B.R.C. 1981, the applicant shall demonstrate that:

 a. The area in the zoning district in which the office is located
 will remain a place primarily used for industrial uses or
 research and development; and

 b. For buildings constructed after March 15, 2023, the building
 design includes features that allow the building to be adapted
 in the future for industrial uses or research and development.
 Such features may include, without limitation, ceiling
 heights and integration of loading doors.

1 **(l)** **Research and Development:**

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

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

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

8 (A) Review Process: In the IS-1, IS-2, and IMS zoning districts, a research and
9 development use is allowed by right if the floor area of the use does not
10 exceed 5,000 square feet and is otherwise prohibited.

11 **(om)** **Building Material Sales:**

12 ...

13 **(pn)** **Convenience Retail Sales:**

14 ...

15 **(qo)** **Fuel Sales:**

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

18 ...

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

20 ...

21 **(rp)** **Retail Sales:**

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

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

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

(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 if ~~each the such~~ use has less than 20,000 square feet of floor area. Retail sales that are not allowed by right may be approved only pursuant to a use review.

(3) In the Industrial Zoning Districts:

(A) In the industrial zoning districts, retail sales are allowed by right if the use does not exceed 2,000 square feet of floor area and is incorporated in a building with industrial, residential, or office uses. Otherwise, the use is prohibited.

SERVICE USES

~~(s) Broadcasting and Recording 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 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 broadcasting and recording facility that is not allowed by right may be approved only pursuant to a use review.~~

~~(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.~~

~~(tq) Business Support Service:~~

...

~~(ur) Financial Institution:~~

...

(s) Media Production:

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

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

7 (2) In the BMS Zoning District:

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

13 ...
14 ~~(v) **Industrial Service Center:**~~

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

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

23 ~~(i) The nonresidential uses are of the type and size for the service and~~
24 ~~convenience of the employees of the surrounding area; and~~

25 ~~(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;~~

~~(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:~~

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 paragraph 9-6-5(c)(10) 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.~~

1 ~~(wt)~~ **Neighborhood Business Center:**

2 ...

3 **(u) Personal Service Use:**

4 (1) In the IG and IMS Zoning Districts:

5 (A) Review Process: In the IG and IMS zoning districts, personal service uses
6 are allowed by right if the use does not exceed 2,000 square feet of floor
7 area and is incorporated in a building with industrial, residential, or office
8 uses. Otherwise, the use is prohibited.

9 ~~(xy)~~ **Drive-Thru Use:**

10 ...

11 ~~(yw)~~ **Fuel Service Station:**

12 ...

13 ~~(zx)~~ **Principal Parking Facility:**

14 ...

15 ~~(aay)~~ **Sales or Rental of Vehicles:**

16 ...

17 ~~(bbz)~~ **Service of Vehicles:**

18 Section 17. Section 9-6-6, “Specific Use Standards – Industrial Uses,” B.R.C. 1981, is
19 amended to read as follows:

20 **9-6-6. Specific Use Standards – Industrial Uses.**

21 ...

22 ~~(b)~~ **Manufacturing Use:**

23 (1) In the MU 4 and BCS Zoning Districts:

24

1 (A) ~~Review Process: In the MU-4 and BCS zoning districts, manufacturing~~
2 ~~uses are allowed by right with a maximum of 15,000 square feet of floor~~
~~area per lot or parcel and are otherwise prohibited.~~

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

4 (A) ~~Review Process: In the IS-1 and IS-2 zoning districts, manufacturing uses~~
5 ~~are allowed by right with a maximum of 15,000 square feet of floor area~~
6 ~~per lot or parcel. A manufacturing use that is not allowed by right may be~~
~~approved only pursuant to a use review.~~

7 **(eb) General Manufacturing Uses with Potential Off-Site Impacts:**

8 (1) General Standards: Any general manufacturing use approved pursuant to a use
9 review shall also meet the following standards:

10 ~~All manufacturing uses with potential off-site impacts which may produce~~
11 ~~effects on the environment that are measurable at or beyond the property~~
~~line, may be approved pursuant to a use review, provided that such uses~~
12 ~~shall demonstrate that such effects are~~

13 (A) The applicant demonstrates that the use is not detrimental to the public
health, safety, or general welfare; and that a

14 (B) The applicant demonstrates that any noise, smoke, vapor, dust, odor, glare,
15 vibration, fumes, or other environmental contamination is controlled in
16 accordance with applicable city, state, or federal regulations; and that a
17 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.

18 **(c) Light Manufacturing:**

19 (1) In the MU-4 and BCS Zoning Districts:

20 (A) Review Process: In the MU-4 and BCS zoning districts, light
21 manufacturing is allowed by right with a maximum of 15,000 square feet
of floor area per lot or parcel and is otherwise prohibited.

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

23 (A) Review Process: In the IS-1 and IS-2 zoning districts, light manufacturing
24 is allowed by right with a maximum of 15,000 square feet of floor area per
25 lot or parcel. Light manufacturing that is not allowed by right may be
approved only pursuant to a use review.

1 ...

2 Section 18. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to
3 read as follows:

4 **9-8-5. - Occupancy of Dwelling Units.**

5 ...

6 (b) Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited
7 Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit,
8 detached accessory dwelling unit, or limited accessory dwelling unit must meet the
requirements of Subsection 9-6-3(~~mn~~), B.R.C. 1981.

9 ...

10 (d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit
11 pursuant to Section 10-11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be
12 subject to the occupancy limits or any exceptions as set forth in this section; and an
13 attached accessory dwelling unit or detached accessory dwelling unit licensed with such
14 dwelling unit as a cooperative housing unit shall not be subject to the occupancy
15 standards of Subparagraph 9-6-3(~~mn~~)(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:

16 ...

17 Section 19. Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C.
18 1981, is amended to read as follows:

19 **9-8-6. - Occupancy Equivalencies for Group Residences.**

20 The permitted density/occupancy for the following uses shall be computed as indicated below.
21 The density/occupancy equivalencies shall not be used to convert existing uses referenced in
22 this section to dwelling units. The number of allowed dwelling units shall be determined by
23 using Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981:

24 (a) Boarding or Rooming House, Fraternity, Sorority, or Dormitory: Accommodations for
25 three occupants in any boarding or rooming house, fraternity, sorority, or dormitory
constitute one dwelling unit.

(b) Hostel: Accommodations for three occupants in any hostel constitute one dwelling unit,
but the planning board may increase the density of a hostel to four occupants per

dwelling unit through a use review as provided in Section 9-2-15, "Use Review," B.R.C. 1981.

(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(j), B.R.C. 1981.

(d) Group Home Facilities: The occupancy of a group home facility must meet the requirements of Subsection 9-6-3(k), B.R.C. 1981.

...

Section 20. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read 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 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(m), B.R.C. 1981
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
--	---

...

Section 21. Section 9-10-2, “Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots,” B.R.C. 1981, is amended to read as follows:

9-10-2. - Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots.

Nonconforming uses and nonstandard buildings and lots in existence on the effective date of the ordinance which first made them nonconforming may continue to exist subject to the following:

...

(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 9-6-5(~~xv~~), 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 9-6-5(~~xv~~), B.R.C. 1981; or

...

Section 22. Section 9-14-2, “General Provisions,” B.R.C. 1981, is amended to read 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.

1 (b) Allocations Needed: One allocation is needed to secure a building permit to construct
2 each dwelling unit, except as set forth below. The living quarters set forth below shall
require:

3 (1) One-half allocation for an efficiency living unit; one-third allocation for a group
4 residence; and one-sixth allocation or one-eighth allocation for each occupant for
5 a group care facility or a residential care facility respectively, according to the
density and occupancy restrictions of subsection 9-6-3(ij), B.R.C. 1981;

6 ...

7 Section 23. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as
8 follows:

9 **9-16-1. - General Definitions.**

10 (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title
11 unless a term is defined differently in this chapter.

12 (b) Terms identified with the references shown below after the definition are limited to those
specific sections or chapters of this title:

- 13 (1) Airport influence zone (AIZ).
- 14 (2) Floodplain regulations (Floodplain).
- 15 (3) Historic preservation (Historic).
- 16 (4) Inclusionary housing (Inclusionary Housing).
- 17 (5) Residential growth management system (RGMS).
- 18 (6) Solar access (Solar).
- 19 (7) Wetlands Protection (Wetlands).
- 20 (8) Signs (Signs).

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

25 ...

1 *Accessory dwelling unit* means a separate and complete single housekeeping unit within a
2 detached dwelling unit or within an accessory structure to the principal dwelling unit of
3 the lot or parcel upon which the unit is located, permitted under the provisions of
4 Subsection 9-6-3(~~mn~~), B.R.C. 1981.

4 ...
5 *Art ~~or craft studio~~ studio or workshop* means the workshop or studio of an artist, sculptor,
6 photographer, jeweler, potter, craftsman, furniture maker, ~~or~~ cabinet maker, or other
7 artist or artisan primarily used for on-site production of unique custom goods by hand
8 manufacturing involving the use of hand tools and small-scale equipment, which may
9 include ~~an~~ accessory sales, lessons, and limited events gallery.

7 ...
8 *Attached accessory dwelling unit* means a separate and complete single housekeeping
9 unit within a detached dwelling unit, permitted under the provisions of Subsection 9-6-
10 3(~~mn~~), B.R.C. 1981.

10 ...
11 *Brewery* means a use with a manufacturer or wholesaler license issued under § 44-3-401,
12 et seq., C.R.S., and does not include any retail type liquor license under § 44-3-309, et seq.,
13 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where malt liquors
14 are manufactured on the premises, that may include a tap-room that is less than or equal to
15 thirty percent of the total floor area of the facility or one thousand square feet, whichever
16 is greater.

14 ...
15 *~~Broadcasting and recording facility~~* means ~~a studio for the purpose of broadcasting radio~~
16 ~~or television or a studio for recording of live performances.~~

16 ...
17 *~~Computer design and development facility~~* means ~~a business primarily engaged in the~~
18 ~~development of, or engineering of, computer software or computer hardware, but excluding~~
19 ~~retail sales, computer hardware manufacturers, and computer repair services.~~

19 ...
20 *~~Data processing facility~~* means ~~a facility where electronic data is processed by employees,~~
21 ~~including, without limitation, data entry, storage, conversion or analysis, subscription and~~
22 ~~credit card transaction processing, telephone sales and order collection, mail order and~~
23 ~~catalog sales, and mailing list preparation.~~

22 ...
23 *Detached accessory dwelling unit* means a separate and complete single housekeeping
24 unit within an accessory structure to the principal dwelling unit of the lot or parcel upon
25 which the unit is located that is permitted under the provisions of Paragraph 9-6-
3(~~mn~~)(3), B.R.C. 1981.

1 General manufacturing means facilities for the manufacturing, fabrication, processing, or
2 assembly of products which may produce effects on the environment that are measurable
3 at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare,
4 vibration, fumes, or other environmental contamination is regulated in accordance with
5 applicable city, state, or federal regulations.

...

5 ~~Industrial service center~~ means ~~nonresidential uses in an industrial district that are~~
6 ~~constructed and operated in accordance with the standards in Section 9-6-5(v), B.R.C.~~
7 ~~1981.~~

...

7 Light manufacturing means facilities for the manufacturing, fabrication, processing, or
8 assembly of products, provided that such facilities are completely enclosed and provided
9 that any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental
10 contamination produced by such facility is confined to the lot upon which such facilities
11 are located and is regulated in accordance with applicable city, state, or federal
12 regulations. Light manufacturing may include a showroom or ancillary sales of products
13 related to the items manufactured on-site.

...

12 Limited accessory unit means an existing nonconforming duplex or two detached
13 dwelling units located on the same lot and within the R1 use module that has been
14 approved in compliance with the standards in Section 9-6-3(m)(4).

...

15 ~~Live-work unit~~ means ~~a structure with a combination of residential occupancy and~~
16 ~~commercial or industrial activity as principal uses located within an integrated unit. This~~
17 ~~use does not include home occupations or caretaker dwelling units. uses where work~~
18 ~~activities occur as allowed in the industrial zoning districts and includes a dwelling unit for~~
19 ~~the business occupant, but not including a caretaker dwelling unit. Such unit shall have~~
20 ~~only one kitchen and shall be occupied by either the owner, the tenant, or the owner's or~~
21 ~~tenant's employee plus any other persons that may be allowed to occupy a dwelling unit~~
22 ~~pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981. The live work~~
23 ~~unit must be the residence of a person responsible for the work performed on the premises.~~

...

22 ~~Manufacturing use with potential off site impacts~~ means ~~all research and development~~
23 ~~facilities, testing laboratories and facilities for the manufacturing, fabrication, processing,~~
24 ~~or assembly of products which may produce effects on the environment that are measurable~~
25 ~~at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare,~~
26 ~~vibration, fumes, or other environmental contamination is controlled in accordance with~~
27 ~~applicable city, state, or federal regulations.~~

1 ~~Manufacturing uses means research and development facilities, testing laboratories, and~~
2 ~~facilities for the manufacturing, fabrication, processing, or assembly of products, provided~~
3 ~~that such facilities are completely enclosed and provided that any noise, smoke, vapor,~~
4 ~~dust, odor, glare, vibration, fumes, or other environmental contamination produced by such~~
5 ~~facility is confined to the lot upon which such facilities are located and is controlled in~~
6 ~~accordance with applicable city, state, or federal regulations.~~

...

6 Media production means commercial arts and art-related establishments such as audio and
7 film recording and editing studios and services, film and video production, titling, special
8 effects production, motion picture and photograph processing, radio and television
9 broadcast, and similar uses.

...

10 ~~Medical laboratory means a facility that provides services to the medical community such~~
11 ~~as pathological testing, dental services including the manufacturing of orthodontic~~
12 ~~appliances, crowns, and dentures, and the manufacturing of prosthetics and orthopedic~~
13 ~~appliances.~~

...

14 *Neighborhood business center* means nonresidential uses in a residential district that are
15 constructed and operated in accordance with the standards of Subsection 9-6-5(wt),
16 B.R.C. 1981.

...

17 *Office uses* means a use category characterized by uses providing executive, management,
18 medical, administrative, ~~or~~ professional, or technical services. Office uses may or may not
19 offer services to the public and are not materially involved in fabricating, assembling, or
20 warehousing of physical products for the retail or wholesale market, and are not engaged
21 in the repair of products or retail services. There is no display of merchandise, and the
22 storage and sale of merchandise is clearly incidental to the service provided.

20 *Office, accessory* means an office subordinate to, a necessary part of, and on the same lot
21 as the principal business, commercial, or industrial use, including, without limitation,
22 administrative, record-keeping, drafting, and research and development offices. An
23 accessory office is considered an accessory use.

23 *Office, administrative* means an office located within an industrial zoning district providing
24 management or administrative services to its affiliated industrial use or research and
25 development use. ~~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.~~

...

~~Office, professional~~ means offices of firms or organizations providing professional service to individuals and businesses. Examples include, without limitation, accounting, legal, insurance, real estate, investment, and counseling services. Client contact may occur regularly at the office. Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use. This use does not include technical, medical, or administrative offices, or uses otherwise listed in the use table.

~~Office, technical~~ means offices of businesses providing professional services in a technical field. This use is characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. These establishments primarily provide services to individuals or to other businesses. Examples include, without limitation, accounting, legal, insurance, real estate, counseling, publishers publishing, architecture, engineering, graphic, industrial, and interior design, biotechnology or life sciences, 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. Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use. This use does not include professional, medical, or administrative offices, or uses otherwise listed in the use table.

...

~~Research and development~~ means a facility that engages in product or process design, development, prototyping, or testing for an industry. Such industries may include but are not limited to biotechnology, life sciences, pharmaceuticals, medical or dental instruments or supplies, food, clothing, outdoor equipment, computer hardware or software, or electronics. Facilities may also include laboratory, office, warehousing, and light manufacturing functions as part of the research and development use.

...

~~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.

...

Section 24. Section 10-1-1, "Definitions," B.R.C. 1981, is amended to read as follows:

10-1-1. - Definitions.^[2]

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

...

1 *Accessory unit* means an accessory unit permitted under Section 9-6-3(~~an~~), "Accessory
2 Units," B.R.C. 1981.

3 ...

4 Section 25. Section 10-3-16, "Administrative Remedy," B.R.C. 1981, is amended to read
5 as follows:

6 **10-3-16. - Administrative Remedy.**

7 (a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2,
8 "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the
9 operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3,
10 "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following
11 actions to remedy the violation:

12 (1) Impose a civil penalty according to the following schedule:

13 (A) For any violation in the following areas or of affordability standards: The
14 area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street
15 and west of Broadway, the area south of Baseline Road, north of Table
16 Mesa Drive, east of Broadway and west of U.S. Route 36 and the area
17 south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom
18 Street and east of 15th Street or for any violation of affordability standards
19 for an affordable accessory unit approved under Subsection 9-6-3(~~an~~),
20 B.R.C. 1981:

21 ...

22 Section 26. Section 10-3-19, "Short-Term Rentals," B.R.C. 1981, is amended to read as
23 follows:

24 **10-3-19. - Short-Term Rentals.**

25 (a) Short-term rentals are prohibited unless the city manager has issued a valid short-term
rental license for the property.

...
26

(o) An accessory unit or a principal dwelling unit on a single-family lot or parcel with an
accessory unit may not be rented as a short-term rental unless all the following
requirements are met:

1 ...

(6) Notwithstanding the provisions of subsection (i), the occupancy of the accessory unit and the principal dwelling unit must meet the requirements of Subsection 9-6-3(ā)(1), B.R.C. 1981; and

4 ...

Section 27. Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, is amended to read as follows:

10-11-3. - Cooperative Housing Licenses.

(a) License terms shall be as follows:

10 ...

(l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling unit that is licensed pursuant to this chapter shall be part of the licensed cooperative housing unit and subject to the standards of this chapter. The occupants of the dwelling unit and accessory unit shall all be members of the cooperative. While such units are licensed as a cooperative housing unit under this chapter, neither the principal dwelling unit nor the accessory unit shall be required to be owner-occupied as would otherwise be required under Subparagraph 9-6-43(ā)(1)(A)(i), "Owner-Occupied," B.R.C. 1981.

15 ...

Section 28. This ordinance shall become effective on March 15, 2023. This ordinance shall apply to any building permit, conditional use, use review, and site review applied for on or after the effective date of this ordinance; however, any project for which a complete building permit, site review, use review, or conditional use application has been submitted to the city or which has received a site review, use review, or conditional use approval prior to the effective date of this ordinance for a use inconsistent with the provisions of this ordinance will be permitted to establish the proposed use under the use standards of Chapter 9-6, " Use Standards," B.R.C. 1981, in effect at the time the building permit, site review, use review, or conditional use application was submitted to the city. Such applicants shall be required to pursue such development approvals and

1 meet all requirements deadlines set by the city manager and the Boulder Revised Code necessary
2 to establish the proposed use. The applications for such project shall demonstrate compliance with
3 all applicable laws. An applicant may seek extensions of a development approval granted under
4 the use standards in effect prior to the effective date of this ordinance in accordance with the
5 standards of Subsection 9-2-12(b), “Extensions,” B.R.C. 1981, and any initial review under
6 Paragraph 9-2-12(b)(2), “Planning Board Level Extension,” B.R.C. 1981, shall not impose as an
7 additional condition compliance with the use standards adopted in this ordinance provided that all
8 other requirements of this Section 28 of this ordinance have been met. Any failure to meet
9 requirements of the city manager or this section of this ordinance will result in a denial of such
10 application. Any subsequent application shall meet the requirements in place at the time of such
11 subsequent application.
12

13 Section 29. If any section, paragraph, clause, or provision of this ordinance shall for any
14 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
15 provisions of this ordinance.

16 Section 30. This ordinance is necessary to protect the public health, safety, and welfare
17 of the residents of the city and covers matters of local concern.

18 Section 31. The city council deems it appropriate that this ordinance be published by title
19 only and orders that copies of this ordinance be made available in the office of the city clerk for
20 public inspection and acquisition.
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 1st day of December 2022.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

READ ON SECOND READING, PASSED AND CONTINUED this 15th day of
December 2022.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

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READ ON CONTINUED SECOND READING AND CONTINUED this 19th day of
January 2023.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

READ ON CONTINUED SECOND READING, AMENDED, AND PASSED this 2nd day
of February 2023.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

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READ ON THIRD READING, PASSED AND ADOPTED this ____ day of _____

2023.

Aaron Brockett,
Mayor

Attest:

Elesha Johnson,
City Clerk

ATTACHMENT C: ANNOTATED ORDINANCE

NOTE: This version of the draft ordinance includes footnotes that help to describe all of the proposed changes as well as the tracked changes to existing code language. UPDATED 1/26/2022

Section 1. Section 2-3-12, "Board of Zoning Adjustment and Building Appeals," B.R.C. 1981, is amended as follows:

...

(b) The board's functions are to:

...

(2) Hear and decide to grant or deny applications for variances from the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and the size requirements for accessory dwelling units of Subparagraph 9-6-3(~~an~~) B.R.C. 1981;

...

Section 2. Section 4-18-2, "Public Property Use Permits," B.R.C. 1981, is amended as follows:

...

(b) Nothing in this section shall be deemed to waive or supersede the requirement to obtain any other license or permit required by this code, including without limitation a license or permit to sell or display goods or merchandise on the Downtown Boulder Mall or University Hill, as required by chapter 4-11, "Mall Permits and Leases," section 4-18-4, "University Hill Mobile Vending Cart Permit," or for mobile food vehicle sales pursuant to section 9-6-5(d) "Mobile Food Vehicle ~~Sales~~," B.R.C. 1981.

...

Section 3. Section 4-20-43, "Development Application Fees," B.R.C. 1981, is amended as follows:

...

(b) Land use regulation fees:

...

(21) An applicant for a conditional use in a BC zoning district pursuant to Section 9-6-~~102(c)(1)~~, "~~Specific Use Standards for Uses in the BC Zoning Districts~~~~Specific Use Standards for Business Community Areas Designated in Appendix N~~," B.R.C. 1981 \$274

...

Section 4. Section 4-33-6, "Locations of Hemp Businesses," B.R.C. 1981, is amended as follows:

...

(b) Location—Permitted Use in Zoning District. A hemp business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:¹

¹ These changes update language to align with the names of uses in the use table.

- (1) As "greenhouse~~/and plant~~ nursery" for a hemp cultivation facility; or
- (2) As "light manufacturing" ~~≤less than~~ 15,000 square feet "in size" for a hemp cultivation facility or for a hemp-infused product manufacturer.

...

Section 5. Section 6-14-7, "Locations of Medical Marijuana Businesses," B.R.C. 1981, is amended as follows:

...

(b) Location - Permitted Use in Zoning District. A medical marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located as follows:²

- (1) As "personal ~~services~~service use" for a medical marijuana center;
- (2) As "greenhouse~~/and plant~~ nursery" for a cultivation facility; or
- (3) As "light manufacturing" ~~≤less than~~ 15,000 square feet "in size" for a cultivation facility, for a medical marijuana-infused product manufacturer, or for a marijuana testing facility.

...

Section 6. Section 6-16-7, "Locations of Recreational Marijuana Businesses," B.R.C. 1981, is amended as follows:

...

(b) Location - Permitted Use in Zoning District. A recreational marijuana business license may be issued only if the business qualifies as a use permitted as a matter of right in the zone district where it is proposed to be located, as follows:³

- (1) as "personal service use" for a recreational marijuana center;
- (2) as "greenhouse~~/and plant~~ nursery" for a recreational marijuana cultivation facility; or
- (3) as "light manufacturing" ~~≤less than~~ 15,000 square feet "in size" for a recreational marijuana cultivation facility, for a marijuana-infused product manufacturer, or for a marijuana testing facility.

...

Section 7. Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981, is amended as follows:

...

(b) Permit Required and Application Requirements: No person shall place, maintain or continue to use or maintain any encroachment in the public right-of-way or in a public easement unless such person has a revocable permit, short term lease or long term lease granted under this section; a small cell facilities in the public right-of-way permit under Section 8-6-6.5, "Small Cell Facilities in the Public Right-of-Way Permits," B.R.C. 1981; a revocable permit granted pursuant to City Charter Section 115; a current franchise agreement with the city; or a right to be in the public right-of-way pursuant to state law. An applicant for permission to encroach on public right-of-way or easement shall:

...

² These changes update language to align with the names of uses in the use table.

³ These changes update language to align with the names of uses in the use table.

(4) If the encroachment is a wireless communications facility, demonstrate that the wireless communications facility has city manager approval for the proposed location pursuant to the provisions of Subsection 9-6-104~~(af)~~, "Wireless Communications ~~Facilities~~Facility," B.R.C. 1981, and meets the standards of Paragraph 9-6-10(a)(1), B.R.C. 1981.

(d) Revocable Permit: The city manager may issue a revocable permit for a period not to exceed three years, upon finding that:

(1) The encroachment is designed in a manner to be temporary in nature or the encroachment is a wireless communications facility approved pursuant to the provisions of Subsection 9-6-104~~(af)~~, "Wireless Communications ~~Facilities~~Facility," B.R.C. 1981, that meets the standards of Paragraph 9-6-104~~(af)~~(1), B.R.C. 1981;

...

Section 8. Section 8-6-6.5, "Small Cell Facilities in the Public Right-of-Way Permits," B.R.C. 1981, is amended as follows:

...

(k) Application and review. Applications for wireless facilities in the public right-of-way shall be processed and reviewed using the review procedures and requirements described in Section 9-6-104~~(af)~~ "Wireless Communications ~~Facilities~~Facility," B.R.C. 1981, for the review of initial applications and for eligible facilities requests. The city manager shall be the final approval authority for all eligible facilities requests. Applications for small cell facilities within a right-of-way will be reviewed by the city manager to determine that the requirements of this section have been met. If the review determines that one or more of the conditions required by this section have not been met, the city will notify the applicant in writing describing the reasons therefor or the conditions that have not been satisfied.

...

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

...

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

...

(6) The size requirements for accessory units of Subsection 9-6-3~~(an)~~, 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 9-6-3~~(an)~~, 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 10. Section 9-2-15, "Use Review," B.R.C. 1981, is amended as follows:

...

(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:
(A) A pollution prevention audit;
(B) Long-term plans for reducing air emissions and use of hazardous materials;

- (C) Data on air emissions control processes and demonstration that appropriate emission control technology is being used;
- (D) A description of plans for chemical handling, storage, chemical waste disposal and spill prevention;
- (E) A description of water and energy conservation measures planned for the use;
- (F) Plans for recycling and minimizing waste; ~~and~~
- (G) The requirements specified in Section 9-6-7(b), B.R.C. 1981, related to oil and gas operations; ~~and~~
- (H) A plan of control for any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination, and an estimate of the measurement of each at the property lines.⁴

...

(e) Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

...

(3) Compatibility: The location, size, design and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties, ~~or~~ for residential uses or community, cultural, and educational uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;⁵

...

(6) Conversion of Dwelling Units to Nonresidential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental or recreational need in the community, including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art ~~or~~ craft studio space studio or workshop, museum, or an educational use.

...

Section 11. Section 9-3-10, "Airport Influence Zone," B.R.C. 1981, is amended as follows:

...

(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 9-6-5(~~xy~~), 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

⁴ This language is pulled from the standards for "manufacturing with potential off-site impacts," which is now being retitled "general manufacturing." Generally, submittal requirements are not included in the specific use standards, which is why they have been moved here. These types of uses always require use review.

⁵ This change is intended to clarify that private schools, which are proposed to be allowed by use review in industrial areas, would similarly need to demonstrate that potential negative impacts from nearby properties have been mitigated, as is currently required for residential uses. Other uses in the "community, cultural, or educational" use category would also have this apply (currently, community services, museums, and private colleges automatically require use review in industrial districts).

proceeding to remove such hazard, under the procedure set forth in paragraph (c)(4) of this section.

...

Section 12. Section 9-5-2, "Zoning Districts," B.R.C. 1981, is amended as follows:

...

(c) Zoning District Purposes:

...

(4) Industrial Districts:⁶

- (A) Industrial - Service 1 and Industrial - Service 2: Service industrial areas primarily used to provide to the community a wide range of repair and service uses and small-scale manufacturing uses.
- (B) Industrial - General: General industrial areas where a wide range of light industrial uses, including research and development, ~~and~~ manufacturing ~~operations and~~, service industrial uses, media production, storage, and other intensive employment uses are located. Residential uses and other complementary uses may be allowed in appropriate locations.
- (C) Industrial - Manufacturing: Industrial manufacturing areas primarily used for more intensive manufacturing, research, and development, ~~manufacturing, and~~ service industrial uses, storage, and warehousing in buildings on large lots. Residential uses and other complementary uses may be allowed in appropriate locations.⁷
- (D) Industrial - Mixed Services: Industrial areas on the edge of a main street commercial area, which are intended to provide a transition between a main street commercial area and established industrial zones. Industrial main street areas are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street; first floor uses are predominantly industrial in character; uses above the first floor may include industrial, residential, or limited office uses, and where complementary uses may be allowed.

...

Section 13. Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, is amended as follows:

⁶ These proposed modifications align the purpose statements of the IG and IM zoning districts more closely with the descriptions of the "General Industrial" and "Light Industrial" land use classifications on page 107 of the BVCP.

⁷ Updated to align with BVCP language.

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

...

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 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		
RESIDENTIAL USES⁸																													
<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 ⁹	-	-	-	-	-	[A]	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[A]	[U]	[U]	[A]	U	-	9-6-3(a), (b), (g) ¹⁰	
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), (h)(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(i)(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)(h)	
Custodial care facility	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	[U]	[U]	[U]	-	[U]	-	[U]	-	[U]	-	[U]	[U]	-	[U]	[U]	-	-	-	9-6-3(i)(h)	
Fraternity, sorority, and dormitory	-	-	-	-	-	A	A	-	-	U	-	-	-	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(k)(h) 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(i)(h)	
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)(h)	
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]	-	9-6-3(m)(h)
<i>Residential Accessory</i>																													
Accessory dwelling unit	[C]	[C]	-	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	9-6-3(n)(h)	
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	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]	9-6-3(o)(h)	
PUBLIC AND INSTITUTIONAL USES																													
<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)

⁸ Residential uses are proposed to be a prohibited use in the IS district (with the exception of live-work units).

⁹ Live-work units have been made conditional uses, with specific use standards, in the higher density residential districts, mixed use districts, and downtown districts. In the industrial districts, they have been changed from Use Review to conditional, subject to specific use standards.

¹⁰ New specific use standards for live-work units.

		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	BM5	BC-1, BC-2	BC5	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		
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 ¹¹	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	A	-	A	-	U	U	-	U	U	-	U	A	-	
Private elementary, middle, or high school ¹²	U	U	U	U	U	A	U	-	-	U	U	U	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	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	-		
Care and Shelter																													
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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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)	
Infrastructure																													
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	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)
COMMERCIAL USES																													
Food, Beverage, and Lodging																													
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]	-	9-6-5(d)	
Restaurant, brewpub, and tavern ¹³	-	-	-	-	-	U	[A]	-	-	[A]	A	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(e)	
Recreation and Entertainment																													
Art or craft studioArt studio or workshop ¹⁴	-	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 ¹⁵	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	[A]	[A]	A	A	A	A	A	A	U	[A]	[A]	[A]	[A]	-	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 ¹⁶	-	-	-	-	-	-	-	-	-	-	-	-	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]	-	9-6-5(h)	

¹¹ Use Review option added in IMS for private colleges.
¹² Private schools have been changed from prohibited to Use Review in all industrial districts except IS. This better aligns with the requirements for specialized instruction facilities, private colleges, and daycare centers.
¹³ Restaurants have been made an allowed use in the industrial districts, with specific use standards that limit hours of operation and require it in a building with other uses. Use Review is an option for restaurants to remain open past 11 pm.
¹⁴ Proposed new title for this use, updates made to the definition, and made an allowed use in IM.
¹⁵ Use Review requirement is proposed to be removed for indoor athletic facilities in all industrial districts, with specific use standards limiting the allowable size to 5,000 sf instead, and retaining an option for Use Review to exceed that size.
¹⁶ Small theater or rehearsal space modified from Use Review to allowed in the IM district.

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	BM5	BC-1, BC-2	BC5	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	
Office Uses																													
Medical laboratory	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	-	-	U	A	-	U	-	-	9-6-5(i), (f) 9-6-2(e)	
Offices, administrative office ¹⁷	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	A	A	-	-	-	9-6-5(i), (k) 9-6-2(e)	
Office, medical office	-	U	U	U	-	U	U	-	-	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	[C]	-	-	U	-	9-6-5(i), (h) 9-6-2(c)	
Office, professional ¹⁸	-	U	U	U	U	U	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	-	-	-	-	-	9-6-5(i), (m) 9-6-2(e)	
Office, technical ¹⁹	-	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), (k) 9-6-2(c)	
Research and development ²⁰	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	-	-	[A]	[A]	[A]	[A]	-	-	9-6-5(i), (l) 9-6-2(c)	
Retail Sales Uses																													
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(em)	
Convenience retail sales	-	[U]	[U]	[U]	-	U	[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]	[A]	[A]	-	-	-	9-6-5(r)	
Service Uses																													
Animal hospital or veterinary clinic ²¹	-	-	-	-	-	-	-	-	-	-	-	-	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(e)	
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(w) 9-6-2(c)	
Industrial service center ²²	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	-	-	-	9-6-5(v)	
Media production ²³	-	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)	
Mortuary and funeral chapel	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	U	U	-	-	U	-	-	-	-	-	-		
Non-vehicular repair and rental service ²⁴	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[A]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	-	[A]	-	-	
Neighborhood business center	-	[U]	[U]	-	-	[U]	[U]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(t)(w)	

¹⁷ The administrative office definition has been clarified to only apply in the industrial zoning districts, so the permissions in other districts is no longer applicable.

¹⁸ The distinction between professional and technical office has been removed and replaced with a consolidated “office” use type. Offices will be subject to specific use standards that limit the location and size that they are allowed.

¹⁹ Limitations have been drafted in the specific use standards for the generalized “office” use type that limit office uses in the industrial districts: a maximum size of 5,000 square feet in the IS districts (as is currently the standard for technical office), with the same limit in IMS, and allowed by right up to 50,000 sf in IG and IM, with use review for larger offices.

²⁰ The “medical laboratory” use type and definition has been expanded to include laboratory/research/development space of all types, rather than limited to medical labs, and subsequently renamed “research and development” to be more generalized. This use would now be limited to a maximum of 5,000 sf in IS and IMS and allowed in IM. All changes appear as new because the new name required reordering for alphabetization, but the only changes from medical lab are in IS and IMS as noted.

²¹ Animal hospitals changed from Use Review to allowed – similar impacts to animal kennel, which is allowed in IMS.

²² The industrial service center use type is proposed to be removed. Only one has been created in the 15+ years since the standards were put into place. The proposed size limitations for retail and other uses will be similar to that allowed by industrial service center, leaving this special use type no longer necessary to provide the flexibility it was intended to bring.

²³ This is the new name for “broadcasting and recording facility,” no changes to the allowances in any districts. All text shows up as new due to moving for proper alphabetization.

²⁴ The brackets were an unintentional typo from Module One that has now been fixed.

		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 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	
Personal service use ²⁵	-	U	U	U	-	U	A	U	U	A	A	A	A	A	A	A	A	A	A	A	A	-	-[A]	-	-[A]	-	-	9-6-5(u)
Vehicle-Related																												
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	-	-	-	-	-	-	-
Drive-thru use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	-	-	-	-	-	9-6-5(xv)
Fuel service station	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(yw)
Principal parking facility	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	[A]	U	U	-	[U]	[U]	A	A	A	U	U	-	9-6-5(zz) 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)
INDUSTRIAL USES																												
<i>Storage, Distribution, and Wholesaling</i>																												
Cold storage locker ²⁶	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	U	-	-	-	-	-
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 ²⁷	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	-	9-6-6(eb)
Light manufacturing ²⁸	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	-	-	[A]	-	-	-	-	[A]	A	A	A	-	-	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 ²⁹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-
AGRICULTURE AND NATURAL RESOURCE USES																												
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]	9-6-7(a)
Crop production	A	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	

²⁵ Personal services are proposed as an allowed use, subject to specific use standards, in IG and IMS. The size limit will be similar to that previously allowed under industrial service centers (2,000 sf).

²⁶ Cold storage lockers would now be prohibited in DT zones.

²⁷ New definition and use type name for these uses proposed.

²⁸ New definition and use type name for these uses proposed.

²⁹ Printing and binding has been removed and would now be interpreted as a "light manufacturing" use, similar to other peer cities.

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 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		
Oil and gas operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	-	[U]	9-6-7(b)
Pasture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	
ACCESSORY USES																													
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	

...

Section 14. Section 9-6-2, "Specific Use Standards – General," B.R.C. 1981, is amended as follows:

...

TABLE 6-2: USES WITH SPECIFIC USE STANDARDS IN THE BC-1 AND BC-2 ZONING DISTRICTS³⁰

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

...

Section 15. Section 9-6-3, "Specific Use Standards – Residential Uses," B.R.C. 1981, is amended as follows:

9-6-3. Specific Use Standards – Residential Uses.

(a) Residential Uses:

- (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.

³⁰ Updates to this table made to align with renaming of broadcasting and recording facility as "media production," medical laboratory as "research and development," and removal of administrative, professional, and technical office distinctions.

- (2) Residential Uses in the IG and IM Zoning Districts: The following standards apply in the IG and IM zoning districts to residential uses that may be approved pursuant 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.³¹~~
- ~~(ii) Contiguity Map: A map that demonstrates that the proposed residential development meets the contiguity requirements of Subparagraph (a)(2)(B) of this section.~~
- ~~(A) Location Within the Industrial Districts: Dwelling units may be constructed only on a lot or parcel that meets one or more of the following requirements (i), (ii), or (iii). If a lot or parcel meets this location standard, the approving authority shall presume that the standard in Paragraph 9-2-15(e)(5), B.R.C. 1981, has been met.~~
- ~~(i) The residential use is consistent with the land use plan or map in an adopted subcommunity or area plan; or~~
- ~~(ii) The lot or parcel is located within one-quarter mile of the Boulder Junction transit station. Distance shall be measured by the city manager on official maps as the radius from the closest point on the perimeter of the applicant's lot or parcel to the closest point on the transit station lot; or~~
- ~~(iii) At least one-sixth of the perimeter of the lot or parcel is contiguous with a residential use that includes one or more dwelling units, a residential zoning district, or a city- or county- owned park or open space. 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.~~
- ~~(A) Dwelling units may be constructed if located on a parcel that has at least one-sixth of the perimeter of the parcel contiguous with a 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. 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.~~
- ~~(B) 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~~

³¹ This is repetitive; this is described in the standard below.

~~will result in compatibility among uses or to mitigate potential impacts between such uses.³²~~

- ~~(C) 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:³³~~
- ~~(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.~~
- ~~(D) 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:³⁴~~
- ~~(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.~~
 - ~~(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) (B) 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~~

³² This requirement for Site Review when a project is mixed use has been removed.

³³ Retail is proposed to be permitted at a limited size and in mixed-use buildings, so these standards are no longer needed.

³⁴ These specific bulk and density requirements have been removed; typical requirements for the IG district will apply.

~~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.~~

- (E) ~~(C)~~ (C) Setbacks from Existing Oil and Gas Operations: The use is located no closer than ~~two thousand~~2,000 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~~2,500 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~~500 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~~250 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) ~~(D)~~ (D) 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.
- (G) ~~(E)~~ (E) 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.
- (H) ~~(F)~~ (F) 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.
- (I) ~~(G)~~ (G) 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.³⁵~~

...

(g) Live-Work Unit:³⁶

(1) General Standards: The following standards apply to live-work units:

(A) The commercial or industrial activity may be any nonresidential use allowed in the same zoning district, subject to any applicable specific use standards or review process for that use.

(B) The residential use is located above or behind a ground floor space for nonresidential use.³⁷

(C) A resident of the live-work unit must be responsible for the work performed in the nonresidential use.

(D) Only one kitchen is permitted.

(2) In the Industrial Zoning Districts:

(A) Review Process: In the industrial zoning districts, live-work units may be approved as a conditional use if at least fifty percent of the floor area of the building is for nonresidential use. Floor area within the live-work unit is considered residential floor area.³⁸

...

(gh) Townhouse:

...

³⁵ This option to modify standards is still available through the typical Site Review process if needed; this additional language no longer is necessary with the removal of above bulk and density standards.

³⁶ Standards pulled from current definition of live-work unit. New requirement for conditional use in industrial districts to ensure that nonresidential use is maintained and not converted to only residential, which would be prohibited in IS.

³⁷ This standard was added based on 10/18 Planning Board recommendations to clarify the anticipated form of live-work units.

³⁸ This condition has been added based on 10/18 Planning Board recommendations to convert live-work units to conditional uses in the industrial zoning districts. This would ensure that nonresidential uses are always present on a site.

- ~~(hi)~~ Boarding House:
...
- ~~(ij)~~ Congregate Care ~~Facilities~~Facility, Custodial Care ~~Facilities~~Facility, and Residential Care ~~Facilities~~Facility:
...
- ~~(jk)~~ Fraternity, Sorority, and Dormitory:
...
- ~~(kl)~~ Group Home Facility:
...
- ~~(lm)~~ Transitional Housing:
...
- ~~(mn)~~ Accessory Dwelling Unit:
...
- ~~(no)~~ Home Occupation:
...

Section 16. Section 9-6-5, "Specific Use Standards – Commercial Uses," B.R.C. 1981, is amended as follows:

9-6-5 Specific Use Standards – Commercial Uses.

...

(b) Brewery, Distillery, and Winery:³⁹

(1) General Standards: Any brewery, distillery, or winery approved as a conditional use or pursuant to a use review must also meet the following standard:

(A) Any restaurant within the brewery, distillery, or winery 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.

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

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

(i) Review Process: In the IS-1 ~~and~~, IS-2, and IMS 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: Breweries, distilleries, and wineries that are not allowed by right may be approved as a conditional use if ~~the use does not exceed 15,000 square feet in floor area and~~ any restaurant is closed between the hours of 11 p.m. and 5 a.m.

³⁹ Standards for breweries, distilleries, and wineries have been streamlined and simplified. In the IS and IMS districts, a maximum size of 15,000 square feet is set, with variations on the review process required based on whether the facility has a restaurant and when that restaurant closes. In the IG and IM districts, breweries/distilleries/wineries are allowed by right if smaller than 15,000 sf and without a restaurant, but have variations on the review process for larger facilities or those with restaurants based on their hours of operation.

- 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.
- (ii) General Standards: ~~No brewery, distillery, or winery shall exceed 15,000 square feet in floor area. 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.~~

~~(2)~~(3) 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 conditional use if 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 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.
 - ~~(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 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 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.~~

~~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.~~

~~(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. The use shall not exceed 15,000 square feet in floor area.~~

...

(e) Restaurant, Brewpub, and Tavern:

...

(3) Standards for Outdoor Seating:

(A) Applicability: The following standards 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 seating areas that are within the BMS, DT, and I zoning districts are also subject to the provisions of Subparagraphs (e)(3)(~~BA~~)(i), (ii), or (iii) of this section, when applicable.⁴⁰

...

...

⁴⁰ Fixed incorrect citation.

- (4) In the Industrial Zoning Districts:⁴¹
 - (A) Brewpubs and Taverns: Brewpubs and taverns are prohibited in the Industrial zoning districts.
 - (B) Restaurants: In the ~~Industrial~~ 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:~~In the industrial zoning districts, restaurants are allowed by right if the use is closed between the hours of 11 p.m. and 5 a.m. and is incorporated in a building with industrial, residential, or office uses. Restaurants that are not allowed by right may be approved only pursuant to a use review.
 - ~~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.a. 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.~~

...

(f) ~~Art or Craft Studio~~ Studio or Workshop:

- (5) 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~~ studios or workshops are allowed by right for 2,000 square feet or less of floor area per

⁴¹ Many of the standards for restaurants have been eliminated to better support a mix of uses in the Industrial districts. Restaurants would now be an allowed use, but would require a Use Review if open late. Brewpubs and taverns continue to be prohibited in industrial districts.

lot or parcel. Art ~~or craft studios~~studios or workshops that are not allowed by right may be approved only pursuant to a use review.

(g) Indoor Athletic Facility:

...

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

(A) Review Process: In the BT-1, BT-2, and BMS zoning districts, 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.

(4) In the Industrial Zoning Districts:

(A) Review Process: In the industrial zoning districts, an indoor athletic facility is allowed by right if the floor area does not exceed 5,000 square feet. An indoor athletic facility that is not allowed by right may be approved only pursuant to a use review.

...

~~**(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 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.⁴²~~

~~**(k) Office, Administrative:⁴³**~~

~~(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**~~**Medical Office:**

...

~~**(m) Office, Professional**~~

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

⁴² Medical laboratory has been renamed "Research and Development," and thus moved to (l) in this list for proper alphabetization. These standards remain, but now apply to the R&D use type, as well as some additional proposed standards in the IS and IMS districts.

⁴³ This use type has been removed. These standards in the DT-4 district still apply to the consolidated "office" use.

~~(A)~~ Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a professional 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 professional 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 professional 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 professional office that is not allowed by right may be approved only pursuant to a use review.

~~(A)~~ **(k) 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, an n-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. An n-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 square feet. A technical office that is not allowed by right may be approved only pursuant to a use review.⁴⁴

~~(3)~~(2) In the DT-4 Zoning District:

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

~~(4)~~(3) In the IS-1 ~~and~~, IS-2, and IMS Zoning Districts:

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

⁴⁴This standard, which previously only applied to technical offices, has been removed in order to reduce potential nonconformities, and because limitations on size already exist for all office uses in these zoning districts.

(4) In the IG and IM Zoning Districts:

(A) Review Process: In the IG and IM zoning districts, the following review process applies to offices:

(i) Allowed Use: An office as a principal use is allowed by right if the use does not exceed 50,000 square feet in floor area. This restriction does not apply to administrative offices.

(ii) Use Review: If the office is not allowed by right, the use may be approved only pursuant to a use review. In addition to meeting the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981, the applicant shall demonstrate that:

a. The area in the zoning district in which the office is located will remain a place primarily used for industrial uses or research and development; and

—b. For buildings constructed after March 15, 2023, the building design includes features that allow the building to be adapted in the future for industrial uses or research and development. Such features may include, without limitation, ceiling heights and integration of loading doors.

(I) Research and Development.⁴⁵

(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 research and development use 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 research and development use that is not allowed by right may be approved only pursuant to a use review.

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

(A) Review Process: In the IS-1, IS-2, and IMS zoning districts, a research and development use is allowed by right if the floor area of the use does not exceed 5,000 square feet and is otherwise prohibited.

~~(em)~~ **Building Material Sales:**

...

~~(pn)~~ **Convenience Retail Sales:**

...

~~(qo)~~ **Fuel Sales:**

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

...

⁴⁵ "Research and development" is the new name for "medical laboratory use". The standards in (1) are existing standards for medical laboratory (which are identical to those applied to offices in these same districts), and the standards in (2) are newly proposed.

- (F) Fuel sales in industrial zones shall only be permitted in association with a convenience retail store ~~pursuant to Paragraph 9-6-3(a)(2), B.R.C. 1981.~~⁴⁶

...

~~(fp)~~ **Retail Sales:**

...

- (2) In the MU-4, BMS, BC-1, BC-2, DT-1, DT-2, and DT-3 Zoning Districts:
 - (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 if ~~each the such~~ use has less than 20,000 square feet of floor area. Retail sales that are not allowed by right may be approved only pursuant to a use review.

(3) In the Industrial Zoning Districts:⁴⁷

- (A) In the industrial zoning districts, retail sales are allowed by right if the use does not exceed 2,000 square feet of floor area and is incorporated in a building with industrial, residential, or office uses. Otherwise, the use is prohibited.

SERVICE USES

...

~~(s)~~ **Broadcasting and Recording Facility⁴⁸**

~~(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 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 broadcasting and recording facility that is not allowed by right may be approved only pursuant to a use review.~~

~~(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.~~

~~(tg)~~ **Business Support Service:**

...

~~(ur)~~ **Financial Institution:**

...

(s) Media Production:⁴⁹

⁴⁶ This refers to a standard for residential uses in industrial districts that incorporate retail, which is proposed to be removed. Convenience retail is an allowed use in the same industrial districts as fuel sales (which is conditional or use review), so this requirement can remain without this reference.

⁴⁷ Retail sales were previously a prohibited use in the industrial districts. This provides allowance for small retail uses, using the same size limit previously stipulated for industrial service centers.

⁴⁸ This has been renamed "media production," but all of these standards will remain in place. Media production is below due to maintain proper alphabetization.

⁴⁹ This is the renamed "broadcasting and recording facility" use. All standards remain the same.

(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 media production use 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 media production use that is not allowed by right may be approved only pursuant to a use review.

(2) In the BMS Zoning District:

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

...

~~(v) Industrial Service Center:⁵⁰~~

~~(1) An industrial service center may be approved as a conditional use or pursuant to a use review in the IG and IM zoning districts 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;~~

~~(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~~

⁵⁰ The Industrial Service Center use type has been removed as greater flexibility has been integrated for many of these uses in the Industrial districts, and the use has only been applied to one development in the 15 years since the standards were adopted. The size limitation for retail and personal services will be consistent with those allowed in industrial service centers.

~~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:~~

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 paragraph 9-6-5(e)(10) 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.~~

...

~~(wt) Neighborhood Business Center:~~

...

(u) Personal Service Use:

(1) In the IG and IMS Zoning Districts:

(A) Review Process: In the IG and IMS zoning districts, personal service uses are allowed by right if the use does not exceed 2,000 square feet of floor area and is incorporated in a building with industrial, residential, or office uses. Otherwise, the use is prohibited.⁵¹

...

~~(xv)~~ Drive-Thru Use:

...

~~(yw)~~ Fuel Service Station:

...

~~(zx)~~ Principal Parking Facility:

...

~~(ay)~~ Sales or Rental of Vehicles:

...

~~(bz)~~ Service of Vehicles:

Section 17. Section 9-6-6, "Specific Use Standards – Industrial Uses," B.R.C. 1981, is amended as follows:

9-6-6. Specific Use Standards – Industrial Uses.

...

~~(b) Manufacturing Use:~~⁵²

~~(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) General Manufacturing Uses with Potential Off-Site Impacts:~~

~~(1) General Standards: Any general manufacturing use approved pursuant to a use review shall also meet the following standards:~~

~~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 approved pursuant to a use review, provided that such uses shall demonstrate that such effects are~~

~~(A) The applicant demonstrates that the use is not detrimental to the public health, safety, or general welfare; and that a~~

~~(B) The applicant demonstrates 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~~

⁵¹ New standards for personal services which become an [A] use in these districts.

⁵² This use has been renamed "light manufacturing," so these standards have moved to (c) for proper alphabetization.

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.⁵³

(c) Light Manufacturing:⁵⁴

(1) In the MU-4 and BCS Zoning Districts:

(A) Review Process: In the MU-4 and BCS zoning districts, light manufacturing is allowed by right with a maximum of 15,000 square feet of floor area per lot or parcel and is otherwise prohibited.

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

(A) Review Process: In the IS-1 and IS-2 zoning districts, light manufacturing is allowed by right with a maximum of 15,000 square feet of floor area per lot or parcel. Light manufacturing that is not allowed by right may be approved only pursuant to a use review.

...

Section 18. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended as follows:

...

(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 9-6-3(~~mn~~), 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 9-6-3(~~mn~~)(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 19. Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C. 1981, is amended as follows:

...

(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(~~ij~~), B.R.C. 1981.

⁵³ Submittal requirements are not typically included in the specific use standards, so this requirement has been moved to 9-2-15, "Use Review," with other submittal requirements for industrial uses.

⁵⁴ These are existing standards for "manufacturing use" which has been renamed "light manufacturing." No changes to the standards.

- (d) Group Home Facilities: The occupancy of a group home facility must meet the requirements of Subsection 9-6-3(~~k~~), B.R.C. 1981.

...

Section 20. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended as follows:

...

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 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(mn), B.R.C. 1981
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

...

Section 21. Section 9-10-2, "Continuation or Restoration of Nonconforming Uses and Nonstandard Buildings, Structures, and Lots," B.R.C. 1981, is amended as follows:

...

- (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 9-6-5(~~xv~~), 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 9-6-5(~~xv~~), B.R.C. 1981; or

...

Section 22. Section 9-14-2, "General Provisions," B.R.C. 1981, is amended as follows:

...

(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(h), B.R.C. 1981;

...

Section 23. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended as follows:

...

(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 9-6-3(m), B.R.C. 1981.

...

Art ~~or craft studio~~ studio or workshop means the workshop or studio of an artist, sculptor, photographer, jeweler, potter, craftsperson, furniture maker, ~~or~~ cabinet maker, or other artist or artisan 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 sales, lessons, and limited events gallery.⁵⁵

...

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(m), B.R.C. 1981.

...

Brewery means a use with a manufacturer or wholesaler license issued under § 44-3-401, et seq., C.R.S., and does not include any retail type liquor license under § 44-3-309, et seq., C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where malt liquors are manufactured on the premises, that may include a tap-room that is less than or equal to thirty percent of the total floor area of the facility or one thousand square feet, whichever is greater.⁵⁶

...

~~*Broadcasting and recording facility* means a studio for the purpose of broadcasting radio or television or a studio for recording of live performances.⁵⁷~~

...

~~*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.⁵⁸~~

...

⁵⁵ Name updated to more clearly reflect the use type. Added examples of types of artists/artisans, and clarified appropriate accessory uses.

⁵⁶ Fixed typo.

⁵⁷ This definition is replaced by "Media Production."

⁵⁸ This term is no longer used in the land use code so the definition is being removed.

~~Data processing facility means a 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.⁵⁹~~

...

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(~~m~~n)(3), B.R.C. 1981.

...

General manufacturing means 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.⁶⁰

...

~~Industrial service center means nonresidential uses in an industrial district that are constructed and operated in accordance with the standards in Section 9-6-5(v), B.R.C. 1981.⁶¹~~

...

Light manufacturing means facilities for the manufacturing, fabrication, processing, or assembly of products, provided that such facilities are completely enclosed and provided that any 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. Light manufacturing may include a showroom or ancillary sales of products related to the items manufactured on-site.⁶²

...

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 9-6-3(~~m~~n)(4).

...

~~Live-work unit means a structure with a combination of residential occupancy and commercial or industrial activity as principal uses located within an integrated unit. This use does not include home occupations or caretaker dwelling units. uses where work activities occur as allowed in the industrial zoning districts and includes a dwelling unit for the business occupant, but not including a caretaker dwelling unit. Such unit shall have only one kitchen and shall be occupied by either the owner, the tenant, or the owner's or tenant's employee plus any other persons that may be allowed to occupy a dwelling unit pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981. The live work unit must be the residence of a person responsible for the work performed on the premises.⁶³~~

...

~~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~~

⁵⁹ This term is no longer used in the land use code, so the definition is being removed.

⁶⁰ New name for "manufacturing use with potential for off-site impact", removed reference to R&D.

⁶¹ This use has been removed.

⁶² Changed name to "light manufacturing" from "manufacturing use". Definition mostly the same but added specificity that a showroom/ancillary sales are permitted, removed reference to R&D.

⁶³ Many of the specific characteristics described in the current definition have been turned into Specific Use Standards.

~~any noise, smoke, vapor, dust, odor, glare, vibration, fumes, or other environmental contamination is controlled in accordance with applicable city, state, or federal regulations.~~⁶⁴

~~*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 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.~~⁶⁵

...

~~*Media production* means commercial arts and art-related establishments such as audio and film recording and editing studios and services, film and video production, titling, special effects production, motion picture and photograph processing, radio and television broadcast, and similar uses.~~⁶⁶

...

~~*Medical 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.~~⁶⁷

...

Neighborhood business center means nonresidential uses in a residential district that are constructed and operated in accordance with the standards of Subsection 9-6-5(~~wt~~), B.R.C. 1981.

...

Office uses means a use category characterized by uses providing executive, management, medical, administrative, ~~or~~ professional, or technical 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.

Office, accessory means an office subordinate to, a necessary part of, and on the same lot as the principal business, commercial, or industrial use, including, without limitation, administrative, record-keeping, drafting, and research and development offices. An accessory office is considered an accessory use.

Office, administrative means an office located within an industrial zoning district providing management or administrative services to its affiliated industrial ~~uses-use or research and development use that are an equal or greater size, measured in floor area, of the administrative office use located within the city's industrial zoning districts.~~⁶⁸

~~*Office, medical*~~ *Medical 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. 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 which may permit short-term overnight stays, no overnight accommodations are provided.

⁶⁴ New name and updated definition under “general manufacturing.”

⁶⁵ New name and updated definition under “light manufacturing.”

⁶⁶ New definition and use type name for “recording and broadcasting facility” to broaden the definition.

⁶⁷ This definition has been updated and use type renamed “research and development”.

⁶⁸ Updated definition to remove floor area limit and clarify language.

~~Office, professional~~ means ~~offices of firms or organizations providing professional service to individuals and businesses. Examples include, without limitation, accounting, legal, insurance, real estate, investment, and counseling services. Client contact may occur regularly at the office. Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use. This use does not include technical, medical, or administrative offices, or uses otherwise listed in the use table.~~⁶⁹

~~Office, technical~~ means ~~offices of businesses providing professional services in a technical field. This use is characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. These establishments primarily provide services to individuals or to other businesses. Examples include, without limitation, accounting, legal, insurance, real estate, counseling, publishers publishing, architecture, engineering, graphic, industrial, and interior design, biotechnology or life sciences, 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. Facilitated arrangements such as shared coworking spaces, typically with membership fees, are included within this use. This use does not include professional, medical, or administrative offices, or uses otherwise listed in the use table.~~

...

~~Research and development~~ means a facility that engages in product or process design, development, prototyping, or testing for an industry. Such industries may include but are not limited to biotechnology, life sciences, pharmaceuticals, medical or dental instruments or supplies, food, clothing, outdoor equipment, computer hardware or software, or electronics. Facilities may also include laboratory, office, warehousing, and light manufacturing functions as part of the research and development use.⁷⁰

...

~~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.~~⁷¹

...

Section 24. Section 10-1-1, "Definitions," B.R.C. 1981, is amended as follows:

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

...

Accessory unit means an accessory unit permitted under Section 9-6-3(an), "Accessory Units," B.R.C. 1981.

...

Section 25. Section 10-3-16, "Administrative Remedy," B.R.C. 1981, is amended as follows:

- (a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

⁶⁹ This use type has been consolidated with "technical office".

⁷⁰ This is the updated definition for "medical laboratory," which has been renamed "research and development" and moved to keep the definitions list properly alphabetized.

⁷¹ This term is no longer used in the land use code, so the definition is being removed.

(1) Impose a civil penalty according to the following schedule:

(A) For any violation in the following areas or of affordability standards: The area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway, the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street or for any violation of affordability standards for an affordable accessory unit approved under Subsection 9-6-3(an), B.R.C. 1981:

...

Section 26. Section 10-3-19, "Short-Term Rentals," B.R.C. 1981, is amended as follows:

...

(o) An accessory unit or a principal dwelling unit on a single-family lot or parcel with an accessory unit may not be rented as a short-term rental unless all the following requirements are met:

...

(6) Notwithstanding the provisions of subsection (i), the occupancy of the accessory unit and the principal dwelling unit must meet the requirements of Subsection 9-6-3(an)(1), B.R.C. 1981; and

...

Section 27. Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, is amended as follows:

...

(l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling unit that is licensed pursuant to this chapter shall be part of the licensed cooperative housing unit and subject to the standards of this chapter. The occupants of the dwelling unit and accessory unit shall all be members of the cooperative. While such units are licensed as a cooperative housing unit under this chapter, neither the principal dwelling unit nor the accessory unit shall be required to be owner-occupied as would otherwise be required under Subparagraph 9-6-43(an)(1)(A)(i), "Owner-Occupied," B.R.C. 1981.

...

Use Standards and Table Phases One and Two

Land Use Code Amendment
 Project Charter – *Working Draft*

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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 string-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. We will work to **Involve** our working group members in providing guidance and feedback throughout the process of Modules Two and Three. 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	Vivian Castro-Wooldridge	Engagement strategist

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.

Light Industrial Area Guiding Principles

1. Preserve established businesses and the opportunity for industrial businesses. The primary role of the industrial areas for research and light manufacturing should be maintained through existing standards. Housing infill should play a subordinate role and not displace established businesses or the opportunity for industrial businesses.
2. Encourage housing infill in appropriate places. Housing infill should be encouraged in appropriate places (e.g., at the intersection of collector/ arterial streets, near transit and on

underutilized surface parking lots) and along open space and/ or greenway or trail connections. Housing should be located near other residential uses or retail services.

3. Offer a mix of uses. Encourage the development of a mix of uses that is compatible with housing (e.g., coffee shops, restaurants) to serve the daily needs of employees and residents, in particular at the intersection of collector/arterial streets.

4. Encourage a richness of transportation amenities. The multimodal system in industrial areas should be improved with convenient and pleasant ways to get around on foot, by bike and with local connections to regional transit.

5. Pursue parking management strategies. Encourage parking management strategies, such as shared parking.

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 Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and abilities, and to a variety of household incomes and configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

7.11 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.

7.17 Market Affordability

The city will encourage and support efforts to provide market rate housing priced to be more affordable to middle-income households by identifying opportunities to incentivize moderately sized and priced homes.

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

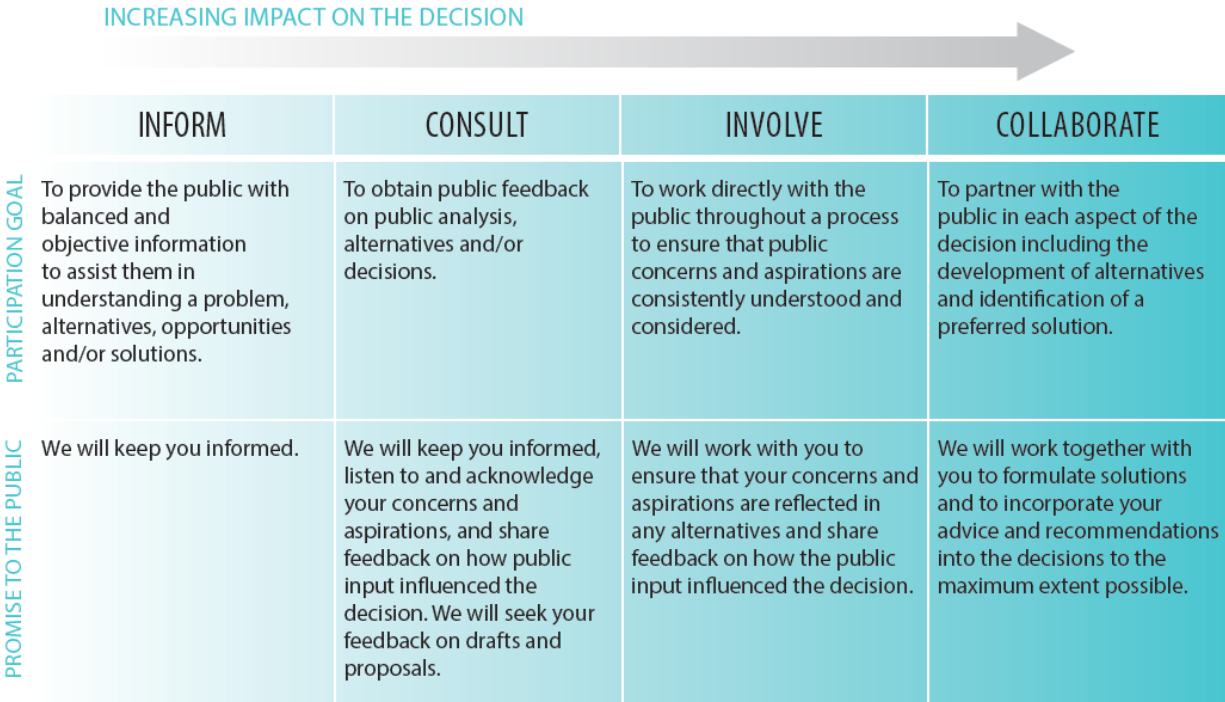
The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and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

Appendix B: Engagement Framework

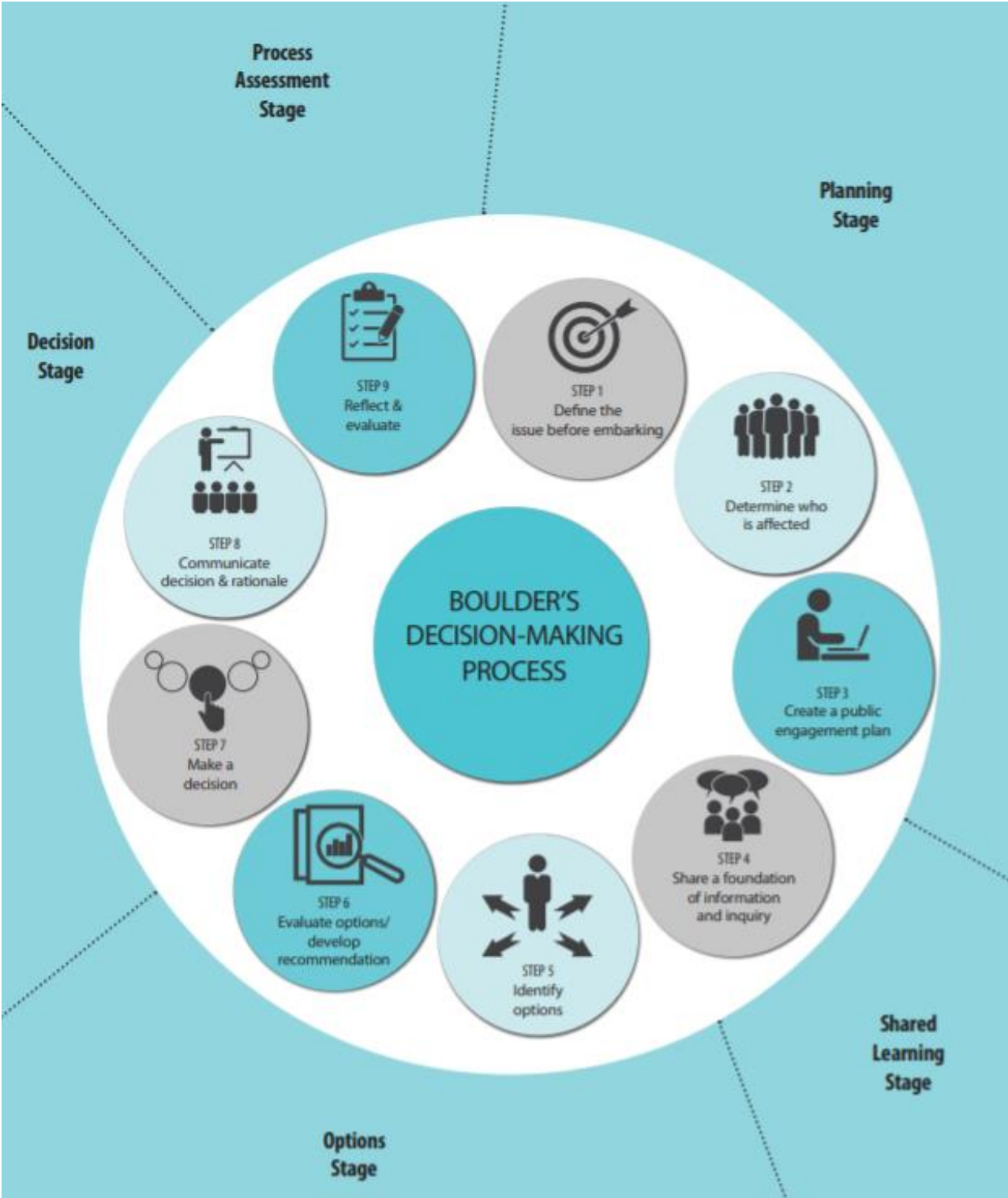
City of Boulder Engagement Strategic Framework

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



MODULE TWO: INDUSTRIAL AREAS

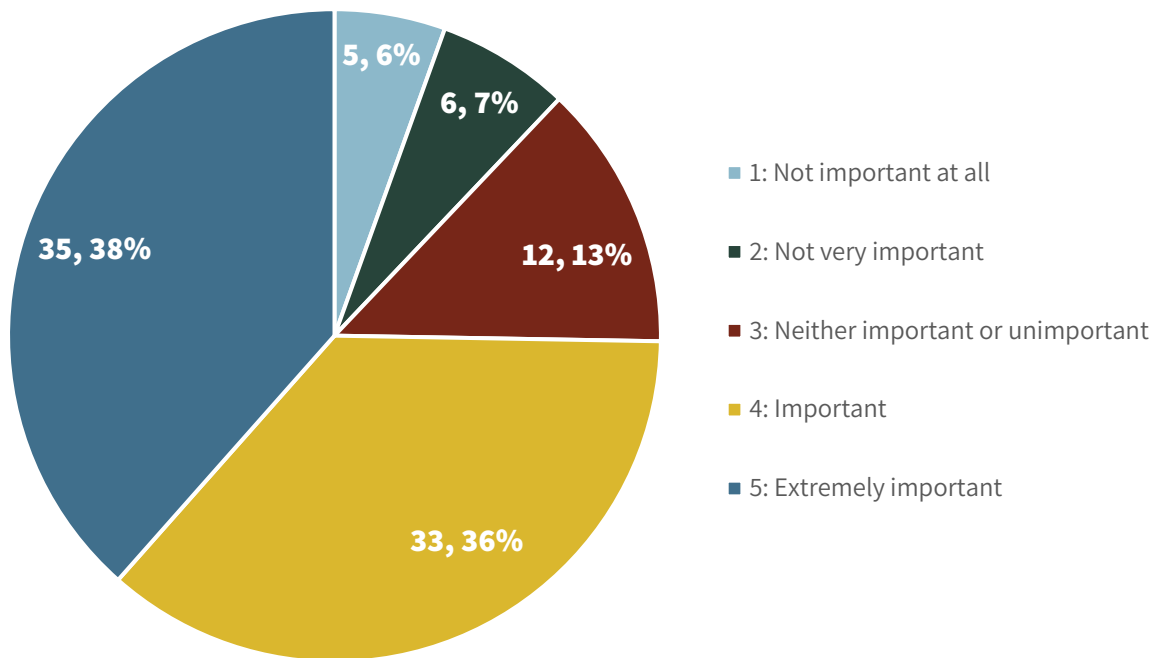
QUESTIONNAIRE RESPONSE SUMMARY

INTRODUCTION

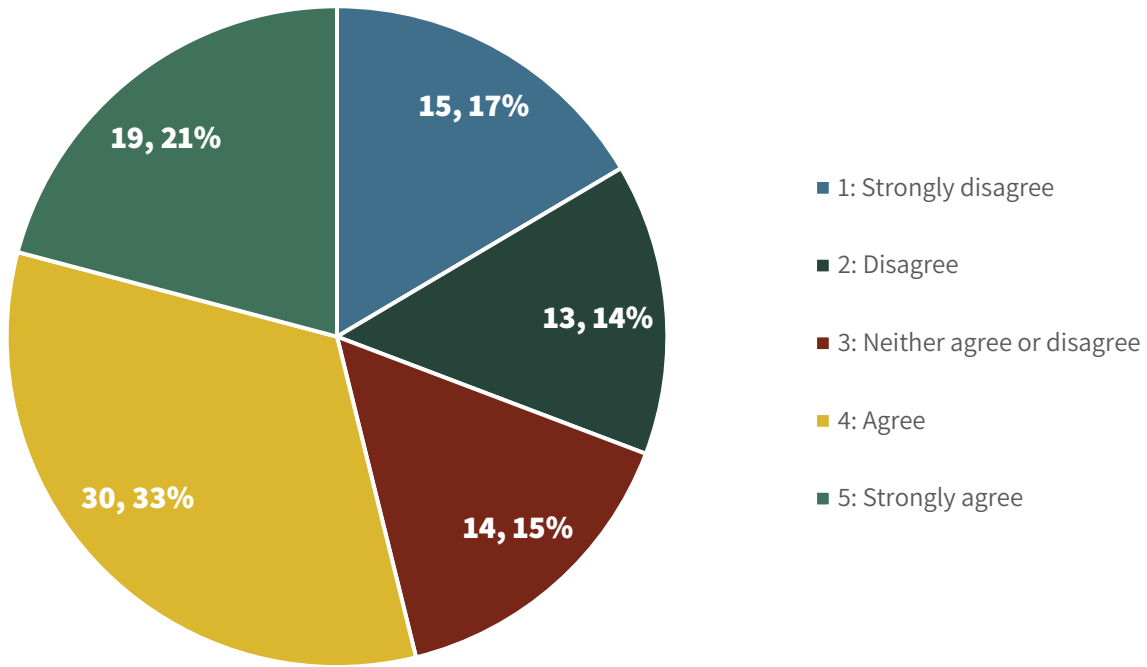
For Module Two of the Use Table and Standards Project, City of Boulder staff is looking at ways to better align the Boulder Valley Comprehensive Plan guidance for businesses and housing in the city’s industrial areas with the uses that are allowed in the Land Use Code. To better understand what changes might be necessary to offer a mix of uses, locate housing in appropriate places, and support industrial businesses, staff developed a short questionnaire to obtain public input before developing draft ordinance changes.

The questionnaire was open from August 31 through September 22, 2022. It was promoted through the Planning & Development Services monthly newsletter, on City of Boulder social media accounts, on Nextdoor, and through direct email outreach to stakeholders. In that time, **91 responses** were received. The following document summarizes the responses submitted and includes the detailed answers to open-ended questions.

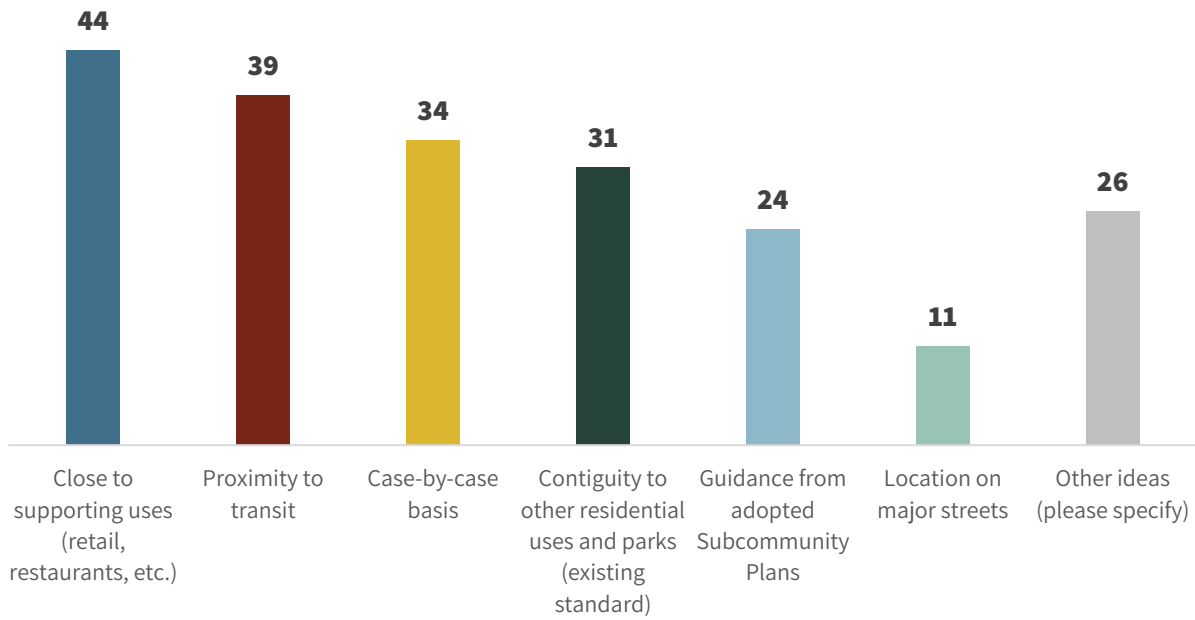
Q1: HOW IMPORTANT IS IT TO YOU TO RETAIN SPACE FOR INDUSTRIAL USES IN BOULDER?



Q2: DO YOU AGREE WITH THE FOLLOWING STATEMENT? HOUSING SHOULD BE ALLOWED IN INDUSTRIAL AREAS.



Q3: IF HOUSING IS ALLOWED, HOW SHOULD THE CITY DETERMINE WHICH SITES ARE APPROPRIATE FOR HOUSING IN INDUSTRIAL AREAS?

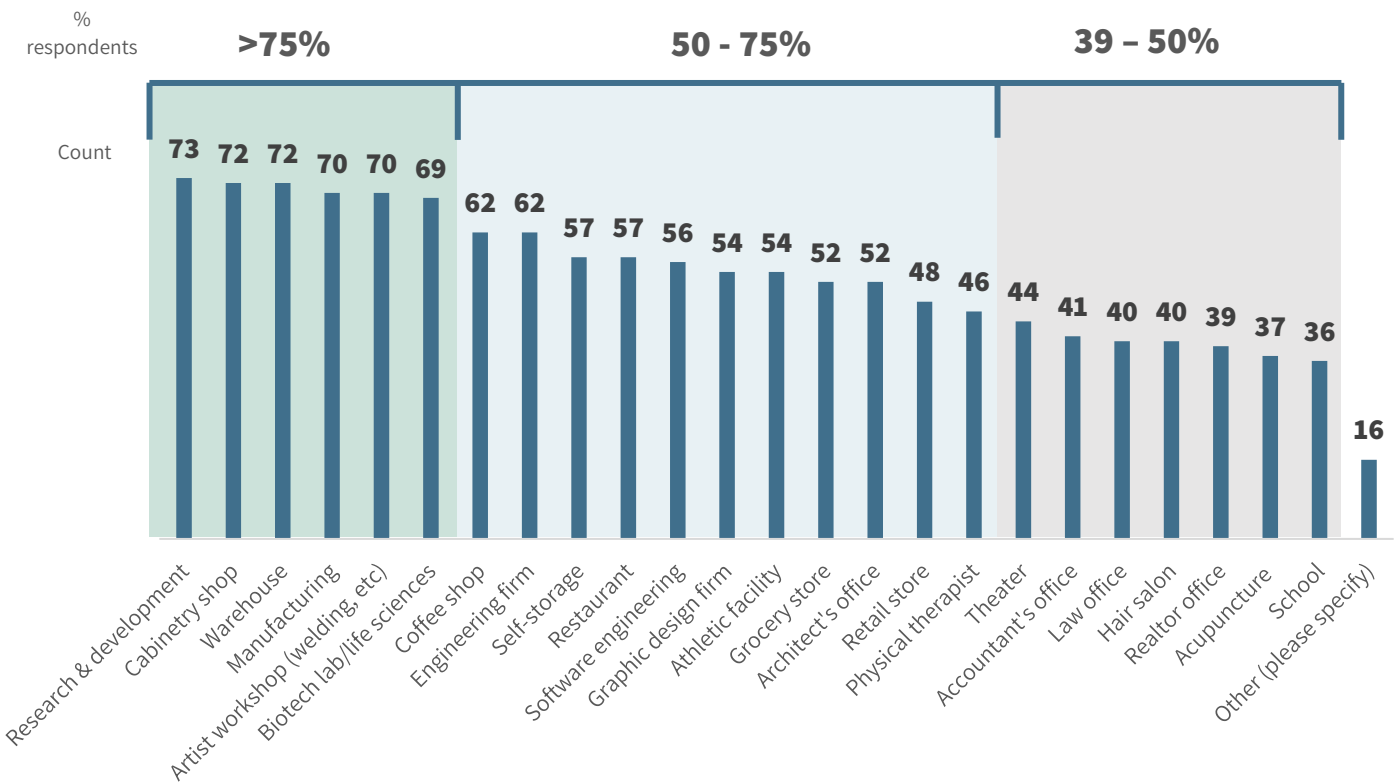


Other ideas (please specify):

- Should be by right in the industrial zones- keep it simple and let the owners decide what is feasible
- At a maximum height and located where it does not obstruct views of foothills and mountains and is a similar height to adjacent residential neighborhoods.
- Request only clean industry with little to no environmental impact beyond footprint. Responsible health safety for any surrounding residential areas.
- Since schools (private/independent as well as public) should be allowed housing should be allowed near schools.
- Should be allowed if it doesn't negatively impact the availability of actual industrial space, for instance by allowing taller buildings.
- Not case by case. Make rules and get out of the way. Less regs more beds.
- I don't think it should just be based on toniguity to residential or open space. Other things are important including 15 minute neighborhood (walkable to grocery, parks, retail, services). Allowing and incentivizing Mixed use developments and affordable housing. Allow Live/Work uses by right. Encouraging housing types that fit the missing middle or other typologies that aren't built in traditional multi family developments. Are part of a larger development that has neighborhood serving or service industrial uses.
- Certain distances away from industrial uses that might be detrimental to health due to air quality/pollution, noise pollution, light pollution
- Allowed by-right up to specified density; in lieu of parking; etc
- The city should not decide, private citizens should be free to choose.
- Is the idea of industrial still relevant in today's world? The original zoning had to do with public health, the businesses listed above could easily be accommodated in many mixed developments.
- Don't allow it
- Perhaps some of the residentials added be reserved for those who work in the industrial buildings. Benefits: Less traffic on the streets, walkability, bikeability etc.
- I'd be interested in allowing housing in industrial areas but am sick to death of Boulder's single focus on "affordable housing" to the exclusion of everything else. We have more housing than anything else — we're getting rid of our creative spaces, our unique retail, our beloved and unique spaces in favour of affordable housing. Where are all these new people going to actually do things — create, shop, recreate? Boulder is going to be a solid block of condos and apartments before long, while having to travel out of town to do anything at all.
- artist studios and live/work space
- Pollution (including noise) risks to potential residents
- Industry is not retail shopping. you have that confused. Industrial is NOISEY and should be kept separate from housing son neighbors dont complain. You have a GIGANTIC facility at IBM you should be suing that. there is enough space there to satisfy all boulders industrial needs. Remember Industry " economic activity concerned with the processing of raw materials and manufacture of goods in factories. "
- Several current industrial zones like the one at Yarmouth on the West side of Broadway are eyesores and often not well maintained as well as being incongruous with existing business and residential areas that surround them. The one behind the Shell station attracts people that litter etc.
- Safety.... Air quality, etc. Types of industry in proximity, community need for housing

- Replacing low value/intensity industrial sites such as storage units, garages and large parking surfaces
- Not in favor of this. The residence will complain of smell, noise etc. Look at the complaints that we see from people who live on the hill and near Chataqua. They complain.
- Industrial areas are hard to come by but are sorely needed. Housing needs should not overtake or limit some industrial areas being protected for local businesses to use.
- depends on circumstances
- I do not support a lot of housing in industrial areas.
- Let the development market (builders and investors) propose solutions and bring to city review. All zones allowed , if folks want to live near airports, industrial effluents, traffic, noise etc they should be free to do so, but no complaining allowed. The market will price these personal choices. The city shouldn't be deciding winners and losers
- meeting any of the above standards should be sufficient

Q4: WHAT TYPES OF BUSINESSES DO YOU THINK ARE APPROPRIATE IN INDUSTRIAL AREAS?



Other (please specify):

- All of these uses work in the iG zone.
- Independent/private schools
- Again clean industry with little environmental impact- engineering, design firms, software, data processing, fulfillment/call centers, non residential warehousing, non food distribution centers (amazon,

walmart, target, UPS, Fedx), healthcare R&D, healthcare management organizations/regional offices, banking, real estate, large insurance company headquarters. Let's reduce the crazy ever rapidly increasing high tax burden on property owners and bring in clean low impact industry rather than letting all towns and counties arounds us benefit instead. Enough with property tax increases with reduced services, unwanted high population density, more crime, overuse/parking unavailability/destruction of open-space , unhealthful and unacceptable Boulder valley EPA air quality for 6+ years due to unsustainable poorly planned high density population growth with high increase in vehicles with same high density population in a valley which traps polluted air. You are seriously degrading people's health and quality of life, literally destroying all the positive attributes and reasons people have for decades pursued Boulder. When is enough high density and low income housing enough????

- Breweries; Certain types of training/schools such as trade schools - welding, blacksmithing, glassblowing and related businesses. Small scale services, such as grocery, food & beverages, targeted to serve workers at industrial businesses are desirable to limit commuting.
- Let the city CITY. People over prudish regs.
- private schools. There are very few places where private schools can go, including pre schools, day care, elementary and high school uses. They are complementary to industrial and would also provide school options near employment. Museums should be allowed and performing arts in Industrial.
- A school might be fine as long as the industrial uses nearby do not increase health risks of children due to pollution exposure or heavy vehicle/truck traffic near the school
- Any clean business
- INDUSTRY. "economic activity concerned with the processing of raw materials and manufacture of goods in factories."
- This area need more restaurants, many have been driven out and replaced by dentists or financial advisors.
- Any healthcare (vet, chiro, PT, etc)
- Manufacturing, Fabrication, and Design
- All of the above, except schools of any type for kids under 16. Vocational 16 and above should be allowed anywhere in these zones
- government offices (such as for fingerprinting, etc) would also be a good fit
- Repair shops, like car repair; natural food companies; small and medium sized manufacturers; and artist workshops, especially for sculptors, printmakers, and painters who work on a large scale should be the focus of industrial zones. Special consideration should be given to smaller, local businesses. The wealthy IT and Biomed companies and real estate firms that specialize in those industries are buying everything for their offices. This is driving up rents beyond the means of many existing local companies. Limit restaurants and bars so the Industrial zone does not become a major hospitality center.

Q5: DO YOU HAVE ANY OTHER COMMENTS YOU WOULD LIKE TO ADD?

The final question was open-ended for additional comments. The comments generally aligned with the following categories of topics. See the table below for the full responses.

- Residential
- Retail
- Subcommunity planning
- General
- Industrial Businesses
- Research and development
- Mixed Use
- Redevelopment
- Property values
- Schools
- Office
-
- Transportation
- Height
-
- Restaurants
- Airport
-

Category	Comment
Schools	With housing you need supporting services like Schools, daycare and restaurants. Private and parochial schools and pre-schools are desperate for affordable space, IG zone fits that. Publicity schools do not have the funding to do small neighborhood schools, independent schools fill that walkable and small gap.
Mixed Use	MIX USE SPACES ARE THE MOST INTERESTING AND BEST PLACES TO LIVE.
Schools	As public schools are allowed (with review) in IG zoning, so should independent/private schools be allowed. These schools are far smaller than public schools and fill an educational gap for students with learning differences or other issues that keep them from thriving in a larger school environment. Allowing these schools in IG zones, especially in places where they will be near housing and retail helps create walkable, cohesive neighborhoods.
Residential	I generally support allowing residential uses everywhere, but with industrial zoning, I think it should only be allowed as accessory to an industrial use. There is such a demand for housing that I could see apartments and condos taking over industrial zoned areas. Let's allow more residential units to be added in residential areas (ADUs, duplexes, etc). We need industrial areas! Functional, full service towns need places where cars can get repaired, inexpensive (or less expensive) manufacturing can happen, where lawn and tree service companies can store their trucks, and for warehousing. And places with less redevelopment potential will hopefully put some downward pressure on rents. I think there are other uses listed in the previous question that should be allowed as an accessory use as well such as retail, coffee shops, and restaurants.
Height	Do not allow development to exceed existing height limits no matter what the “community benefit” is. The people voted on the height limits and staff or Council should not be finding ways around them. Otherwise it seems like a breach of trust by our elected and appointed officials.
Schools	We should allow private schools because they do provide support services to potential housing in iG zones and make neighborhoods walkable.
Property Values	Please protect property values in established single family neighbors through maintenance of existing zoning. Please protect the existing property values of city property owners who pay the bulk of our taxes.

Attachment E - Public Questionnaire Response Summary

	<p>Where is the city council and Boulder Valley Comprehensive Planning council's responsibility to these mainstream single family property residents who pay the majority of city taxes versus others who wish to be and have never paid to be residents here and think they are entitled and demand to live here without equally saving and paying to live here. If you continually abuse this tax base you will and are steadily losing it.</p> <p>Invite you to survey this key owner population's needs and input not just survey your BVC plan goals which a very large part of the existing population is not in alignment with. Let's start supporting tax paying residents who have earned their place in Boulder.</p>
Residential Schools	<p>Housing in the different zones cuts down on commutes, traffic, and air pollution. Independent schools support housing and fill a neighborhood size school gap that public schools can't. Independent schools should be allowed anywhere public schools are allowed.</p>
Research & Development Restaurants Height	<p>Often I feel an undercurrent in Boulder zoning discussions where it seems like everything needs to be "cool." There are a lot of land uses that aren't cool or beautiful looking, but necessary to support the functioning of a city, like warehouses, industrial kitchens, and auto mechanics. Industrial areas should be retained for uses like these.</p> <p>As well, industrial areas are the appropriate place for the university start-ups that need lab space, like in the biotech, space, optics, and clean energy sectors. These have a greater chance of success when they're able to be near the university to use its shared facilities (eg, cleanroom, microscopes), rather than needing to locate in surrounding cities.</p> <p>I'm for allowing restaurants and coffee shops to serve the people who work in the industrial areas.</p> <p>Finally, these would be good areas to allow taller buildings than Boulder has traditionally.</p>
Residential	<p>I support very flexible zoning to allow people to live-work-play close to their homes, regardless of their type of work or income level. "Industrial" areas do not have to be dirty and dangerous if well designed. Creating desirable, yet lower income housing near some, and certain types, of industrial uses might help alleviate some in-commuting.</p>
Mixed Use General	<p>More mixed. Upzone 1-3 blocks into adjacent from all existing mixed or commercial districts. BAN downzoning. Get a move on with it, we're the least progressive "progressive" city in the world. Come on Karl! Push!</p> <p>Cheers Nick Fiore</p>
Residential	<p>We simply need more housing, preferably close to mass transit and walk-able. Measuring existing conditions of noise and air quality should be performed to determine places that may be inappropriate for housing and certain businesses. Once housing is built enforce no increase in noise, air pollutants, etc.</p>
Research and Development Residential	<p>The city should evolve to a number of reasonably self contained neighborhoods, each with mix of uses, with a walkable center connected to other neighborhoods by frequent transit. "Industrial" no longer conjures up heavy manufacturing nor offensive processing, much of which is off-shore anyway, so housing is not an inappropriate neighbor. High paying industries in the biotech or IT sectors should be given preference over simple warehouse space, as the latter is already migrating to regional facilities near airports and interstate highways. (Tech workers are better able to afford the expensive housing market skewed by a half century of growth limits). Finally, housing for the missing middle,— attached</p>

Attachment E - Public Questionnaire Response Summary

	duplexes, tri and 4 plexus, cottage courts, low rise apartments etc— should not only be encouraged in industrial zones, but also be retrofitted into existing monolithic single family districts.
Redevelopment	There are already A LOT of structures that are already up and not being used around town and in the county. Why build more?? USE WHAT WE HAVE FIRST. I'm always stunned at the city's virtue signaling about caring for the environment while allowing the destruction of perfectly good structures just to rebuild (why not just modify and upgrade?). What a waste of resources! Let's use what we've got!!! And, please do not cover another single blade of grass with concrete. Thank you!!
Schools	we should allow private schools because they do provide support devices to potential housing in iG zones and make neighborhoods walkable
Mixed Use	I think most of these uses (with the exception of software engineering of larger office spaces) should be allowed and would create more 15 minute neighborhoods within the industrial zones. Use review and zoning prevents many great neighborhood and business serving retail, non profit and commercial uses from opening in industrial areas, which makes them auto focused and single user driven. I have a lot of experience with Use Reviews (museum, hemp extraction, private school, gym) in Industrial and I would love to share some of the challenges and discuss ways to create more opportunity to mix in uses in our industrial zones. danica@trestlestrategy.com
General	Making a neighborhood comfortable is more important than controlling every usage.
Residential	- given the housing shortage, I think allowing more housing to be built near boulder's low- nuisance industry should be a high priority. - Updates should consider a holistic view of housing and land use; I think specifically about housing and parking. In general, we should seek plans where workers can live near their workplace (assuming that workplace is relative not nuisance creating - compare an aerospace contractor vs an oil refinery). Boulder mostly lacks the latter outside of waste disposal industries.
General	There should not be limits to how land is used, let the market decide. Give humans the freedom to live, work, and start businesses where it makes sense for them.
Transportation Residential	I'm very lucky to have a good engineering job in one of Boulder's industrial zones. I can bike to work and there are lunch options within biking (but not walking) distance. Getting the cars off the road and out of the city is my biggest concern. We just dont have room for them. Higher density, walkability, and bikability should be our primary goals. Industrial zones provide jobs and services we need more. We need to bring down the cost of housing by increasing the supply. But that housing has to be livable and that means mixed use w/ transit and w/o cars.
General	Are we trying to fix 21st century problems with 20th century solutions?
Residential Mixed Use	In general, my feeling is uses should be ones that minimally displace industrial uses (such as upper-floor housing that allows for parking shared with workplaces), or that are small-scale services/retailers complementary to the industrial uses (either services for employees, such as coffee shops and lunch places, or services for businesses, such as accountants and lawyers).
Residential Mixed Use Restaurants	So I want to make sure industry is important in Boulder, because it's one way to generate jobs. If everything is residential but no economy, then how can anyone live here with money? The reason I say I support residential in industrial areas is because I am thinking of the location between Valmont, 30th street, and the railway. That area represents a beautifully mixed use area for workshops, businesses, and residential, all of which work in

<p>Retail</p>	<p>perfect harmony there, as far as I can tell. If we can replicate that in the other industrial areas, where they are mixed use, using industrial and residential and finding the appropriate industrial businesses within residential, then I would say it would work out perfectly.</p> <p>Additionally I listed restaurants and coffee shops as potential businesses in these districts. Allow me to explain. If we add a lot of residential in addition to adding more industrial businesses, then it seems befitting that we also add some amount of local stores for the local dwellers. People need to eat lunch right? Say you forget to take a lunch with you to the workshop, and let us say that you walk over to work, because you happen to live in this district, where are you gonna get lunch? You walked to work, so no car trips, and a walking over to another the nearest restaurant would just eat up your lunch break. But a local sandwich shop or coffee shop only a block away? I'd take advantage of that. And if you have residential, that means those restaurants can stay open for reasonable hours with local customers and families who don't have to drive and cause traffic just to get to the 28 29 30 street district.</p> <p>I also selected grocery store, but I'm thinking more like a mini-grocery store, one that has all the basic essentials of any King Soopers or Safeway, but on a smaller scale, something that local residents can walk to buy an emergency food item, and walk on right back. Benefits? A de-clogging of all the other grocery stores, making the others less crowded and less overfull. I saw these in Ireland and found them very helpful when I needed a small emergency meal. I know I would totally use one if such a thing existed near where I live.</p> <p>As for question 3, I hesitated to mark residential for location to major streets: the reason I hesitated to mark that is because I think that businesses should be along major streets rather than housing so as to foster commercial development and community. But maybe I misunderstood what that statement meant. I put down continuity to residential parks, if applicable, and I put down the idea that maybe some of the residential added should cater exclusively to those who will work in the specific industrial district. If some of the residents in some of the new residential don't work in the residential district, then those residential should be located near public transit areas in order to help facilitate ease of transportation. It would save a lot of traffic on main streets (i.e. someone living on other side of Boulder or worse one of the outlining suburbs, causing all the local Boulder residents to suffer with more congested traffic headaches).</p> <p>This only works if you reduce the amount of required parking while also making the location accessible to public transit. I'm not saying get rid of all the parking; I'm saying make parking minimal if applicable, otherwise you waste space. As long as the new industry, and ideally residential with some commercial, I think we have the potential into increase Boulder's economic input and output as well as it's community.</p> <p>Now this could be me idealizing a situation. This situation only works if the area and industrial businesses truly lend themselves to such a makeup. If the city can craft such a makeup, then I think it can work. All I ask is that the city not waste space. If planned and designed efficiently it might create a part of Boulder that truly thrives economically and takes on a unique life of its own.</p> <p>This is of course my ideal, and I doubt everyone shares it. And who knows, it might not</p>
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Attachment E - Public Questionnaire Response Summary

	even be perfect, but maybe some of what I share may help the city grow in a positive direction, even if only some of my answers end up as a mix. I hope my contribution to this survey as a Boulder resident may be of great service to the Boulder government. Thank you.
General Residential	Could we please prioritize just letting the market dictate what we need? Other cities have industrial space that is used by artists or designers to make live/work spaces, or evolving areas that are creatively repurposed into unique spaces. That is what makes a real, and an interesting, place to be. It's really hard to find any genuinely interesting places in Boulder since all the city seems to care about is letting space be repurposed for affordable housing.
Airport	The airport property should be considered. We don't need it, it makes no money, it's not used in emergencies and it's a huge noise and air polluter.
Transportation	Make parking maximums and apply to all developments, new and old. Way too much empty paved space in Boulder.
Residential	We need to stop limiting housing. let people decide if they are willing to live next to industrial businesses.
Residential	Boulder has far too much in incentivization of new high-wage tech and industrial development. This is precisely what is driving the lack of affordable housing in Boulder and the unsustainable pressure on and overuse of Open Space lands. It is ruining our City. Stop it!!!
Subcommunity Planning	relying on the sub -community plan is important. Not all areas are the same. North Boulder's Art district is different than industrial space in Gunbarrel. It always needs to be a suggested list that could be changed in the future
Residential	There are areas where housing could be added that don't interfere with views. For example, all the storage areas on East Arapahoe could be turned into housing.
Residential	Yes, use the airport property for housing.
Airport	
Residential	I'm against building rental housing in industrialized zones where this housing will be effected by light and noise pollution or possibly even exposure to contaminants.
General	What about capping or lowering enrollment at CU Boulder
Residential	Affordability would be a big topic to consider in the addition of residential space for the local community.
Office	Any professional office should have the ability to set up in an industrial area if they so choose - it's just not usually a choice professionals like lawyers and architects usually make
Residential	You run into trouble when you start mixing noisy industry with housing. Be careful .
Restaurants	Please promote more restaurants etc. The armory changes were a huge let down. We have no grocery stores etc.
Transportation	Allow building owners to have less parking and more space for their operations.
Residential	The most important issue is housing density. Some recent projects, like the one in front of Celestial Seasonings, is far too dense.
Industrial Businesses	We are currently in Gunbarrel but need a little more ceiling height and cannot find a new space in Boulder County to move to so we are being forced out which is frustrating as we are a local small business and would like to be able to continue to work in Boulder vs having to commute as we will have to do starting next year. Boulder needs more accessible flex space / warehouse space available for local businesses like us to continue to grow

Attachment E - Public Questionnaire Response Summary

	without having to move out to the I25 corridor or Denver. Honestly it's been extremely frustrating.
Redevelopment	My main concern is losing our current commercial space. We are in a building that needs to be demolished, yet many small businesses in our building would have no place to go. I want to find a path where our businesses can be part of the redevelopment conversation and have assurance that we can maintain our businesses at our same location, where many of us have been for over 30 years.
Retail	we need a large grocery store in north boulder. It is ridiculous to keep adding housing and forcing residents to go to 28th and Iris, contributing to bad traffic. Lucky's Market is insufficient to serve northwest boulder. I would like to see a Safeway-type market in an industrial area in NW Boulder
Residential	Housing above light industrial buildings should be considered as a mixed-use option given the lack of space in Boulder...we need to get creative. Industrial should be considered primary use with added residential (i.e. on top floors) as a best way to use space and make housing and entire projects viable.
Industrial Businesses	Its nice that we do have some industry in Boulder and I'd like to see it remain.
Residential	The Work - housing imbalance should favor more hoisting , mixed use in these industrial zones. Any new industry of say 250 or more (tbd) should be required to build or pay for housing , or subsidize housing development as part of the business permitting. Have we not learned the impact that 1500 highly paid google employees have had on housing stock prices in town
Housing Office Retail Restaurant Industrial Businesses	I would oppose adding housing near any manufacturing or repair shops that emit unpleasant odors or noise. Office space for business unrelated to manufacturing should be seriously limited or our Industrial zones will be overtaken completely by overpriced office parks. Any retailers or hospitality businesses should be limited to small establishments that would serve workers employed in the Industrial zone or people living in the housing that has been approved for construction. Landlords and developers will target the most lucrative audience and price rents accordingly. This will continue to squeeze out the smaller, local industrial businesses. INDUSTRIAL ZONES SHOULD SERVE INDUSTRIAL BUSINESSES FIRST AND FOREMOST.
Residential	Many industrial uses create noise and smell that would not be well tolerated by residential neighbors. This conflict should be avoided by ensuring there is low-cost industrial space for those small businesses and artist workshops that exist because they *cannot* work in the garages/basements of residential areas.
Residential	We need to create opportunities to blend Industrial with Residential. Where there was a clear divide previously, the need to integrate the two is becoming important to supporting housing opportunities and create more accessory use option for IG businesses to grow their revenue.
Residential	I'm encouraged that housing is being considered for an approved use in this zone. Truly, residential should be allowed in all zones so that we have a better chance of meeting our housing needs. ADU's and tiny homes should be allowed as well.
Industrial Businesses	Please, no more self storage.

Use Table Public Working Group Meeting Notes

8/8/2022, 4 – 5:30 pm

Attendees

David Takahashi

David Ensign

Susan Winter

Lisa Spalding

Jonathan Singer

Sarah Silver

Kurt Nordback

Kari Palazzari

Devin Edgley

Crystal Gray

Peter Aweida

Lynn Segal

Nick Hartman

Introductions

Staff Presentation: Use Table Project Background and Intro to Module One

- Chat question: Are the results of the public input available for us to review? The original input is helpful because summaries can miss important information.
- Chat question: When will Municode be updated with the user friendly changes to the table?

Potential Gaps

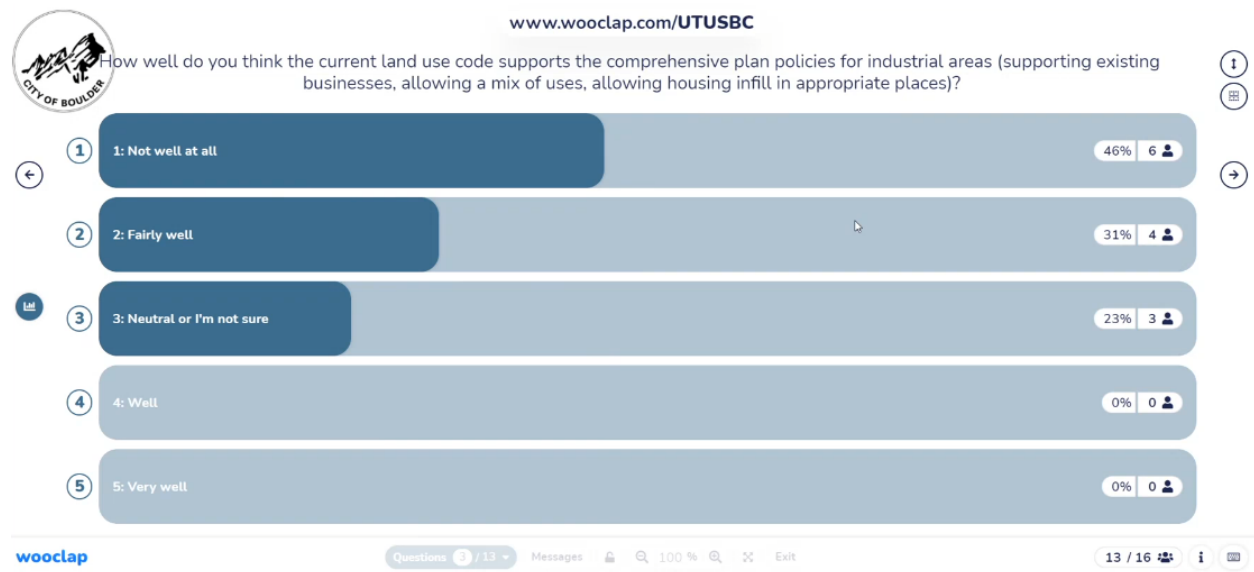
- What was the rationale for prohibiting restaurants on major streets in industrial districts?
- Is there some kind of standard guidance around what types of considerations would trigger a use review? What questions do you ask to determine what needs to go to a use review level? Is there a rubric? Thinking about theater uses in particular which are allowed in limited space, what is the rationale is it the concern about parking or traffic?
- What is an appropriate use for the September School – maybe a theater should be there as a central driving theater area since parking is less relevant right downtown and having to deal with parking issues. Can't have a theater for every 15 minute space in the city. However this property is being used for drug rehab facility. Would rather have a public common use, used to be a school.
- Chat comment: I think another gap might be protecting adequate industrial areas. (finding the right balance).
- Chat comment: In terms of 15 minute neighborhoods, a case could be made that a multi-use space that can be used for various purposes at flexible times. So the use is adaptable depending on time of day or season.

Contiguity

- Previous Planning Board subcommittee meetings didn't focus much on industrial because the East Boulder Subcommunity Plan was going to be done. How will all the work in the subcommunity plan come into play in this project?
- Chat comment: The industrial zone was originally segregated because of excessive noise, or offensive by products...is this still a concern in our locality?

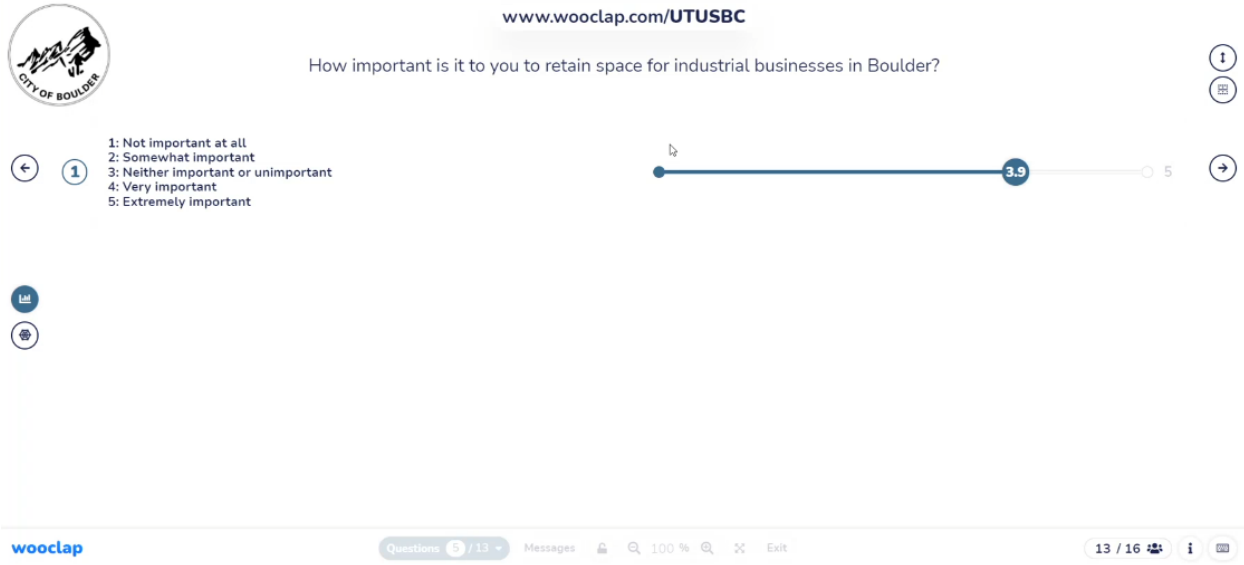
Interactive Polling

How well do you think the current land use code supports the comprehensive plan policies for industrial areas (supporting existing businesses, allowing a mix of uses, allowing housing infill in appropriate places)?



- The code does a “fairly well” job, but the question is how is the code applied and is it equitably or consistently.

How important is it to you to retain space for industrial business in Boulder?



- We are talking about industrial businesses as defined in the code or the colloquial understanding of industrial uses?
- Industrial uses vary so much it is hard to talk about whether it is manufacturing or R&D, technical office or administrative office, that may be partly confusing the answers on this.
- The answer might change based on whether people want to retain manufacturing uses versus offices or R&D areas, that could change people's opinions on that.
- Software engineering is industrial zone but that isn't what I would consider or most people would consider an industrial function.
- I would separate office space from the rest of industrial uses.

How much do you agree with the following statement? Housing should be allowed in industrial areas.

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How much do you agree with the following statement? Housing should be allowed in industrial areas.

1= Strongly Disagree
2= Disagree
3= Neutral
4= Agree
5= Strongly Agree

3.6

wooclap Questions 7 / 13 Messages 100% 12 / 16

- Only caveat to me – west of 55th, Roche is one of most polluted areas in the state. I think differentiating that – study the site’s history. Office uses areas might be more appropriate to transition than those that have been heavier manufacturing.
- For EBSP, we understood that manufacturing with pollution might not be the best use right next to residential land, may want some buffers of light industrial. They shouldn’t be directly next to each other, some sort of transition. In general I’m supportive of residential in industrial, but not next to manufacturing facilities.
- One important issue with housing in industrial is that if it is not really targeted, developers will build whatever they can make the most money on. If it’s housing, they’re going to build a bunch of housing and squeeze out the industrial. If it’s industrial, there won’t be much for housing.
- I was thinking about the mess in regular residential mixed in with university residential. Used to be a position with university liaison to balance the issues. They got rid of the position. If you mix things too much, this is what influenced me leaning towards disagree, are you now needing a liaison to balance the needs of these very different type of use groups.
- Regarding arts uses, it is really beneficial to live close to their studios, and their studios are often in industrial areas. When we talk about proximity or 15-minute walk, I think that is one use where it is really helpful to have them close by. Also thinking about how many amazing loft properties are created from industrial sites, probably needs rezoning, but to think about equity and affordability for housing in industrial areas. It might create a better mix of affordability.
- I want to see a tradeoffs balance with regards with industrial being kept in the community versus being exported. There’s a carbon footprint with Amazon having a big footprint way out there. My daughter is a welder, large scale woodworking projects, might cause some noise or toxicity, there could be an element of industrial within the art, but there’s an embedded value in having the art.

And having the immediate cultural value of art. I'd want to know if industrial and residential, it's a matter of population management – reduce the residential to allow the industrial to be there because it does have a value, a carbon footprint value, and then the population should be managed to a lower population.

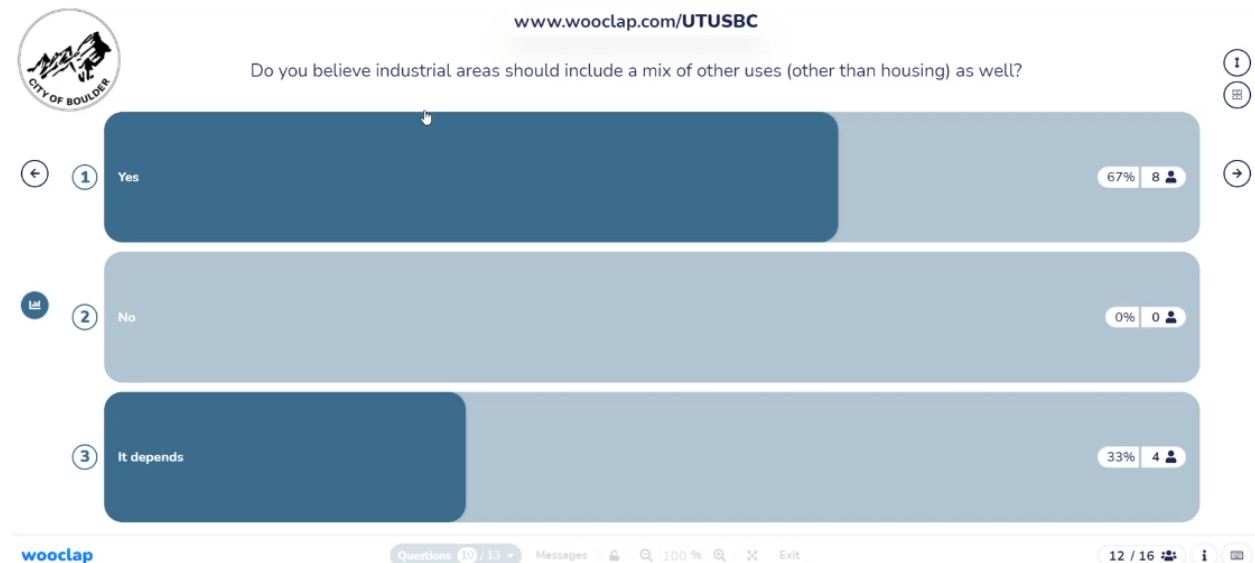
- Large warehouse manufacturing is the kind of industrial I was thinking about, I have friends in North Boulder in live-work and I think that is actually fantastic, not an issue with that kind of industrial.
- Chat comment: Is there anything more walkable than being able to walk to work?
- Chat comment: I think good adaptations of industrial uses that added residential uses in Boulder have been the Steel Yards neighborhood and the new Spark neighborhood

If housing is allowed, how should the city determine which sites are appropriate for housing in industrial areas? (Select all that apply)



- How to ensure safety for both the residents and industrial workers alike.
- Chat comment: when you mix residential and industrial, and the streets they use, safety is a big concern

Do you believe industrial areas should include a mix of other uses (other than housing) as well?



- It depends, because it goes back to how we decide where it can go. I think the subcommunity planning process would be my priority for how we do this, so that over time what is created is cohesive and coherent from a planning perspective. So it depends on how we make these decisions.
- One thing too is you have to look at rents, if you have a bunch of successful bars and restaurants that will make more money for a landlord, so there are a lot of financial things you have to pay attention to if you don't want to squeeze out industrial uses.
- Why is industrial separate from all other kinds of housing in the first place? Why is there this big change? It's basically a turf war. Now because there is a higher demand for housing due to population growth.
- Chat comment: Does multi-use lower VMT?
- Chat comment: Including and excluding populations is a slippery slope.

How important is it to you to keep professional offices (lawyers, realtors, accountants, counselors, etc) out of industrial districts?

www.wooclap.com/UTUSBC

How important is it to you to keep professional offices (lawyers, realtors, accountants, counselors, etc) out of industrial districts?

1: Not important at all
2: Not very important
3: Neither important or unimportant
4: Very important
5: Extremely important

2.5

wooclap Questions 12 / 13 + Messages 100 % Exit 12 / 16

- Same debate is that this is a turf war between industrial and residential and having a 15-minute neighborhood so you can have your lawyer and your realtor and accountant near you, the human use, versus the industrial use. Why not throw the industrial use out because you'll have carbon footprint.
- People react lukewarm to those types of uses because we have a lot of BC opportunities in the city. These may not represent the highest priority uses to have nearby. It gets tricky, I can see cases where it might be nice but we know that in our mixed use areas we have a lot of professional office space. We're not hankering to expand on this in industrial areas.
- It's not like it's an amenity to the common folks that would be living around there.
- If you think about an accountant, for example, it definitely is an amenity to the small businesses that would be there. There is some symbiosis that might be there.
- Something that stuck out to me are counselors, lots of private practices. So if people might also be using this for their living space and business. There's a fine line between industrial and small business use.
- Live-work situations that offer these kind of office uses would be really interesting. Maybe its more like size and situational.
- If your population is out of control like it is as I believe in Boulder, then there will be more professional offices that need space and will compete for industrial space more. If you don't constrain the whole system then you will have elements of it competing.
- I'm curious about how mixing uses impacts affordability. We may have a lot of BC zoning, but are those typically in areas that are more expensive per square foot. Industrial zones tend to be more affordable, so if we're trying to expand equity and thinking about land use as one tool. It seems that

land use has a big impact on affordability. If there's more mixing, does it make everything more or less expensive.

- Over time, all of this land will be at a premium. It's an illusion that it's cheaper now.
- Chat comment: Please send the slides around...that would be helpful for review...
- Chat comment: please do include more financial projections. seems super important.
- Chat comment: Super exciting subject, woohoo!

Use Table Public Working Group Meeting Notes

10/6/2022, 4 – 5:30 pm

Attendees

Lisa Spalding

Kari Palazzari

Eaton Scripps

Kurt Nordback

Susan Winter

Sally Eckert

Lynn Segal

Sarah Silver

Danica Powell

David Ensign

Devin Edgley

Rosie Fivian

Jonathan Singer

Stephen Eckert

Introductions

Public Engagement Questionnaire Overview

- Some of the business types you mentioned are not currently allowed in industrial areas, but I think some of those businesses already are in industrial areas. Is there a rule right now that dance studios and theaters aren't allowed, because these are already there? Boulder Dinner Theater, plumbing supply examples.

Summary of Proposed Changes

Residential

- If the comprehensive plan already says that residential is appropriate in IG, it seems that requiring a use review is adding a layer of complexity that doesn't need to be there. Is there a way to have default standards so there is a staff-level review for residential in IG? My other concern is there is no IG zoning in NoBo – but also no big parcels in NoBo. So if you're thinking about proximity, there is already housing close to the industrial businesses there, so if they're working in those industrial businesses they could live close by and there is affordable housing.
- If we're adding this zone I'm not sure how we would already require a use review. I don't know why if we're saying this should be allowed, it wouldn't be allowed by-right. I'm coming at that from an affordable housing perspective – we have tremendous costs just for the review process, not even the building permit. It's the same thing here, if we are going to simplify why wouldn't we really simplify it.
- We looked at the on-site affordable housing project in Gunbarrel that was very controversial in IM, but we're now shutting the door at any potential places in IM district by removing contiguity. Concerned that when we spend a lot of time, understanding it was controversial, we will make that so quickly nonconforming. You feel the comp plan is pretty prescriptive about that? Was there any look at any other places where this is actually a nice place for residential in IM zones that we are

shutting off from any affordable housing opportunities? Worth shining a light on this. We are making a pretty hard barrier for some potential sites. That site was chosen because contiguous to lots of residential and didn't seem to have any defined pathway for additional industrial. So there were reasons it was targeted, I want to make sure we don't push ourselves into a spot where we can't take advantage of future opportunities.

- If residential is allowed in IS now, why would we limit ourselves now? When we preserve one thing we say no to something out. If it is allowed now, why step backwards.
- I generally agree about not removing residential. Industrial is changing, seeing a lot of research and development. Continuing to allow residential, should be allowed in IS and IM, think about scale, maybe only in a mixed use building. WE need to be honest about what the market is doing. Live-work in IS might be a great solution – blended mix, not large condos or limited affordable housing. Wouldn't want to close the door on it. I also wonder about the subcommunity plans – they are really old or don't exist. Looking for guidance from those feels scary to me, don't have those, especially for industrial areas. Short of NoBo and EBSP, we don't have great subcommunity plans that would guide us on how to apply residential. That bullet point makes me nervous because I don't think all subcommunity plans say appropriate places for residential. I like the idea for mixed use, otherwise we would get singular monolith uses. I don't mind the contiguity requirement or a 15 minute walk to grocery store or something that would give us more contemporary guidance.
- The market will drive this, but that is why we have zoning. If we let the market run everything we would probably have all residential in some of these areas. So I really think it's a good idea to keep IS and IM without residential. There are some people who think that way, people that aren't tied to development. What we need, not what the market wants.
- I agree.
- Concern about removing contiguity rule, if you don't have an adopted subcommunity plan and remove contiguity requirement, then all of this goes out the window because return on investment for residential is higher than an industrial space. We have to have some kind of mechanism that either keeps contiguity rule in place until we get subcommunity plan, or something else that steps in so that the market doesn't overtake the use table update changes.
- In the handout it says that housing should play a subordinate role and not displace existing businesses, which I totally agree with, but usually when we're talking about uses, we're talking about the actual use, not tenants. How would we even implement that? Second it says housing should be allowed in certain locations, like along collector streets, exposes residents to more noise, dust, so not totally on board with that criterion.
- Chat comment: Does the BVCP say that housing shouldn't be allowed in IS & IM, or does it *not* say it should be allowed (as it does for IG)?
 - Staff chat response: The BVCP implies that IG would be the appropriate zone for residential, but does not explicitly say not allowed in IS and IM. However, we are trying to consider the guidance to also preserve existing industrial uses, which is informing the changes to not permit residential in IS and IM.

- Chat comment: What happens if there isn't a complete subcommunity plan? Will the contiguity requirement still be in place until a subc plan is completed?
 - Staff chat response: Residential would then not be permitted in areas that are not anticipated for residential by a Plan. This would be another tool at protecting industrial uses unlike how the regulations are set up now.
- Chat comment: Why A use review if it's in line with the comp plan- Already being proposed in that I zone?
 - Staff chat response: Use Review is required in any instance where there are potential impacts from or on the use.
- Chat comment: what are examples of business in IS again? what other service-type industries are also examples
 - Staff chat response: IS is intended to include service industrial uses like automotive repair etc.
- Chat comment: Following up on Sarah's question, I wonder if there could be other default guidelines that would describe where housing can occur in the absence of a subcommunity plan
 - Staff chat response: Another thing to consider is that there will also eventually be targeted rezonings to rezone areas to new zones in the industrial areas which would permit more residential in line with the East Boulder Subcommunity Plan.
- Chat comment: I do have questions about the subcommunity plan requirement
- Chat comment: If housing is allowed in IS now, why would we want to eliminate it?
- Chat comment: With this proposal, would the Gunbarrel Celestial Seasonings residential project have been impossible? It is IG with residential contiguity...
 - Yes. That is an example of one project that would become nonconforming if these changes were to pass. Again, all of this is a balance of allowing residential and removing some unnecessary barriers while also protecting industrial uses.
- Chat comment: This is a great article using Denver's Taxi as an example
<https://www.sightline.org/2018/05/08/are-outdated-notions-of-industrial-areas-hiding-a-giant-housing-opportunity/>
- Chat comment: Make an exception for affordable housing.
- Chat comment: If you allow residential in IM you will have more controversy and even less space for industrial.
- Chat comment: I agree with reconsidering the prohibition on residential in IS & IM
- Chat comment: Totally against reconsidering IS and IM for residential.
- Chat comment: affordable housing should be considered not muti million condo
- Chat comment: Looking at the zoning map, the IS & IM zones look like they are typically adjacent to IG, so if residential is allowed only in IG it seems like the housing would be close in proximity to IS & IM without compromising the supply of IS & IM space.
- Chat comment: I agree. I just looked at what zone my friend's live/work condo building is in NOBO, and it's IS.

- Chat comment: Gunbarrel's subcommunity plan wouldn't cover a lot of the industrial as I recall...
- Chat comment: We need to have a stop gap between old subc plans (or lack thereof) and getting rid of contiguity. You have to have SOMETHING to protect industrial from the higher ROI of residential.
- Chat comment: the type of industrial is rapidly changing faster than residential
- Chat comment: I would like to see a use review for residential in IM (and perhaps IS) with criteria like proximity to compatible uses like retail and parks/open space, especially when replacing existing parking lots
- Chat comment: Agree with Danica-it is what financially preserved the industrial in the article I shared
- Chat comment: that means extra money for stairs etc.
- Chat comment: I would echo Kurt's comment. If the 1/6 contiguity is seen as problematic, should we really replace it with a total ban?
- Chat comment: I agree with Kurt.
- Chat comment: I'm wondering if some of these issues should be teed up for changes in the next update of the BVCP, rather than trying to reflect everything that's in the current BVCP even if it doesn't seem fully consistent with the current direction of the community
- Chat comment: I think the Limelight property is the Uni convention center. but I may have missed something ;-)

Office

- Office and IG – Thinking of area east of 30th Street. What is there right now is combination of 2-3 story office building and industrial services. By requiring office above ground floor in IG, you will have a fair amount of nonconforming uses. It seems like a radical change from what is there and not necessarily a useful change. I am trying to understand the value of changing that. That is a low density industrial area that is heavily utilized and isn't gigantic manufacturing plants or biopharma that everyone is building now. Worry about losing that kind of area.
- Comparing this with the survey respondents and what they would like to see. While I do like that you're simplifying language, I'm wondering if some of the businesses that are ranked as not most appealing could use this language in their favor. From a business perspective, you wouldn't want offices and businesses to move into an area where people are not interested in having it there. From a residential perspective you don't want a bunch of different types of offices that fall under one category moving in and making residents unhappy. I like the simplicity, but worry that it might not end well.
- In industrial zones, they should have to be relevant to the industrial work that is going on. I thought this was a really creative solution. You don't need to have a therapist office in an industrial zone, lots of places in the city for those, and in conversation about whether to combine. Struggling with these old definitions but this solution does enhance and support the industrial uses. Not sure how to define, but thought that was a good way to go.

- I think having smaller offices in industrial zones is really important, if you went out and looked now you would find a lot of small offices, like nonprofits, they are by definition professional office. I think allowing some professional office in industrial is good, limiting is good, don't know if that's the right size but I happen to know a lot of areas in town where a lot of nonprofits small business, therapists are in the industrial zones. I think this is good, 15-minute neighborhoods, you can work and walk. And don't want to have head in the sand that this isn't where these businesses already are. It's affordable and more flexible buildings that you can chop up. I like the idea that can allow some of that office and limiting some of the uses.
- In the IG and IM, what would the offices be above? If above industrial, that is really hard. Do you mean manufacturing? Research and development. That is a tough land use module to have offices above. We want to understand the typology of having residential above. I don't know what we're trying to achieve there – not sure it is making a pedestrian environment. Offices might be a more pedestrian-friendly. Think about how a building will lay out.
- Question about nonconforming flexibility. When a property sells, does it retain that nonconforming use if they don't change the building? Is there a percentage of the building that would come down before losing their nonconforming rights? If they tear the building down, they lose that nonconforming. What if they tear down half the building?
- There is a business in Gunbarrel that took over a whole warehouse, it's an advertising agency (actually in BT). There are buildings that take up huge amounts of space because they are the headquarters for the whole country. With so much dead space out there, do we really want to limit headquarter type spaces from taking over buildings that are doing nothing by restricting this? The 5,000 is really small in some districts. I don't know how big the square footage is for the ad agency but the ground floor limitation would really hamper headquarters of businesses.
- One project we saw in IG along the berm between Stazio, we noticed a lot of these IG spaces are not built out anywhere near their maximum allowed building allowance. But what that makes us nervous about is the jobs/housing imbalance and that's a very jobs-heavy proposal. So wondering if that's where that 50,000 was meant to address that imbalance and try to keep these smaller, but I know that if you built out the maximum industrial spaces there would be enormous amount of new jobs created but not housing.
- I don't think the subcommunity plans are going to meet the needs. My favorite janitorial supply store is all the way out in Gunbarrel now.
- Chat comment: I very much liked ML's suggestion that office in industrial would have to be related to the industrial uses. did that get shot down?
 - Staff chat response: We already allow accessory office to industrial uses. Most of the industrial zones allow what we today call Technical Office. The proposal would change many uses that we consider tech office to R&D and would permit traditional office, but with the limitations that Lisa will describe.
- Chat comment: Question about nonconforming flexibility

Retail

- Chat comment: Could it be a mixed business- like An art studio with retail gallery? This would not necessarily be a mixed use building.
 - Staff chat response: Accessory sales associated with art studios is already permitted in the I zones.
- Chat comment: Grocery stores? Bodegas? these are needed with residential

Restaurants

- Chat comment: Question about restaurants

Live-Work Units

- I have friends that live in live-work area in IM in North Boulder. Some actually run their business of then, and north of that is First Friday. Right now, are they allowed or not allowed in IM? Trying to understand what the rule is.
- Love the idea of expanding live-work and allowing in more districts. It is a bit of a grey box, and they are really important. I don't think they need to be connected, don't have to necessarily own or rent both. Create that really walkable environment and creates more affordable housing in a non-restrictive way.
- Chat comment: can people "sell" in the live /work
 - Staff chat response: If the live/work were to classify a secondary use as retail and such use is allowed in the zone, they could. If retail were allowed by use review, it would be considered on a case by case basis through Use Review.
- Chat comment: that makes it hard for a artist to make money to pay for the rent
- Chat comment: Is live work allowed in IS?
- Chat comment: live-work - me too
- Chat comment: Live/work done well creates really lovely street presence...really like to see us making progress on this

Private Schools

- Really encouraged that you would remove restriction for private schools. Maybe add parochial schools. Thinking about preschool, why wouldn't that be allowed in the same areas. Why have a use review when public schools are allowed by right? All schools are schools, allow by right. Economics can't provide a school, if we want to encourage schools why treat them differently.
- Allowing private schools in more places in the city is very important, work with many of these, serve incredibly important function, only really allowed in residential neighborhoods, causes stress on neighborhoods and they can't expand and all need to expand, and industrial area is good place to be. People can work and drop kids off in same location. Use review allows us to evaluate the impacts on both the school and industrial neighborhood. Private schools are really important in our community and they are very strapped.

- Chat comment: Why would private schools have to do a use review when Public schools are allowed by right?
- Chat comment: Would the private college allowance include CU?
 - Staff chat response: CU would not be considered a private college.
- Chat comment: why are private and public schools treated differently?
 - Staff chat response: Public schools already are permitted by-right by state and federal law and are generally exempt from city laws.
- Chat comment: would daycare also be allowed?
- Chat comment: Yes curious about what use review criteria would be for the private schools since public are allowed.
- Chat comment: Also we should add Parochial schools- as some code like the Liquor laws, separate Public/private/parochial
- Chat comment: Daycare seems like it should be allowed too. Vital to a vibrant working walkable neighborhood.
- Chat comment: agree on daycare
- Chat comment: If the feds & state allow public schools by right , why not allow private schools?
- Chat comment: But public schools are a different type of entity than a private school.
- Chat comment: I hope the use reviews for schools are not prohibitively expensive.

Art or Craft Studio

- The definition – artisan workshop is actually too broad. You could have artisan bakers, which starts to confuse the line. I guess one question I have is why change it from art or craft studio? Why impulse to change?
- Maybe just adding the word workshop would help clarify that, but I wouldn't change the word to artisan.
- Art or craft studio use includes commercial, but people asked about retail. Are artists allowed to sell things out of their studio by right or do they have separate thing to approve them to do that? Artists are doing that all over town now.
- Example of similar name change – California College of Arts and Crafts, got rid of “crafts”. This can be very broad, keeping it at “art” and workshop, some of this is manufacturing level stuff and needs a lot of space.
- Chat comment: artisan sounds like avocado toast now
- Chat comment: creative or creative space
- Chat comment: Maker/Artist studio and gallery
- Chat comment: Yes, Maker's Space is the trendy name now
- Chat comment: I liked Sally's recommendation of “creative space”...seems pretty encompassing.
- Chat comment: a couple additional thoughts re: "art and craft studio" definition - the term "maker space" has a fairly limited connotation in the field so it implies a fairly narrow type of use;

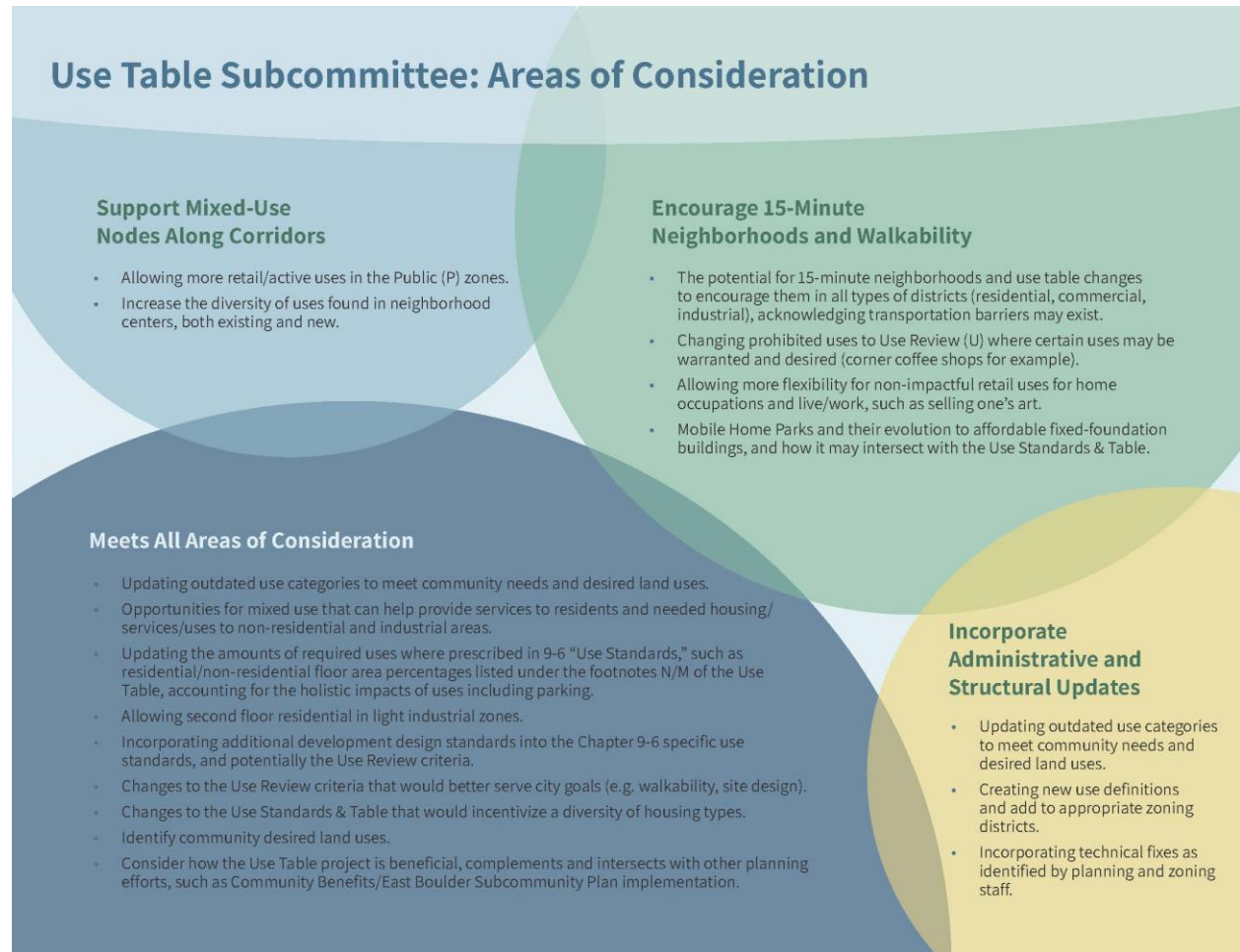
conversely "creative space" has an extremely wide connotation in the field, including things like software development, so probably isn't specific enough

- Chat comment: Thanks, Kari, that makes sense...I wasn't thinking about how expansive creative could be. :-)

General

- Chat comment: Wondering what the time line for these changes to take effect?
 - Staff chat response: If this stays on the current schedule and is adopted on the schedule time at City Council in December, the changes could go into effect in January 2023.
- Concern about September School, and how that is dealt with.
- Want to be sure to keep availability of industrial services easily accessible in Boulder.

Attachment G: Planning Board Subcommittee Guidance Modules Two and Three



Module Two: Industrial Areas

Live-Work Units

- Consider redefining live-work unit use; do not limit only to Industrial zoning districts, allow in DT and other zones; potentially make live-work units more flexible in industrial zones.
- Consider live-work units related to arts, creatives, and trades uses an allowed use to encourage live-work and preserve space for creative community.

Residential Uses in Industrial Districts

- The subcommittee did not reach a consensus on residential uses in industrial districts.
- Some members had concerns about residential uses pushing out industrial uses, raising property values, and forcing businesses out.

- Some members noted that current contiguity rules make it nearly impossible to propose residential uses in industrial districts and recommended making mixed use possible in these zones by relaxing the requirements, while also implementing other strategies to ensure that needed industrial uses are not priced out.
- Some members would not want to further limit or restrict residential uses in industrial districts.
- Some members recommended re-examining the contiguity provisions for residential development in industrial districts, and perhaps removing them if they are not helping.
- Members recommended looking to East Boulder Subcommunity Plan for direction on whether changes to the residential standards in industrial districts are necessary.
- Some members expressed concern that the use table project is not right tool to ensure appropriate residential in industrial zoning districts.

Industrial Uses in Mixed Use Zones

- Consider prohibiting manufacturing in the MU-4 zoning district.
- Consider allowing more limited service/low impact industrial uses in MU zones with appropriate restrictions and in sensible locations.

Industrial Uses in Downtown Zones

- Consider prohibiting cold storage locker in DT zones.
- Consider prohibiting equipment repair and rental with outdoor storage in DT zones.
- Consider allowing bike repair/sales in DT zones and other appropriate districts.

Breweries, Distilleries, and Wineries

- Rethink size limits for breweries, distilleries, wineries.

Restaurants

- Restaurant in industrial district standards could be more flexible.

Mobile Food Vehicles

- Consider changing conditional use standards for food trucks, relaxing distance requirements.

Retail Uses

- No changes to retail uses.

Schools

- Consider allowances for private schools.

Self-Service Storage Facility

- Consider changing self-storage facility from allowed to Use Review in the Industrial Service zones.

Public Participants in Planning Board Subcommittee

Planning Board Subcommittee meetings were open to the public and included public comment periods. The following summarizes comments related to Module Two work:

- Be careful about increasing restaurant and residential in industrial zoning districts as these may displace industrial uses.
- Should bring more of people's daily needs to the industrial areas, so people don't have to drive to get lunch.
- Enable arts and creative uses in industrial districts, but also need to protect industrial spaces.
- There is a need for general retail, office supply stores, smaller retail in industrial districts.

Module Three: Neighborhoods

General and Definitions

- Services and other uses are important for neighborhoods, such as walkable access to pharmacies and repair services.
- Revise live/work definition.
- Revise art or craft studio definition.
- Update personal services definition.

Mobile Food Vehicles

- Perhaps some allowance in residential districts is appropriate.
- Allow conditionally in Agricultural zoning districts.
- Reevaluate the standards in MU zones which may be overly stringent.
- Consider changing from prohibited to Use Review in Downtown zones, perhaps with locational standards.
- Consider changing from prohibited to use review or allowed with limitations in RL-2, RM-2, RM-1, RM-3 as small way to get mix of uses. Also conditionally allow in additional locations in RE, RR, RL-1.

Self-Service Storage Facilities

- Restrict more across city, should be discretionary review where permitted, or prohibited.

Neighborhood Business Center

- Look at this use closer, amend as necessary, use as framework.

Restaurants

- Rework and simplify restaurants across all zoning districts.
- Consider mandating a level of food service in restaurants in the Downtown zones considering impacts of solely bars.

Outdoor Entertainment

- Analyze outdoor entertainment uses, make more permissive for some uses like small public performance venues in BC and MU zones.

Business Community (BC) Zoning Districts

- Consider industrial/service types such as auto repair, bike shops, with limited size in BC zones.
- Reconsider allowing breweries, wineries, and commercial kitchens in BC zones, with limited size.
- Reconsider limitation in Appendix N areas that prevents transitional housing, group quarters, and similar residential uses from ground-floor by right. These could make sense in some scenarios. Consider allowing on ground floor.
- Consider making post offices exempt from ground floor and square footage limits in Appendix N BC zones.
- Provide more flexibility for residential uses in BC zoning districts – less restrictive on ground floor along major streets.
- Existing percentage limitations on nonresidential uses is okay as is.
- Retail sales size limits are okay as is.
- Consider prohibiting drive-thru uses or further restricting them. Consideration should also be given to ADA accessibility.

Downtown (DT) Zoning Districts

- Reconsider whether Custodial Care is appropriate in DT zones.
- Consider prohibiting Fraternities, Sororities, and Dormitories rather than Use Review, and potentially making dorms a separate use.
- Consider limiting boarding houses in DT-1, 2, and 3 to not along ground floors.
- Consider making Commercial Kitchens and Catering a prohibited use rather than Use Review, particularly DT-5. Likely not a neighborhood serving use.
- Consider adding standards for hotels/motels to limit potential for off-street parking in front of buildings in DT zones.
- Consider changing Mortuary and Funeral Chapel to prohibited use in DT-1, 2, and 3, consistent with other DT zones.
- Consider updating Fuel Service Stations and Fuel Sales from use or conditional use review to prohibited in the DT zoning districts.
- Consider changing Car Washes and Drive-Thru Uses from Use Review to a prohibited use in the DT zones.
- Consider changing Equipment Repair and Rental with Outdoor Storage from Use Review to prohibited in Downtown zones.
- Consider allowing bicycle repair and sales in downtown zones and elsewhere as appropriate.

Mixed Use (MU) Zoning Districts

- As offices have moved eastward away from central core, how can we fill these urban MU zones with active ground floor uses?
- Consider modifying MU-3 conditional use requirement for residential uses that mandate 20 feet of commercial on the ground floor, and allow for a use review when the specific conditions cannot be met, given concerns about vacant storefronts.
- Reconsider limitations for Efficiency Living Units in MU-3 since ELUs cannot be more than 40% of the residential mix.
- In MU-4, consider changing Custodial Care Facilities from prohibited to Use Review, consistent with other MU zones.
- In MU-3, consider prohibiting Fraternities, Sororities, and Dormitories. Potentially separate dorms.
- Support the square footage limitation for many of the dining and entertainment uses.
- In MU-1, 2, and 3, consider changing Museums from prohibited to either Use Review, or allowed up to a certain size, above which requires Use Review.
- Consider changing Indoor Amusement Establishment (Indoor Commercial Recreation) from prohibited to allowed with specific use standards, to provide greater mix of possible uses on a ground floor.
- In MU-1, 2, and 3, consider making small theater or rehearsal space Use Review or allowed with limitations rather than prohibited.
- Consider standards for Day Shelters and Overnight Shelters in MU zones.
- In MU-1, 2, and 3, consider changing Mortuaries and Funeral chapels from prohibited to use review, consistent with MU-4 zone.
- In MU-1, 2, and 3, consider changing Animal Hospitals from prohibited to use review, consistent with MU-4 zone.
- In MU-1, consider Retail Sales from prohibited to allowed with size limitation or use review, possibly use review up to 2,000 square feet and prohibited otherwise.
- In MU-4, consider prohibiting Service of Vehicles with no outdoor storage as in all other MU zones.

Public and Agricultural Zoning Districts

- Consider greater allowances for restaurants (farm to table).
- Change duplexes, attached dwellings, townhouses, live/work, efficiency living units from prohibited to Use Review in Agricultural zoning districts, similar to how they are permitted in Public districts.
- Should formally recognize Community Supported Agriculture (CSAs) and allow them in the A zones.
- Consider Temporary Outdoor Entertainment as a conditional use in the A zones.
- Consider allowing Bed and Breakfast uses to some extent in the Agricultural zones.

- Allow home daycare in A zones.
- Make Outdoor Entertainment a Use Review use within A zones consistent with rest of table.

Residential High (RH) Zoning Districts

- No subcommittee consensus on changes to residential allowances related to detached dwelling units, efficiency living units, or fraternities, sororities, or dormitories.
- Consider making larger restaurants that are open later and have larger outdoor space prohibited rather than Use Review in the R6 use module.
- Consider making small theater and rehearsal space a Use Review rather than prohibited in the R6 and R7 use modules to encourage more neighborhood amenities.
- Consider making animal and vet clinics Use Review instead of prohibited, but not kennels.
- Consider size limit on convenience retail sales in the R6 use modules that limit size to 1,000 square feet or less by Use Review, otherwise prohibited. Consider other standards to ensure appropriate levels in neighborhoods. Could apply these limits to other residential zones to encourage compatible 15-minute neighborhood convenience retail sales.

RMX Zoning Districts

- Brewpubs and similar uses less than 1,000 square feet should at least be a Use Review.

RL-2 and RM-2, RM-1, and RM-2 Zoning Districts

- Need to be cautious about putting retail into neighborhoods.
- Subcommittee had various opinions about focusing only on 15-minute neighborhoods or neighborhood centers.
- No subcommittee consensus on changes to residential uses such as Efficiency Living Units, Accessory Dwelling Units.
- What ways can we get an appropriate mix of uses in these lower density residential zones?
- 15-minute neighborhoods are not a solution for every problem.
- Consider changing Bed and Breakfast from prohibited to Use Review or conditional use in RM-1 and 3 zones. Limited locations and smaller size requirements perhaps.
- Consider further restricting offices in these zones.

RR, RE, and RL-1 Zoning Districts

- What would be palatable ways to allow through use review or with limitations, different housing types in these zones. Duplexes, townhomes, other similar housing types are prohibited.
- Consider coffee shops and similar small scale uses, or whether the existing business zones nearby are better locations if already accessible and walkable.
- Incremental changes with positive impacts should be the focus.

- Consider creating a Use Review allowance with small size limit (above which the use is prohibited), operational limits, locational requirements, and design, public safety, and viewshed protection criteria.

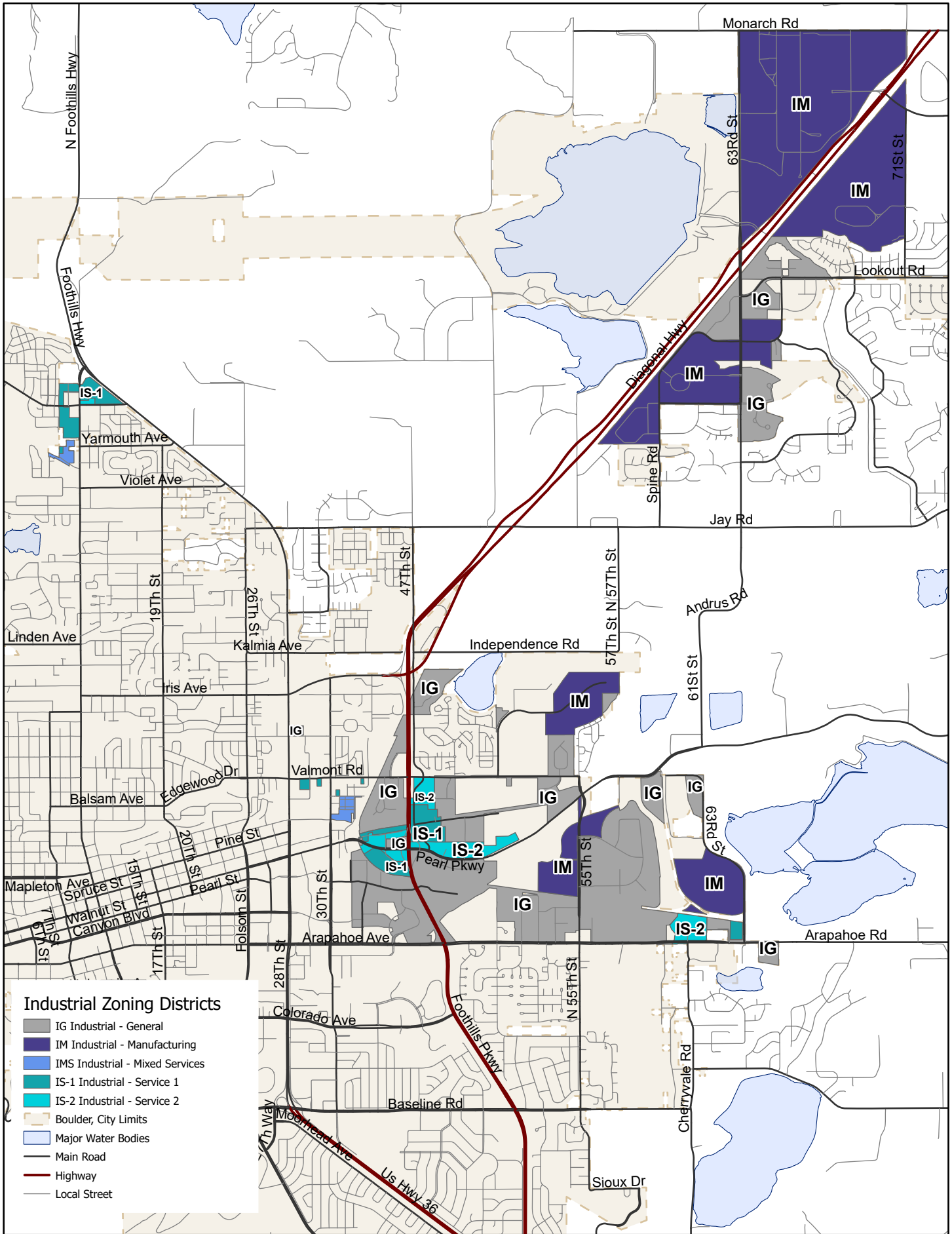
Public Participants in Planning Board Subcommittee

Planning Board Subcommittee meetings were all open to the public and included public comment periods. The following summarizes comments made by members of the public related to Module Three:

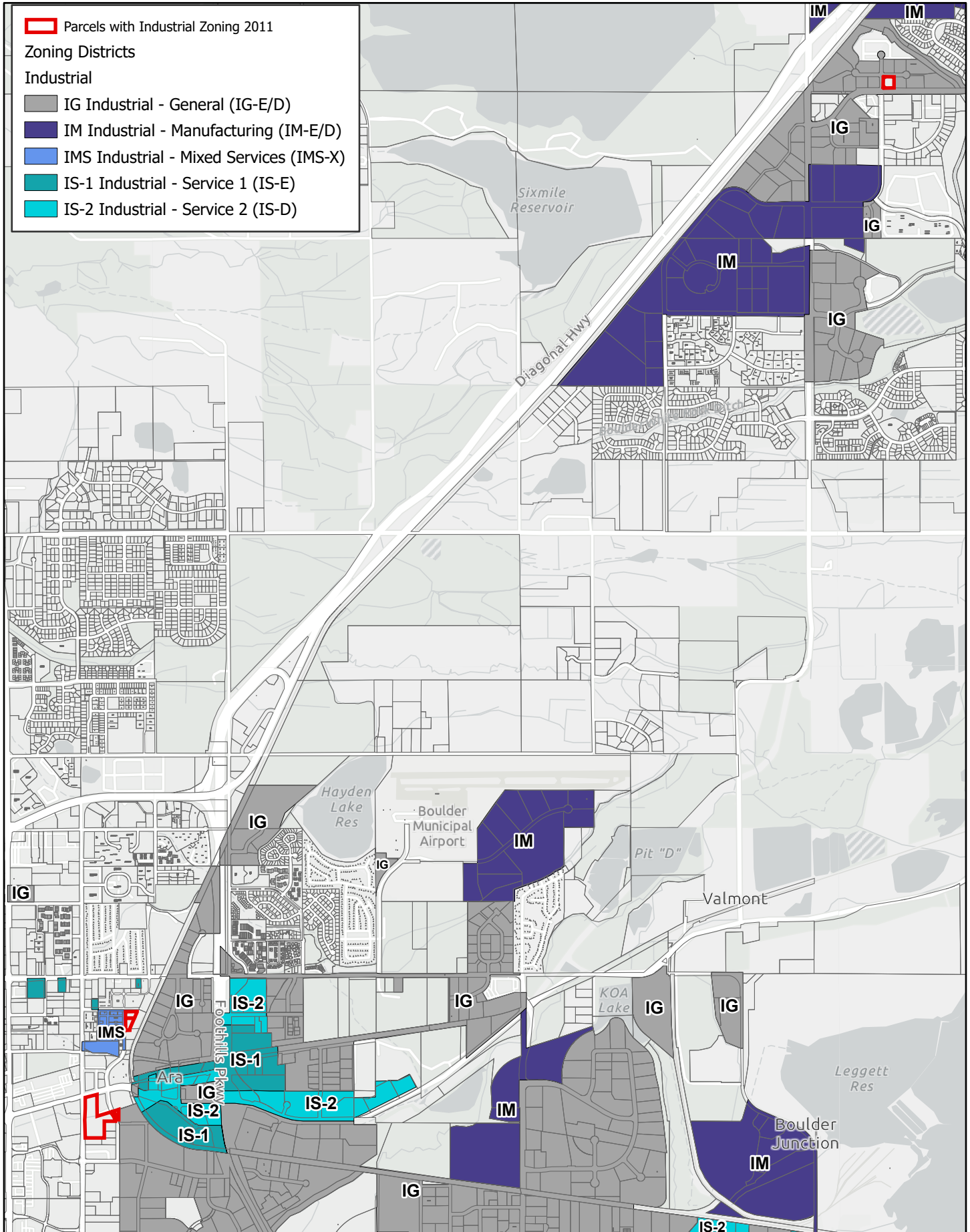
- We need to put more services into neighborhoods, encourage smaller living spaces that are inherently more energy efficient through the sharing of living spaces.
- Consider changes that promote reduced carbon emissions and reduced vehicle miles travels, such as smaller residential units and greater walkable access to a mix of uses.
- Consider updating live/work uses.
- 15-minute neighborhoods conversation should consider the concept from a transportation perspective and require safe and good access.
- Support regulating hours of operation for business in downtown zones.
- Fraternities and sororities should be limited to only RH-5 zones around the CU campus.
- Support dividing RH-1, RH-2, RH-4, RH-5 into two different use modules.
- Concerns about brewpubs open after 11 pm and like uses transition to bars if a level of food service is not required.
- Incremental changes in lower density residential areas is the right way to go.
- Design compatibility could be consideration for duplexes in low density zones, or mandate that commercial type uses must also maintain a residential on the property.
- Nonconforming commercial properties could be a model – using historic structures that are already part of the neighborhood character.
- Like the idea of neighborhood centers and ADUs. Food co-ops and small grocery stores could be okay in low density areas, but duplexes and triplexes are too much.
- Support revisiting mobile food truck allowances.
- Need to reconsider density and the urban grid with the pandemic, more space for bikes, and less car dependent.
- Can we evaluate our gaps and build a land use table that supports a lower carbon pedestrian scale world?
- 15-minute neighborhood concept needs to be nailed down, need to be clear what would be permitted with potential changes.
- Changes to Efficiency Living Units may be worthy of a ballot initiative
- We should dismantle zoning rules that segregate buildings by income level and use which result in isolation, dispersion, and automobile miles.
- Make BC zones vibrant community centers.

- Restaurant or other nonresidential uses in residential zones, must find balance between losing a residential unit and encouraging a mix of uses. Size limits for nonresidential are important as well as beverage licensing issues.
- Regarding 15-minute neighborhoods, increasing intensity where intensity already exists makes the most sense, like along corridors, intersections, nodes, etc.
- Concern about outdoor entertainment uses in rural areas and agricultural zoning – national problem with overuse and impacts to neighbors.
- Some concern about live/work use and additional commercial type activity in places not intended for it.
- Energy efficiency certificates should be required to be posted at the entrances of every building in Boulder.

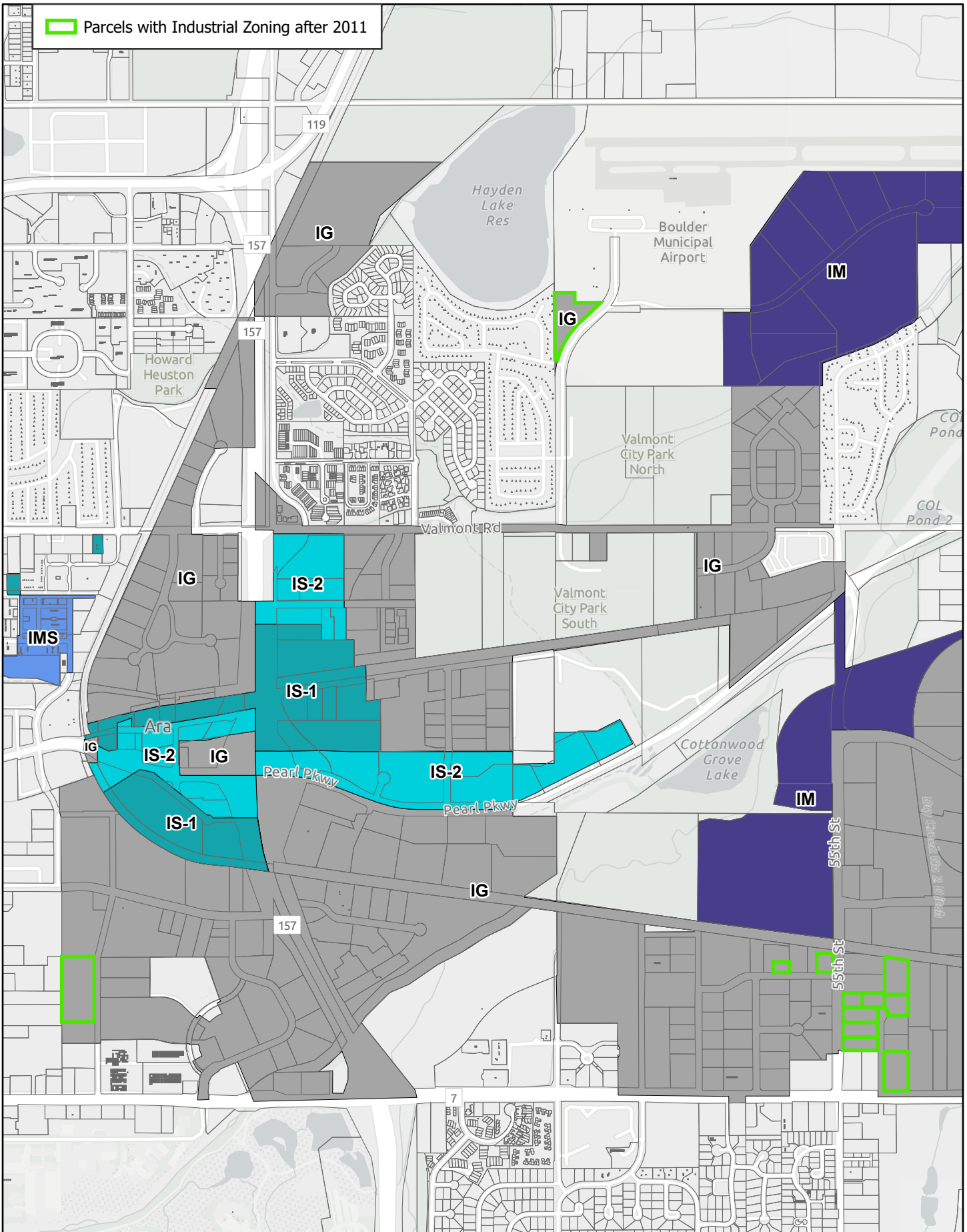
Attachment H - Map of Industrial Zoning Districts



Parcels Changed from Industrial to Non-Industrial District Between 2011-2021



Parcels Changed from Non-Industrial to Industrial District Between 2011-2021



Existing Business Types in Boulder's Industrial Zoning Districts

Note: This Quarterly Census of Employment and Wages data identifies the North American Industry Classification System (NAICS) codes of business located in industrial zoning districts.

Number of Businesses by Sector and Industry Group in all Industrial Districts

Sector (2-digit) Industry Group (4-digit)	Count of Businesses
Accommodation and Food Services	27
Drinking Places (Alcoholic Beverages)	1
Restaurants and Other Eating Places	11
RV (Recreational Vehicle) Parks and Recreational Camps	1
Special Food Services	12
Traveler Accommodation	2
Administrative and Support and Waste Management and Remediation Services	54
Business Support Services	9
Employment Services	17
Facilities Support Services	2
Investigation and Security Services	3
Office Administrative Services	2
Other Support Services	4
Services to Buildings and Dwellings	13
Travel Arrangement and Reservation Services	3
Waste Collection	1
Agriculture, Forestry, Fishing and Hunting	9
Greenhouse, Nursery, and Floriculture Production	1
Other Crop Farming	8
Arts, Entertainment, and Recreation	20
Independent Artists, Writers, and Performers	2
Other Amusement and Recreation Industries	14
Performing Arts Companies	2
Promoters of Performing Arts, Sports, and Similar Events	2
Construction	60
Building Equipment Contractors	22
Building Finishing Contractors	10
Foundation, Structure, and Building Exterior Contractors	8
Nonresidential Building Construction	9
Other Specialty Trade Contractors	1
Residential Building Construction	9
Utility System Construction	1
Educational Services	29
Business Schools and Computer and Management Training	8
Educational Support Services	2
Elementary and Secondary Schools	1
Other Schools and Instruction	14

Attachment J - Existing Business Types in Industrial Zoning Districts

Technical and Trade Schools	4
Finance and Insurance	44
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Activities Related to Credit Intermediation	5
Agencies, Brokerages, and Other Insurance Related Activities	10
Depository Credit Intermediation	3
Insurance Carriers	1
Nondepository Credit Intermediation	5
Other Financial Investment Activities	15
Securities and Commodity Contracts Intermediation and Brokerage	5
Health Care and Social Assistance	48
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Child Care Services	1
Community Food and Housing, and Emergency and Other Relief Services	3
General Medical and Surgical Hospitals	3
Individual and Family Services	9
Medical and Diagnostic Laboratories	6
Offices of Other Health Practitioners	15
Offices of Physicians	4
Other Ambulatory Health Care Services	1
Outpatient Care Centers	3
Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities	1
Vocational Rehabilitation Services	2
Information	69
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Cable and Other Subscription Programming	2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	11
Motion Picture and Video Industries	3
Newspaper, Periodical, Book, and Directory Publishers	14
Other Information Services	8
Radio and Television Broadcasting	2
Software Publishers	25
Sound Recording Industries	1
Wired and Wireless Telecommunications Carriers	3
Management of Companies and Enterprises	24
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Management of Companies and Enterprises	24
Manufacturing	210
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Aerospace Product and Parts Manufacturing	1
Animal Food Manufacturing	1
Architectural and Structural Metals Manufacturing	2
Audio and Video Equipment Manufacturing	1
Bakeries and Tortilla Manufacturing	8
Basic Chemical Manufacturing	1
Beverage Manufacturing	21
Coating, Engraving, Heat Treating, and Allied Activities	1
Commercial and Service Industry Machinery Manufacturing	12
Communications Equipment Manufacturing	3
Computer and Peripheral Equipment Manufacturing	1
Dairy Product Manufacturing	1
Fabric Mills	1
Glass and Glass Product Manufacturing	1

Attachment J - Existing Business Types in Industrial Zoning Districts

Grain and Oilseed Milling	2
Hardware Manufacturing	1
Household and Institutional Furniture and Kitchen Cabinet Manufacturing	4
Industrial Machinery Manufacturing	2
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	7
Manufacturing and Reproducing Magnetic and Optical Media	2
Medical Equipment and Supplies Manufacturing	7
Motor Vehicle Body and Trailer Manufacturing	1
Motor Vehicle Parts Manufacturing	1
Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	36
Office Furniture (including Fixtures) Manufacturing	1
Other Chemical Product and Preparation Manufacturing	1
Other Electrical Equipment and Component Manufacturing	2
Other Fabricated Metal Product Manufacturing	1
Other Food Manufacturing	13
Other Furniture Related Product Manufacturing	1
Other General Purpose Machinery Manufacturing	1
Other Miscellaneous Manufacturing	16
Other Nonmetallic Mineral Product Manufacturing	2
Other Textile Product Mills	2
Other Transportation Equipment Manufacturing	2
Pharmaceutical and Medicine Manufacturing	18
Plastics Product Manufacturing	3
Printing and Related Support Activities	13
Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing	1
Semiconductor and Other Electronic Component Manufacturing	8
Soap, Cleaning Compound, and Toilet Preparation Manufacturing	1
Sugar and Confectionery Product Manufacturing	3
Textile and Fabric Finishing and Fabric Coating Mills	1
Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	2
Other Services (except Public Administration)	90
Automotive Repair and Maintenance	49
Business, Professional, Labor, Political, and Similar Organizations	10
Civic and Social Organizations	1
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	1
Drycleaning and Laundry Services	2
Electronic and Precision Equipment Repair and Maintenance	2
Grantmaking and Giving Services	2
Other Personal Services	9
Personal and Household Goods Repair and Maintenance	6
Personal Care Services	1
Private Households	2
Social Advocacy Organizations	5
Professional, Scientific, and Technical Services	368
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	19
Advertising, Public Relations, and Related Services	9
Architectural, Engineering, and Related Services	65

Attachment J - Existing Business Types in Industrial Zoning Districts

Computer Systems Design and Related Services	112
Legal Services	17
Management, Scientific, and Technical Consulting Services	61
Other Professional, Scientific, and Technical Services	18
Scientific Research and Development Services	60
Specialized Design Services	7
Public Administration	3
<hr/>	
Administration of Environmental Quality Programs	2
Administration of Human Resource Programs	1
Real Estate Rental and Leasing	44
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Activities Related to Real Estate	10
Automotive Equipment Rental and Leasing	6
Commercial and Industrial Machinery and Equipment Rental and Leasing	3
Consumer Goods Rental	3
Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	1
Lessors of Real Estate	6
Offices of Real Estate Agents and Brokers	15
Retail Trade	73
<hr/>	
Automobile Dealers	9
Automotive Parts, Accessories, and Tire Retailers	3
Building Material and Supplies Dealers	7
Clothing Stores	1
Direct Selling Establishments	2
Electronic Shopping and Mail-Order Houses	23
Electronics and Appliance Stores	2
Furniture Stores	2
Gasoline Stations	1
Health and Personal Care Retailers	5
Home Furnishings Stores	3
Lawn and Garden Equipment and Supplies Retailers	3
Other Miscellaneous Store Retailers	6
Sporting Goods, Hobby, and Musical Instrument Stores	5
Vending Machine Operators	1
Transportation and Warehousing	12
<hr/>	
Couriers and Express Delivery Services	2
General Freight Trucking	2
Local Messengers and Local Delivery	2
Other Transit and Ground Passenger Transportation	2
Support Activities for Road Transportation	1
Urban Transit Systems	2
Warehousing and Storage	1
Utilities	1
<hr/>	
Electric Power Generation, Transmission and Distribution	1
Wholesale Trade	132
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Apparel, Piece Goods, and Notions Merchant Wholesalers	12
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	4
Chemical and Allied Products Merchant Wholesalers	2
Drugs and Druggists Sundries Merchant Wholesalers	10
Farm Product Raw Material Merchant Wholesalers	2

Attachment J - Existing Business Types in Industrial Zoning Districts

Furniture and Home Furnishing Merchant Wholesalers	3
Grocery and Related Product Merchant Wholesalers	15
Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	6
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	12
Machinery, Equipment, and Supplies Merchant Wholesalers	12
Miscellaneous Durable Goods Merchant Wholesalers	18
Miscellaneous Nondurable Goods Merchant Wholesalers	12
Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	1
Paper and Paper Product Merchant Wholesalers	1
Professional and Commercial Equipment and Supplies Merchant Wholesalers	20
Wholesale Trade Agents and Brokers	2

Number of Businesses in Each Zoning District

Sector (2-digit) Industry Group (4-digit)	Count of Businesses
IG	970
Accommodation and Food Services	18
Drinking Places (Alcoholic Beverages)	1
Restaurants and Other Eating Places	8
RV (Recreational Vehicle) Parks and Recreational Camps	1
Special Food Services	6
Traveler Accommodation	2
Administrative and Support and Waste Management and Remediation Services	33
Business Support Services	5
Employment Services	8
Investigation and Security Services	2
Office Administrative Services	2
Other Support Services	1
Services to Buildings and Dwellings	11
Travel Arrangement and Reservation Services	3
Waste Collection	1
Agriculture, Forestry, Fishing and Hunting	5
Other Crop Farming	5
Arts, Entertainment, and Recreation	16
Independent Artists, Writers, and Performers	2
Other Amusement and Recreation Industries	10
Performing Arts Companies	2
Promoters of Performing Arts, Sports, and Similar Events	2
Construction	46
Building Equipment Contractors	12
Building Finishing Contractors	9
Foundation, Structure, and Building Exterior Contractors	6
Nonresidential Building Construction	8
Other Specialty Trade Contractors	1
Residential Building Construction	9
Utility System Construction	1
Educational Services	24
Business Schools and Computer and Management Training	6

Attachment J - Existing Business Types in Industrial Zoning Districts

Educational Support Services	2
Elementary and Secondary Schools	1
Other Schools and Instruction	11
Technical and Trade Schools	4
Finance and Insurance	36
Activities Related to Credit Intermediation	4
Agencies, Brokerages, and Other Insurance Related Activities	10
Depository Credit Intermediation	2
Insurance Carriers	1
Nondepository Credit Intermediation	3
Other Financial Investment Activities	12
Securities and Commodity Contracts Intermediation and Brokerage	4
Health Care and Social Assistance	44
Child Care Services	1
Community Food and Housing, and Emergency and Other Relief Services	3
General Medical and Surgical Hospitals	3
Individual and Family Services	8
Medical and Diagnostic Laboratories	6
Offices of Other Health Practitioners	13
Offices of Physicians	4
Outpatient Care Centers	3
Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities	1
Vocational Rehabilitation Services	2
Information	47
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	9
Motion Picture and Video Industries	1
Newspaper, Periodical, Book, and Directory Publishers	9
Other Information Services	7
Radio and Television Broadcasting	2
Software Publishers	16
Sound Recording Industries	1
Wired and Wireless Telecommunications Carriers	2
Management of Companies and Enterprises	20
Management of Companies and Enterprises	20
Manufacturing	150
Animal Food Manufacturing	1
Architectural and Structural Metals Manufacturing	2
Audio and Video Equipment Manufacturing	1
Bakeries and Tortilla Manufacturing	8
Basic Chemical Manufacturing	1
Beverage Manufacturing	12
Coating, Engraving, Heat Treating, and Allied Activities	1
Commercial and Service Industry Machinery Manufacturing	8
Communications Equipment Manufacturing	2
Computer and Peripheral Equipment Manufacturing	1
Dairy Product Manufacturing	1
Fabric Mills	1
Glass and Glass Product Manufacturing	1

Attachment J - Existing Business Types in Industrial Zoning Districts

Grain and Oilseed Milling	1
Hardware Manufacturing	1
Household and Institutional Furniture and Kitchen Cabinet Manufacturing	3
Industrial Machinery Manufacturing	1
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	7
Medical Equipment and Supplies Manufacturing	3
Motor Vehicle Body and Trailer Manufacturing	1
Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	19
Other Chemical Product and Preparation Manufacturing	1
Other Electrical Equipment and Component Manufacturing	2
Other Fabricated Metal Product Manufacturing	1
Other Food Manufacturing	9
Other Furniture Related Product Manufacturing	1
Other General Purpose Machinery Manufacturing	1
Other Miscellaneous Manufacturing	13
Other Nonmetallic Mineral Product Manufacturing	2
Other Textile Product Mills	2
Other Transportation Equipment Manufacturing	2
Pharmaceutical and Medicine Manufacturing	11
Plastics Product Manufacturing	3
Printing and Related Support Activities	11
Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing	1
Semiconductor and Other Electronic Component Manufacturing	8
Soap, Cleaning Compound, and Toilet Preparation Manufacturing	1
Sugar and Confectionery Product Manufacturing	2
Textile and Fabric Finishing and Fabric Coating Mills	1
Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing	2
Other Services (except Public Administration)	59
Automotive Repair and Maintenance	25
Business, Professional, Labor, Political, and Similar Organizations	9
Civic and Social Organizations	1
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	1
Drycleaning and Laundry Services	1
Electronic and Precision Equipment Repair and Maintenance	2
Grantmaking and Giving Services	2
Other Personal Services	6
Personal and Household Goods Repair and Maintenance	5
Personal Care Services	1
Private Households	2
Social Advocacy Organizations	4
Professional, Scientific, and Technical Services	279
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	19
Advertising, Public Relations, and Related Services	5
Architectural, Engineering, and Related Services	48
Computer Systems Design and Related Services	78
Legal Services	16
Management, Scientific, and Technical Consulting Services	40

Attachment J - Existing Business Types in Industrial Zoning Districts

Other Professional, Scientific, and Technical Services	15
Scientific Research and Development Services	53
Specialized Design Services	5
Public Administration	3
Administration of Environmental Quality Programs	2
Administration of Human Resource Programs	1
Real Estate Rental and Leasing	36
Activities Related to Real Estate	8
Automotive Equipment Rental and Leasing	5
Commercial and Industrial Machinery and Equipment Rental and Leasing	2
Consumer Goods Rental	3
Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	1
Lessors of Real Estate	3
Offices of Real Estate Agents and Brokers	14
Retail Trade	50
Automobile Dealers	3
Automotive Parts, Accessories, and Tire Retailers	2
Building Material and Supplies Dealers	7
Clothing Stores	1
Direct Selling Establishments	1
Electronic Shopping and Mail-Order Houses	16
Electronics and Appliance Stores	1
Furniture Stores	2
Gasoline Stations	1
Health and Personal Care Retailers	5
Home Furnishings Stores	2
Lawn and Garden Equipment and Supplies Retailers	2
Other Miscellaneous Store Retailers	3
Sporting Goods, Hobby, and Musical Instrument Stores	3
Vending Machine Operators	1
Transportation and Warehousing	10
Couriers and Express Delivery Services	1
General Freight Trucking	2
Local Messengers and Local Delivery	2
Other Transit and Ground Passenger Transportation	2
Urban Transit Systems	2
Warehousing and Storage	1
Utilities	1
Electric Power Generation, Transmission and Distribution	1
Wholesale Trade	93
Apparel, Piece Goods, and Notions Merchant Wholesalers	9
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	3
Chemical and Allied Products Merchant Wholesalers	1
Drugs and Druggists Sundries Merchant Wholesalers	7
Furniture and Home Furnishing Merchant Wholesalers	2
Grocery and Related Product Merchant Wholesalers	13
Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	5
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	9

Attachment J - Existing Business Types in Industrial Zoning Districts

Machinery, Equipment, and Supplies Merchant Wholesalers	8
Miscellaneous Durable Goods Merchant Wholesalers	11
Miscellaneous Nondurable Goods Merchant Wholesalers	8
Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	1
Paper and Paper Product Merchant Wholesalers	1
Professional and Commercial Equipment and Supplies Merchant Wholesalers	13
Wholesale Trade Agents and Brokers	2
IM	188
Accommodation and Food Services	6
Special Food Services	6
Administrative and Support and Waste Management and Remediation Services	16
Business Support Services	3
Employment Services	8
Facilities Support Services	2
Investigation and Security Services	1
Other Support Services	2
Agriculture, Forestry, Fishing and Hunting	1
Greenhouse, Nursery, and Floriculture Production	1
Construction	3
Building Equipment Contractors	2
Building Finishing Contractors	1
Educational Services	1
Business Schools and Computer and Management Training	1
Finance and Insurance	5
Activities Related to Credit Intermediation	1
Depository Credit Intermediation	1
Nondepository Credit Intermediation	2
Securities and Commodity Contracts Intermediation and Brokerage	1
Health Care and Social Assistance	1
Individual and Family Services	1
Information	21
Cable and Other Subscription Programming	2
Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	2
Motion Picture and Video Industries	1
Newspaper, Periodical, Book, and Directory Publishers	5
Other Information Services	1
Software Publishers	9
Wired and Wireless Telecommunications Carriers	1
Management of Companies and Enterprises	3
Management of Companies and Enterprises	3
Manufacturing	42
Aerospace Product and Parts Manufacturing	1
Beverage Manufacturing	2
Commercial and Service Industry Machinery Manufacturing	4
Communications Equipment Manufacturing	1
Industrial Machinery Manufacturing	1
Manufacturing and Reproducing Magnetic and Optical Media	1
Medical Equipment and Supplies Manufacturing	4

Attachment J - Existing Business Types in Industrial Zoning Districts

Navigational, Measuring, Electromedical, and Control Instruments Manufacturing	17
Other Food Manufacturing	2
Other Miscellaneous Manufacturing	1
Pharmaceutical and Medicine Manufacturing	5
Printing and Related Support Activities	2
Sugar and Confectionery Product Manufacturing	1
Other Services (except Public Administration)	3
Automotive Repair and Maintenance	1
Business, Professional, Labor, Political, and Similar Organizations	1
Social Advocacy Organizations	1
Professional, Scientific, and Technical Services	65
Advertising, Public Relations, and Related Services	2
Architectural, Engineering, and Related Services	12
Computer Systems Design and Related Services	32
Management, Scientific, and Technical Consulting Services	11
Other Professional, Scientific, and Technical Services	2
Scientific Research and Development Services	6
Real Estate Rental and Leasing	2
Activities Related to Real Estate	1
Lessors of Real Estate	1
Retail Trade	3
Electronic Shopping and Mail-Order Houses	3
Wholesale Trade	16
Drugs and Druggists Sundries Merchant Wholesalers	2
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	1
Machinery, Equipment, and Supplies Merchant Wholesalers	2
Miscellaneous Durable Goods Merchant Wholesalers	2
Miscellaneous Nondurable Goods Merchant Wholesalers	2
Professional and Commercial Equipment and Supplies Merchant Wholesalers	7
IMS	28
Administrative and Support and Waste Management and Remediation Services	2
Business Support Services	1
Other Support Services	1
Arts, Entertainment, and Recreation	1
Other Amusement and Recreation Industries	1
Educational Services	1
Other Schools and Instruction	1
Health Care and Social Assistance	1
Offices of Other Health Practitioners	1
Information	1
Motion Picture and Video Industries	1
Management of Companies and Enterprises	1
Management of Companies and Enterprises	1
Manufacturing	4
Grain and Oilseed Milling	1
Other Food Manufacturing	1
Other Miscellaneous Manufacturing	1
Pharmaceutical and Medicine Manufacturing	1
Other Services (except Public Administration)	1

Attachment J - Existing Business Types in Industrial Zoning Districts

Automotive Repair and Maintenance	1
Professional, Scientific, and Technical Services	9
Advertising, Public Relations, and Related Services	1
Architectural, Engineering, and Related Services	2
Computer Systems Design and Related Services	2
Management, Scientific, and Technical Consulting Services	1
Other Professional, Scientific, and Technical Services	1
Scientific Research and Development Services	1
Specialized Design Services	1
Real Estate Rental and Leasing	2
Activities Related to Real Estate	1
Offices of Real Estate Agents and Brokers	1
Wholesale Trade	5
Apparel, Piece Goods, and Notions Merchant Wholesalers	1
Grocery and Related Product Merchant Wholesalers	1
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	1
Miscellaneous Durable Goods Merchant Wholesalers	1
Miscellaneous Nondurable Goods Merchant Wholesalers	1
IS-1	98
Accommodation and Food Services	3
Restaurants and Other Eating Places	3
Administrative and Support and Waste Management and Remediation Services	2
Employment Services	1
Services to Buildings and Dwellings	1
Agriculture, Forestry, Fishing and Hunting	3
Other Crop Farming	3
Arts, Entertainment, and Recreation	2
Other Amusement and Recreation Industries	2
Construction	7
Building Equipment Contractors	6
Foundation, Structure, and Building Exterior Contractors	1
Educational Services	2
Business Schools and Computer and Management Training	1
Other Schools and Instruction	1
Finance and Insurance	1
Other Financial Investment Activities	1
Health Care and Social Assistance	1
Offices of Other Health Practitioners	1
Manufacturing	12
Beverage Manufacturing	7
Household and Institutional Furniture and Kitchen Cabinet Manufacturing	1
Motor Vehicle Parts Manufacturing	1
Other Food Manufacturing	1
Other Miscellaneous Manufacturing	1
Pharmaceutical and Medicine Manufacturing	1
Other Services (except Public Administration)	23
Automotive Repair and Maintenance	19
Drycleaning and Laundry Services	1
Other Personal Services	2

Attachment J - Existing Business Types in Industrial Zoning Districts

Personal and Household Goods Repair and Maintenance	1
Professional, Scientific, and Technical Services	12
Architectural, Engineering, and Related Services	3
Legal Services	1
Management, Scientific, and Technical Consulting Services	8
Real Estate Rental and Leasing	2
Lessors of Real Estate	2
Retail Trade	12
Automotive Parts, Accessories, and Tire Retailers	1
Direct Selling Establishments	1
Electronic Shopping and Mail-Order Houses	4
Electronics and Appliance Stores	1
Home Furnishings Stores	1
Lawn and Garden Equipment and Supplies Retailers	1
Other Miscellaneous Store Retailers	1
Sporting Goods, Hobby, and Musical Instrument Stores	2
Transportation and Warehousing	1
Support Activities for Road Transportation	1
Wholesale Trade	15
Apparel, Piece Goods, and Notions Merchant Wholesalers	1
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	1
Chemical and Allied Products Merchant Wholesalers	1
Drugs and Druggists Sundries Merchant Wholesalers	1
Farm Product Raw Material Merchant Wholesalers	2
Furniture and Home Furnishing Merchant Wholesalers	1
Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	1
Household Appliances and Electrical and Electronic Goods Merchant Wholesalers	1
Machinery, Equipment, and Supplies Merchant Wholesalers	2
Miscellaneous Durable Goods Merchant Wholesalers	3
Miscellaneous Nondurable Goods Merchant Wholesalers	1
IS-2	33
Administrative and Support and Waste Management and Remediation Services	1
Services to Buildings and Dwellings	1
Arts, Entertainment, and Recreation	1
Other Amusement and Recreation Industries	1
Construction	4
Building Equipment Contractors	2
Foundation, Structure, and Building Exterior Contractors	1
Nonresidential Building Construction	1
Educational Services	1
Other Schools and Instruction	1
Finance and Insurance	2
Other Financial Investment Activities	2
Health Care and Social Assistance	1
Other Ambulatory Health Care Services	1
Manufacturing	2
Manufacturing and Reproducing Magnetic and Optical Media	1
Office Furniture (including Fixtures) Manufacturing	1

Attachment J - Existing Business Types in Industrial Zoning Districts

Other Services (except Public Administration)	4
Automotive Repair and Maintenance	3
Other Personal Services	1
Professional, Scientific, and Technical Services	3
Advertising, Public Relations, and Related Services	1
Management, Scientific, and Technical Consulting Services	1
Specialized Design Services	1
Real Estate Rental and Leasing	2
Automotive Equipment Rental and Leasing	1
Commercial and Industrial Machinery and Equipment Rental and Leasing	1
Retail Trade	8
Automobile Dealers	6
Other Miscellaneous Store Retailers	2
Transportation and Warehousing	1
Couriers and Express Delivery Services	1
Wholesale Trade	3
Apparel, Piece Goods, and Notions Merchant Wholesalers	1
Grocery and Related Product Merchant Wholesalers	1
Miscellaneous Durable Goods Merchant Wholesalers	1

Number of Businesses within Subcommunities by Sector

Subcommunity with Industrial Zoning Sector (2-digit)	Count of Businesses
Crossroads	272
Accommodation and Food Services	2
Administrative and Support and Waste Management and Remediation Services	10
Arts, Entertainment, and Recreation	10
Construction	10
Educational Services	9
Finance and Insurance	10
Health Care and Social Assistance	21
Information	7
Management of Companies and Enterprises	1
Manufacturing	29
Other Services (except Public Administration)	16
Professional, Scientific, and Technical Services	74
Real Estate Rental and Leasing	9
Retail Trade	19
Transportation and Warehousing	3
Wholesale Trade	42
East Boulder	715
Accommodation and Food Services	17
Administrative and Support and Waste Management and Remediation Services	24
Agriculture, Forestry, Fishing and Hunting	5
Arts, Entertainment, and Recreation	8
Construction	34
Educational Services	15
Finance and Insurance	24

Attachment J - Existing Business Types in Industrial Zoning Districts

Health Care and Social Assistance	21
Information	48
Management of Companies and Enterprises	15
Manufacturing	112
Other Services (except Public Administration)	58
Professional, Scientific, and Technical Services	199
Public Administration	1
Real Estate Rental and Leasing	28
Retail Trade	37
Transportation and Warehousing	8
Utilities	1
Wholesale Trade	60
Gunbarrel	284
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Accommodation and Food Services	6
Administrative and Support and Waste Management and Remediation Services	17
Agriculture, Forestry, Fishing and Hunting	2
Arts, Entertainment, and Recreation	2
Construction	14
Educational Services	4
Finance and Insurance	7
Health Care and Social Assistance	5
Information	14
Management of Companies and Enterprises	8
Manufacturing	63
Other Services (except Public Administration)	7
Professional, Scientific, and Technical Services	84
Public Administration	2
Real Estate Rental and Leasing	4
Retail Trade	14
Transportation and Warehousing	1
Wholesale Trade	30
North Boulder	28
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Accommodation and Food Services	2
Administrative and Support and Waste Management and Remediation Services	2
Agriculture, Forestry, Fishing and Hunting	2
Construction	2
Educational Services	1
Health Care and Social Assistance	1
Manufacturing	6
Other Services (except Public Administration)	7
Real Estate Rental and Leasing	2
Retail Trade	3
Palo Park	18
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Administrative and Support and Waste Management and Remediation Services	1
Finance and Insurance	3
Other Services (except Public Administration)	2
Professional, Scientific, and Technical Services	11
Real Estate Rental and Leasing	1

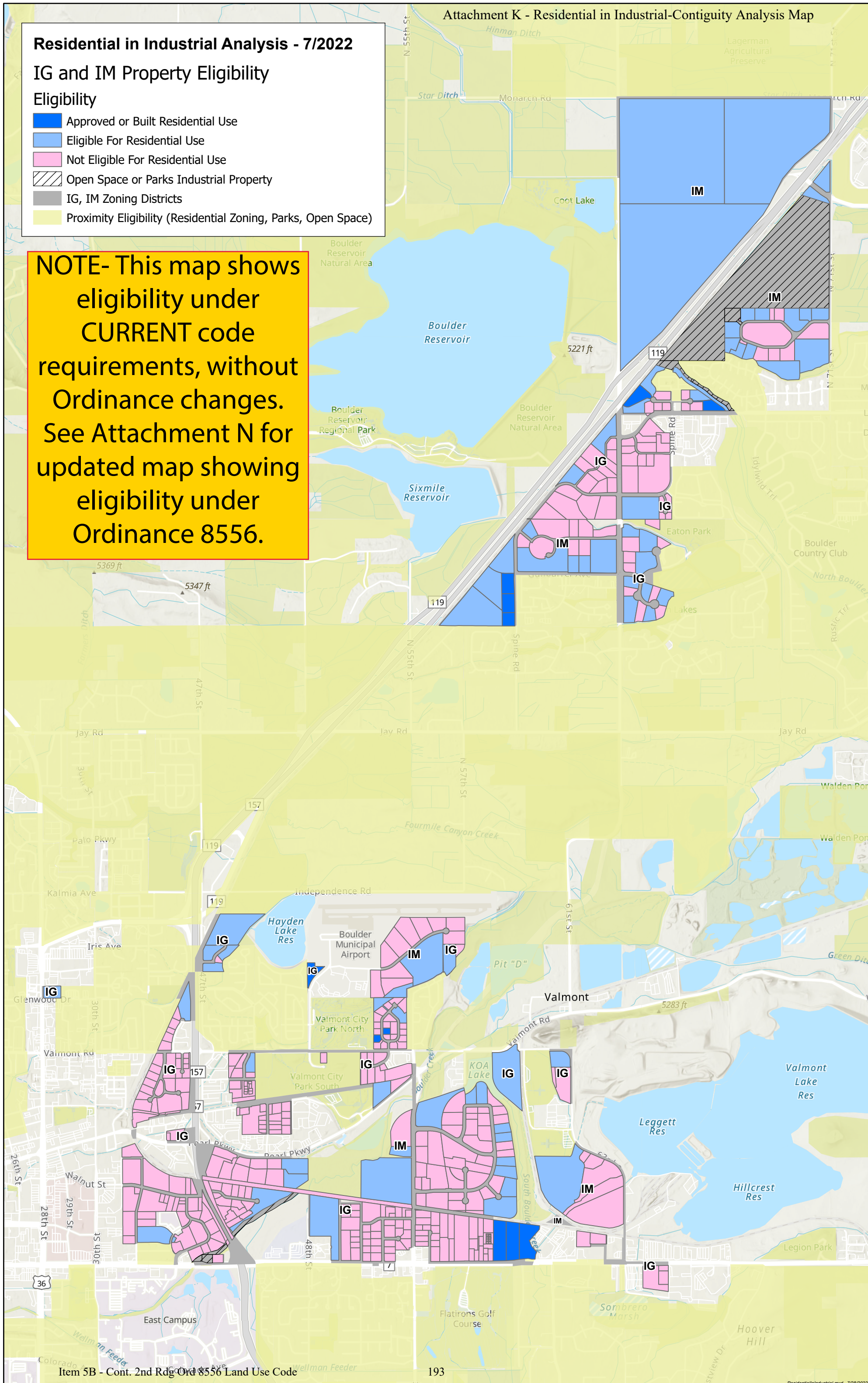
Residential in Industrial Analysis - 7/2022

IG and IM Property Eligibility

Eligibility

- Approved or Built Residential Use
- Eligible For Residential Use
- Not Eligible For Residential Use
- Open Space or Parks Industrial Property
- IG, IM Zoning Districts
- Proximity Eligibility (Residential Zoning, Parks, Open Space)

NOTE- This map shows eligibility under CURRENT code requirements, without Ordinance changes. See Attachment N for updated map showing eligibility under Ordinance 8556.



**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
October 18, 2022
Virtual Meeting**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Jorge Boone
John Gerstle, Chair
Laura Kaplan
Mark McIntyre
Sarah Silver
Lisa Smith

PLANNING BOARD MEMBERS ABSENT:

ml Robles

STAFF PRESENT:

Brad Mueller, Planning & Development Services Director
Charles Ferro, Planning Senior Manager
Elliott Browning, Assistant City Attorney
Devin Saunders, Board Specialist
Amanda Cusworth, Planning & Zoning Supervisor
Karl Guiler, Policy Senior Advisor
Lisa Houde, City Senior Planner
Shabnam Bista, City Senior Planner
Samantha Bromberg, Community Vitality Senior Program Manager
Cris Jones, Community Vitality Director
Vivian Castro-Woodridge, Community Engagement Senior Project Manager

1. CALL TO ORDER

Chair, **J. Gerstle**, declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **M. McIntyre** and seconded by **L. Kaplan**. The Planning Board voted **5-0** (**S. Silver** was absent at the July 19, 2022 meeting. **L. Smith** absent for this motion) to approve the July 19, 2022 minutes as amended.

3. PUBLIC PARTICIPATION

a) **Lynn Segal**

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A. CALL UP ITEM: Call Up Item: USE REVIEW (LUR2022-00022) for a new restaurant bar and kitchen area is approximately 1,972 square feet in area with an additional 238 square feet of outdoor seating located on 17th Street. The approved hours of operation are 10:00 AM-11:00 PM. The call-up period expires on **Oct 25, 2022**.

This item was not called up.

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public hearing and recommendation to City Council regarding proposed Ordinance 8556, amending Title 9, "Land Use Code," B.R.C. 1981, to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project.

Staff Presentation:

C. Ferro introduced the item.

L. Houde presented the item to the board.

Board Questions:

L. Houde and **K. Guiler** answered questions from the board.

Public Hearing:

- 1) **Kelsey Hunter**
- 2) **Justin Hartman**
- 3) **Lynn Segal**

Board Comments:

7:45 Key Issue #1: Does Planning Board find that the proposed ordinance implements the adopted policies of the Boulder Valley Comprehensive Plan related to industrial areas?

- The board discussed sections 7.07 and 7.10 of the Boulder Valley Comprehensive Plan.
- **S. Silver** proposed adding 7.07 and 7.10 to the recommendations to city council.
- **L. Smith** was open to adding these sections, **J. Boone** agreed.
- **L. Kaplan** does not want to see a requirement for mixed use housing in industrial zones or in every section of the city, citing the broadness of the Boulder Valley Comprehensive Plan. **J. Boone** disagreed and argued the need for housing for everyone.
- **M. McIntyre** supported adding 7.07, but not 7.10.

Key Issue #2: Does Planning Board recommend any modifications to the draft ordinance?

- The board agreed there should be no modifications to residential uses.

- The board agreed there should be no modifications to offices.
- **M. McIntyre** proposed to edit the ordinance the language in 4.B from “media, production” to “media production”.
- The board agreed there should be no modifications to restaurants.
- **S. Silver** proposed making live-work units conditional. After deliberation, the board decided to ask staff to get clarity on the definition of live/work though form and standards, as well as changing from use review to conditional use in industrial zones.
- The board agreed there should be no modifications to indoor athletic facilities.
- The board agreed there should be no modifications to breweries, wineries, distilleries.
- The board agreed there should be no modifications to private schools.
- The board agreed there should be no modifications to updated definitions or names.
- The board agreed there should be no modifications to removed uses or definitions.

Motion:

L. Kaplan moved, and **M. McIntyre** seconded, that the Planning Board recommend that City Council adopt Ordinance 8556, amending Title 9, “Land Use Code,” to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project, and add form descriptions for live/work spaces and make live/work a conditional use in industrial zones.

On this motion, **J. Boone** offered a friendly amendment to add BVCP 7.07 (Mixture of Housing Types) and 7.10 (Housing for a Full Range of Households) to the memo component of the packet on page 55, but **L. Kaplan** and **M. McIntyre** did not accept the friendly amendment.

The motion was defeated by a vote of 2-4 (ml Robles absent, L. Smith, G. Boone, S. Silver and J. Gerstle voting against).

Another motion was made by **S. Silver**, seconded by **J. Boone**, that the Planning Board recommend that City Council adopt Ordinance 8556, amending Title 9, “Land Use Code,” to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project, and also recommend adding form descriptions for live/work spaces and make live/work a conditional use in industrial zones, and furthermore add BVCP 7.07 (Mixture of Housing Types) and 7.10 (Housing for a Full Range of Households) to the memo component of the packet on page 55. **The motion passed 6-0 (ml Robles absent).**

On a motion by **S. Silver** seconded by **J. Boone** the Planning Board voted **6-0 (ml Robles absent)** to recommend that City Council adopt Ordinance 8556, amending Title 9, “Land Use Code,” to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project and recommend adding form descriptions for live/work spaces and make live/work a conditional use in industrial zones and add BVCP 7.07 (Mixture of Housing Types) and 7.10 (Housing for a Full Range of Households) to the memo component of the packet on page 55.

6. ADDITIONAL MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

**A. AMPS (Access Management and Parking Strategy) Implementation Recommendations:
RAMP (Residential Access Management Program) and Performance-Based Pricing**

Staff Presentation:

C. Jones introduced the item.

S. Bromberg presented the item to the board.

9:57 Board Comments:

- **M. McIntyre** states the NPP program does not pay for itself and questions if there is positive revenue from any of the city's parking plans, or if there has ever been a pricing increase for NPP. States the price increases are too small to use parking as a tool to reach climate goals and vision zero safety goals.
- **J. Gerstle** requests explicit understanding as to why parking rates are so modest outside of downtown.
- **S. Silver** explained the advancement of ADU saturation in the city and asked if there has been thought into the implications that increased ADU's would have on parking utilization.
- **M. McIntyre** outlines a tendency for residents wanting to privatize public spaces such as the right-of-way in front of their home and advocates for a better communication program to residents for street parking.
- **M. McIntyre** questions how to prevent residents from abusing residential parking passes, as well as inquires about the city's collaboration with CU and their parking practices.
- **J. Gerstle** inquires if there has been any noticeable impact from unbundling parking from office buildings.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 10:44 p.m.

APPROVED BY

Board Chair

DATE

Houde, Lisa

From: William Shutkin <williamshutkin@gmail.com>
Sent: Sunday, October 16, 2022 11:20 AM
To: Houde, Lisa
Cc: boulderplanningboard
Subject: Public Comment of William Shutkin to Boulder Planning Board on October 18, 2022 Public Hearing

External Sender

Public comment of William Shutkin to Boulder Planning Board on October 18, 2022 public hearing and recommendation to City Council regarding proposed Ordinance 8556, amending Title 9, “Land Use Code,” B.R.C. 1981, to update the use table and use standards related to industrial uses and districts, as part of Phase Two of the Use Table and Standards project.

October 16, 2022

Dear Boulder Planning Board,

I am a 14-year City of Boulder resident, Founder and Principal of Shutkin Sustainable Living, a Boulder-based sustainable real estate development firm, and faculty lead for the Urban Resilience and Sustainability specialization in the Masters of the Environment Program at the University of Colorado Boulder. I have been a national leader in the urban sustainability field for three decades.

I applaud the city planning staff’s proposed changes to the use table and use standards for the Industrial General (IG) zoning district under Boulder’s Land Use Code now before you for your review. I believe they are well aligned with best land use planning practices around the US and are a meaningful start to a new era of sustainable, responsible and equitable infill development in the city.

As an urban sustainability advocate and developer, whose recent Boulder projects include Weathervane in East Boulder (317-unit mixed-use, mixed-income project on 15 acres on East Arapahoe, just south of the Flatiron Business Park) and 30 Pearl in Boulder Junction (300-unit mixed-use, mixed-income project on four acres), I’m keenly interested in the planning work the city has been undertaking the past several years to evolve our land use and development rules for greater sustainability, connectivity and inclusion, in East Boulder and throughout the city.

Having closely reviewed the October 18, 2022 staff memorandum and draft zoning ordinance on industrial/residential use changes, I want to note that, while I believe the proposed changes are very positive and progressive, they are only a first step. The most important changes are still to come, in my opinion. These involve increasing the

residential density limit in the IG zone, which is unchanged by the current proposal and will be part of a planned next phase of work, to commence later this year or early next.

While there are no residential floor area ratio (FAR) limitations in the IG zone, there is, importantly, a cap of 27.2 dwelling units per acre. Given the limited number of large development parcels in the city (~5 acres or larger), the IG residential density limit is very restrictive and, in light of the city's high development costs, from land to construction, as well as our ambitious inclusionary housing requirements, will likely continue to inhibit residential development in East Boulder at any meaningful scale despite the instant proposed changes. It is well understood that greater density is the keystone for making mixed-use, mixed-income infill development possible in high barrier-to-entry communities like Boulder. Without it, these projects are simply not economically feasible, do not "pencil." In my view, based on recent, real-world development experience in the city, the current IG limit of 27.2 is too low to achieve the kind of sustainable, equitable development the East Boulder Subcommunity Plan (EBSP) envisions.

Consider the example of 30 Pearl in Boulder Junction which, at just over four acres, has 300 dwelling units (apartments and a limited number of townhomes), and over 20,000 square feet of ground-floor commercial space, all at or under four stories, with paseos and a vibrant public realm. That's 75 dwelling units per acre, almost three times the current IG standard. Moreover, we were able to develop Weathervane, which includes 80 permanently-affordable residential units (both apartments and townhomes), because of the sheer extent of the property, just shy of 15 acres (when we purchased the land in 2017, we were told it was the largest privately-owned, undeveloped parcel in Boulder, on the very edge of the city limits), and the critical fact that it was an IG zone contiguous to a smaller, RH-4 residential zone. But for both of these conditions, the project would not have happened.

As you know, the EBSP proposes up to 5000 new residential units to be constructed in East Boulder over the next two decades. Areas like the Flatiron Business Park, an IG zone just to the north of Weathervane, are appropriately identified as strategic targets for this scale of redevelopment, providing a singular opportunity for Boulder Junction-like density and form, especially considering the 55th Street Station Area Master Plan, which proposes an RTD bus rapid transit station at 55th and Arapahoe, around the corner from the business park, the very same kind of RTD facility that today anchors Boulder Junction.

In sum, I encourage Boulder Planning Board to embrace staff's proposed changes to the IG zone and to see them for what they are, an important first step, long overdue and hard won, but not an end in themselves. The real catalyst for achieving the EBSP's goals will be material changes to the IG residential density standard, informed by our own recent best practices, removing the current 27.2 cap in favor of what we see in Boulder Junction, a model not only for Boulder but for every American city and town trying to shift from last century's auto-dependence and sprawl to a more compact, climate-friendly and inclusive future.

Many thanks for considering my comments.

Sincerely,



William Shutkin

he/him/his

303 406 1743



Houde, Lisa

From: rob@traddb.com
Sent: Tuesday, October 18, 2022 3:50 PM
To: Houde, Lisa
Cc: Guiler, Karl; Castro-Wooldridge, Vivian
Subject: RE: Planning Board draft ordinance - Industrial area changes

External Sender

Hi Lisa,

Thanks for sending this over. I wish I had more time to review but some quick feedback. It is unfortunate to see how much of the industrial area is potentially zoned IG. This leaves very little area in East Boulder set aside for industrial (light or otherwise) use only. It seems like residential may have the opportunity to take over the district in time without some sort of cap on how much could be added. I recognize the goal is to limit the residential use to major intersections and along open space but once residential goes in, the businesses it pushes out will have less and less options to relocate within the city pushing the business diversity out of town. Hope that helps.

Cheers,

—

ROB ROSS | Principal, AIA
 C: 720.250.7903 | [TRÄD DESIGN + BUILD](#)

From: Houde, Lisa <HoudeL@bouldercolorado.gov>
Sent: Thursday, October 13, 2022 10:34 AM
To: Houde, Lisa <HoudeL@bouldercolorado.gov>
Cc: Guiler, Karl <GuilerK@bouldercolorado.gov>; Castro-Wooldridge, Vivian <Castro-WooldridgeV@bouldercolorado.gov>
Subject: Planning Board draft ordinance - Industrial area changes

Good morning,

City of Boulder staff is [currently looking at ways](#) to better align the Boulder Valley Comprehensive Plan guidance for businesses and housing in the city's industrial areas with the uses that are allowed by the Land Use Code. We have drafted an ordinance that would make changes to Boulder's code to offer a more diverse mix of uses, locate housing in appropriate places, and support industrial businesses. The draft ordinance will be reviewed by the Planning Board on **Tuesday, Oct. 18 at 6 pm**. The Planning Board makes a recommendation to the City Council, who will then review the ordinance for adoption in December. There will be another public hearing at the time of City Council review as well.

You can review a summary of the changes [at this link](#), or the full Planning Board agenda and memo [here](#) (starts on page 8).

We'd love to hear your feedback on the draft changes! Please email comments to me at houdel@bouldercolorado.gov or attend the virtual public hearing on [October 18](#) at 6 pm to share your thoughts. Please also share this with anyone in your network who you think might be interested. We'd really like to hear from stakeholders in the industrial areas to ensure that the changes are the right steps to implement the city's adopted comprehensive plan policies for industrial areas.

Houde, Lisa

From: Ulla Merz <ulla@bookcliffvineyards.com>
Sent: Friday, October 14, 2022 6:13 PM
To: Houde, Lisa
Subject: Use table simplifications

External Sender

Thank you for asking and thanks for including wineries distilleries and breweries in the consideration
The manufacturing process and its impact and business models of these three manufacturers of alcoholic beverages are very different

I don't know what simplify and consolidate minor differences between specific use standards ... means

Property taxation of industrial spaces should not be impacted by residential taxation

Rather than designate certain areas for residential development use a percentage for the zone.

When everything is said and done developers have to be able to build and make a profit following the use table

Pick an industrially zoned area and apply the rules and see what it yields and talk to stakeholders whether this is of interest.

--

Ulla Merz
BookCliff Vineyards
Phone: (303) 499 7301
Fax: (303) 499 0607
www.bookcliffvineyards.com

November 30, 2022

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: Process and Policy Concerns Regarding Ordinance Amending Use Regulations Applicable to Industrial Zoning Districts

Dear Honorable Members of the City Council:

We write to express the concerns of a number of industrial property owners, as well as commercial tenants, affected by the proposed changes to the Boulder Revised Code (the “Code”) that the City Council will consider on first reading on December 1 (the “Proposal”). While the Proposal includes many positive elements that will promote flexibility and clarity, the Proposal also includes several provisions that will create immediate nonconforming uses, cause unnecessary disputes and litigation, and could drive long-standing local businesses and their employees out of Boulder. With a bit more time to evaluate the practical impacts, more issues may be identified and resolved, but in the minimal time given the public to review the Proposal, we have identified the following issues, discussed in more detail below:

- Lack of Stakeholder Notice and Knowledge of Impacts of Proposal
- Consequences of Office Prohibition on Ground Floors and Single-Story Buildings
- Limitation of Office Use to 50,000 Square Feet per Legal Parcel
- Major Consequences of Creation of Nonconformity on Existing Leases
- Consequences of New Manufacturing Definitions
- Narrow Definition of Research and Development Uses

We have, along with the Boulder Chamber and other owners and their representatives, reached out to the Planning Department with these concerns, and believe we have the Planning Department’s commitment to work in good faith with the stakeholders to consider and address these concerns in more detail. But that process will be difficult to complete before a December 15 second reading. We hope that the Council will allow further consideration of these issues before making a final decision on the Proposal and, optimally, will delay second reading for a reasonable period of time to allow stakeholders and Planning Department staff to address and achieve resolution of the unintended consequences and potential legal disputes.

1. **Lack of Opportunity for Stakeholder Input on Ordinance Language.**

Affected property owners (numbering in the hundreds) and tenants received no mailed notice of the proposed modifications, which practically speaking have a rezoning effect and which create new non-conformities; many owners still have no idea the modifications to definitions and limitations on uses are even happening. And while Planning Department staff engaged community groups early in the conceptual development of the Proposal, stakeholders were not involved in the drafting of the ordinance and only saw the initial language less than one week before the Planning Board’s October consideration of the Proposal. *The latest draft ordinance that is now before the Council was only released on November 25 (the Friday of Thanksgiving week), and this new draft of the ordinance includes significant changes* from the draft that the Planning Board reviewed in October. Affected owners and tenants who actually do know about the Proposal are now scrambling to absorb the lengthy staff memo and evaluate all the potential impacts on their properties. Rather than adopt a major ordinance in a hurry without adequate knowledge or input from the affected citizens, we ask that a reasonable time be allowed for proper consideration of the impacts.

2. **Prohibition of Office Use on Ground Floors and Single-Story Buildings.**

The Proposal provides that new office space as a principal use may not be located on a ground floor. Many buildings in the affected zoning districts currently contain technical¹ office uses on the ground floor, and office is often a logical use for ground floor space. Indeed, some of the affected buildings with office occupants are only one story. The Proposal would make these current lawful uses nonconforming and would limit flexibility for property owners and tenants to modify or expand their space in the future, which in turn would decrease investment in properties and neighborhoods. Prohibiting offices on ground floors is also contrary to the general planning goal of encouraging mixed-use development in industrial zoning districts.

3. **Limitation of Office Use to 50,000 Square Feet Per Parcel.**

The Proposal provides that office space as a principal use may not occupy more than 50,000 square feet on a single legal parcel. This limitation would make a significant amount of current technical office space nonconforming and would restrict the ability of owners and tenants to adjust existing properties and invest in modernizing their facilities. The limitation also would discourage large, high-quality owners and tenants with the ability to contribute to Boulder’s neighborhoods and economy from locating or staying in Boulder. The limitation also needs to be considered in light of “campus” designs or approvals of multiple buildings under a single Site Development Plan – i.e., research and development businesses with associated office campuses for operations or other business lines of the company.

4. **Lack of Grandfathering Provision for Existing Expansion Rights and In-Contract Development.** Critically, while the Proposal includes language allowing “legally established” uses to remain, as is required by the Code’s legal nonconforming use provisions, the

¹ Technical office uses, which are the primary lawful form of office use in the relevant zoning districts, may to an extent be included in the new “Research and Development” definition. However, not all technical office space will fall into this category.

Proposal grants no extensions or exceptions for contractual rights that have been established prior to the effective date of the Proposal. The following are examples of immediate problems created by the Proposal for affected properties:

- a. Effect on a signed Letter of Intent between a landlord and tenant for ground-floor office space in a building under construction.
- b. Effect on a signed lease for space in a building under construction or a space being vacated by an existing tenant for more than 50,000 square feet of office, or for ground-floor office space.
- c. Effect on an existing tenant which has an option to expand its technical office use when another tenant vacates, resulting in office use on the ground floor or an expansion of office use beyond 50,000 square feet.
- d. Process for the City’s determination of whether space qualifies as “office” or as an accessory use for “research and development,” and how that is resolved before a lease is executed.

Legal rights and reliance issues arise with all of the above scenarios, which if suddenly defeated by adoption of the Proposal and the creation of a non-conformity, will give rise to litigation and displacement of tenants. For example, a technical office tenant with a current lease including a right of first refusal to expand into space currently occupied by a non-office use would be prohibited from exercising this right if the expansion would cause the total amount of office floor area on the parcel to exceed 50,000 square feet, or if the expansion right was for first-floor space. The tenant in such a circumstance could have legal rights against the landlord for the inability to deliver the bargained-for expansion space. Similarly, a party which has signed a lease for ground floor technical office space that will not be completed until later in 2023 may be bound under the lease but precluded from lawfully using the space as intended. The resulting disputes could result in liability litigation between landlord and tenant, and, in some cases, the City of Boulder. To avoid uncertainty, interference with investment-backed expectations, and unnecessary litigation, the Proposal should be modified to allow expansion or development to proceed under the former regulations if the right to a use is established by contract before the ordinance’s operative date.

5. **Revised Manufacturing Use Definitions.** The current Code distinguishes between manufacturing uses without offsite impacts, which are allowed by right, and manufacturing uses with offsite impacts, which require use review. The Proposal renames these categories “Light Manufacturing” and “General Manufacturing,” respectively, and revises their definitions. In so doing, the Proposal introduces a new distinction between manufacturing involving raw materials and manufacturing involving processed materials, requiring use review for the former but not the latter. Because this distinction is irrelevant to a use’s impact on the surrounding area, the new distinction should be removed. The Proposal also inserts unclear language into the definition of “General Manufacturing” that causes the definition to depend on how a use compares to uses included in “Light Manufacturing” rather than on an objective standard.

6. **Research and Development Definition.** The Proposal creates a new “Research and Development” use category to replace the much narrower “Medical Laboratory” category. This is an appropriate step to provide clarity regarding uses that are critical to modern real estate development, such as life sciences and biotechnology. However, to avoid many of the issues noted above, we believe the definition should include references to essential ancillary uses for research and development facilities, such as administrative offices, meeting rooms, break rooms, cafeterias, and fitness areas.

And all of the language of the Proposal needs to be reviewed closely for inconsistencies. As an example, the proposed text states that personal service uses are allowed in all industrial zoning districts, but the proposed use table states that they are allowed only in IG districts.

We respectfully request that the Council seriously consider the potential impacts of the provisions described above before moving forward with the Proposal. Because stakeholders have not yet had the opportunity to comment on the specific text that is under consideration, we hope that the Council will ensure that affected property owners have a reasonable opportunity to evaluate the details of the Proposal, and vet those issues with Planning Staff before the Council’s final vote. The impacts of the unintended and unconsidered consequences of the Proposal are significant to the thriving innovative ecosystems that make up much of Boulder’s industrial uses. We suggest that the Council consider delaying the scheduled second reading of the Proposal or granting a continuance to allow sufficient time to address these issues.

We should take the time to get this right for these valued members of the Boulder community and for the City generally. Thank you for your consideration.

Very truly yours,



J. Marcus Painter
Partner
of Holland & Hart LLP

JMP:efs
cc: Brad Mueller, Planning Director

20421554_v2



To: Mayor Aaron Brocket and Boulder City Council
CC: City Manager Nuria Rivera-Vandermyde
Planning Director Brad Mueller
Development Review Manager Charles Ferro

RE: Consent Agenda Item 3C - Ordinance 8556: Use Table/Industrial Zoning Changes

We, the undersigned have sat down with numerous affected industry members. We are writing to ask that Council move expeditiously, and allow for sufficient time to review, provide feedback and fine tune the new efforts to modernize the industrial zoning standards before they become codified.

We sincerely appreciate the efforts of City staff and the Planning Board, thus far, to address long-standing issues of broad concern regarding the industrial zoning standards. We also thank Director Mueller and Senior Manager Ferro for their consideration of our ideas outlined below. At this time, we want to make sure there is clear understanding for City Council regarding the further work we feel is necessary to achieve community goals.

We laud the goal of allowing new land uses (retail, restaurant, live/work, etc.) that will support community goals and strengthen our industrial zone districts. At the same time, we wanted to outline several concerns that we believe hamper flexibility and alignment with the City of Boulder environmental sustainability and economic vitality goals. These include:

- The prohibition of office use on the ground floor (creating nonconformities particularly for technical offices)
- Removal of residential uses from IS and IM zone districts, which is not in alignment with community goals around housing
- Lack of analysis on the impacts to existing neighborhoods, tenants and properties
- Allowing sufficient time and more robust outreach to affected property owners to review the proposed ordinance

We would like to bring some solutions to the table prior to the Second Reading to evaluate their viability with staff. We truly appreciate the updated and simplified use definitions, as we believe they will save institutional churn. At the same time, we would like to discuss items such as allowing residential through use review, increasing the prevalence of 15-minute neighborhoods, and the creation of more allowable uses.

Looking to the future, we would like to find new ways to achieve more comprehensive outreach after pen is put to paper on the draft ordinance in similar topics so we can more thoroughly provide thoughtful and constructive feedback prior to Planning Board and City Council meetings in order to achieve our mutual goals more effectively.

We look forward to discussing these options and others as we build new opportunities for businesses, employees, and our residents prior to Second Reading. Thank you for your thoughtful consideration.

Sincerely,

Jonathan Singer, Boulder Chamber of Commerce - Senior Director of Policy Programs
Liz Hanson, Hanson Business Strategies
Danica Powell, Trestle Strategy Group

Houde, Lisa

From: emsorders55@earthlink.net
Sent: Thursday, December 15, 2022 1:55 PM
To: Houde, Lisa
Subject: Ordinance 8556

External Sender

Lisa Houde,

This letter is regarding the agenda item titled: "Second reading and consideration of a motion to adopt Ordinance 8556, amending Title 9, "Land Use Code," B.R.C. 1981, to update the use table and use standards related to industrial uses and districts and setting forth related details". First thank you for taking the time to review the land use codes and update the use table. Secondly, my concern is with schools. Schools are important to our communities and are often an important criterion in choosing where to live. I do not understand why you would treat private schools differently than public schools. It is my understanding that public schools are controlled by state and federal regulations. That is no reason to make it harder for private schools to locate in any given area. Why would you treat public schools and private schools differently? Please consider correcting this deficiency in the use tables by treating all schools the same. That is to say, the criteria for allowing a school in any particular zone should not be based on whether it is a public or private school. Thank you.

Respectfully,

Eaton Scripps
Emsorders55@earthlink.net

Houde, Lisa

From: Jerry Moore <jerry@jm-assoc.com>
Sent: Thursday, December 15, 2022 1:17 PM
To: Houde, Lisa
Subject: Changes to City of Boulder industrial zone districts

External Sender

Ms. Houdel-

I'm an architect and former Planning Board member. During the last 40 years I've worked with many clients in the course of developing both commercial and industrial zoned properties in Boulder. I have the following concerns about the current revisions that have been proposed for the industrial zone districts in the City of Boulder. Here's a few of them for consideration:

1. There's a dearth of undeveloped land in the existing industrial zone districts on which to cleanly institute the City's newly proposed rules. Everything else already in existence is going to require a compromised and complicated solution for both the City, property owners and tenants.
2. There are instances where existing site constraints in the IG and IM districts may limit or hamper the development of full blown heavy industrial use on the first floor because of soils or other site related conditions where slab on grade construction is not feasible. Other site constraints may also limit strictly industrial use on particular sites (e.g. limited street frontage, adequate access for OTR trucks and loading docks or negative impacts on adjacent non-industrial uses).
3. Conversion of non-industrial infrastructure to industrial on the first floor of existing buildings will be time consuming, costly, and environmentally wasteful.
4. It's highly unlikely that the floor plans of new or existing buildings will cleanly match a 1 to 1 ratio of industrial to office use.
5. On existing one-story industrial buildings, where will the supporting office space reside?
6. Most startup businesses grow incrementally with eventual "industrial" use trailing research, development, proof of concept, feasibility and small scale production. The City's proposed remodel or "simplification" of industrial zone districts precludes this growth process from occurring incrementally and predictably on a single property.
7. Leasing is a complicated, organic and unpredictable process as well. This has not been adequately considered in the City's strategy.

Thanks for your consideration.

Jerry Moore, *Principal*

JM ASSOCIATES INC

PO Box 18390
Boulder, CO 80308
303-489-1883

Houde, Lisa

From: Chris Hansen <chansen@coloradogroup.com>
Sent: Thursday, December 15, 2022 12:40 PM
To: Houde, Lisa
Subject: Final? input on IG office use revisions

Lisa – in addition to what I sent yesterday afternoon, here is a more thoughtful solution. In short, don't take away current rightful users from 1st floor/ single story buildings. We don't have a problem now. It is being created by an ill-proposed redefinition of "office" in the code.

Abandon the entire 1st floor idea. Utterly unenforceable, makes the code **more** complicated not less, and rewards multi story IG buildings at the expense of single story.

In its stead, create a more general definition of Office as you plan, **AND** an IS/IG/IM definition of Office that **specifically excludes the uses** the Planning Commission and Council feel will be the "mass exodus". **If they fear it, they must name it.** Not a vague "oh, I feel this will happen". If that is the case, then tell the **USERS** not to go. Don't lay it on the buildings. Doctors? Dentists? Who? Make those uses prohibited. Easy to show in the code. Simple, and no "taking" of rights that have been clearly just fine in the Is/Ig/IM zoning.

That way they can show the Allowed Use Definition in the Use Table (simple) versus some insane ordinance, buried in foot notes, about 1st floor uses and grandfathering.. gads...

As an owner of a single story IG building (since 1997), I've had uses come and go, walls changed, and changed back, etc... If I have a conforming IG office use now, and then the next tenant is not an office user, do I get to put an office user back down the road? There is no way an ordinance can address all these conforming uses if they place any restriction on the 1st floor in IG.

I find it hard to believe the Planning Department got any input from the brokerage or landlord communities. We eat and breathe this issue every day, all day. No one in Planning, Planning Commission, or Council has more insight than we do. I say that because it caught 30+ brokers (many, like me, that are owners) at The Colorado Group off guard. Yesterday. That is not effective outreach to those who know the most about a subject.

Thanks you for sharing this will Council. Hopefully they will see the folly of the current proposal and redirect.



Chris Hansen

Principal/ Broker Associate, The Colorado Group, Inc

(303) 588-1971 Mobile | (303) 449-2131 x144 | coloradogroup.com

chansen@coloradogroup.com

3101 Iris Avenue, Suite 240, Boulder, Colorado 80301

Houde, Lisa

From: Susan Chrisman <susan@elevatedboulder.com>
Sent: Thursday, December 15, 2022 12:01 PM
To: Houde, Lisa; William Scott Reichenberg; Steve Chrisman
Subject: City of Boulder proposes changes to industrial zone districts

External Sender

Hi Lisa,

I've been copied on some other email communication around this issue and would like to add these bullet points for consideration as well.

1. There's a dearth of undeveloped land in the existing industrial zone districts on which to cleanly institute the City's newly proposed rules. Everything else already in existence is going to require a compromised and complicated solution for both the City, property owners and tenants.
2. There are instances where existing site constraints in the IG and IM districts may limit or hamper the development of full blown heavy industrial use on the first floor because of soils or other site related conditions where slab on grade construction is not feasible (e.g. 7007 Winchester Circle). Other site constraints may also limit strictly industrial use on particular sites (e.g. limited street frontage, adequate access for OTR trucks and loading docks or negative impacts on adjacent non-industrial uses).
3. Conversion of non-industrial infrastructure to industrial on the first floor of existing buildings will be time consuming, costly, and environmentally wasteful.
4. It's highly unlikely that the floor plans of new or existing buildings will cleanly match a 1 to 1 ratio of industrial to office use.
5. What about existing one-story buildings? Where will the supporting office space reside?
6. Most startup businesses grow incrementally with eventual "industrial" use trailing research, development, proof of concept, feasibility and small-scale production. The City's proposed remodel or "simplification" of industrial zone districts precludes this development process from occurring incrementally on a single property.
7. Leasing is a complicated, organic and unpredictable process as well. This has not been adequately considered in the City's strategy.

Thanks for your assistance!

Susan



Susan Chrisman

Property Manager & Managing Broker

Phone 303-449-7475 **Mobile** 303-877-5799

Web www.elevatedboulder.com **Email** susan@elevatedboulder.com

PO Box 510, Niwot, CO 80544



Houde, Lisa

From: Steven Chrisman <steve@chrismanc.com>
Sent: Thursday, December 15, 2022 11:52 AM
To: Houde, Lisa
Cc: Susan Chrisman
Subject: IG & IM Zoning Changes

Follow Up Flag: Follow up
Flag Status: Flagged

External Sender

Dear Boulder City Council,

I'm writing on behalf of the following entities which own buildings located in IG and IM zoning in the City of Boulder:

CKZ, LLC	6350 Nautilus Drive, Boulder, CO 80301
Corporate Place, LLC	6135 Gunbarrel Avenue, Boulder, CO 80301
Corporate Place, LLC	6165 Gunbarrel Avenue, Boulder, CO 80301
Corporate Place, LLC	6120 Longbow Drive, Boulder, CO 80301
Corporate Place, LLC	6170 Longbow Drive, Boulder, CO 80301
Crestview, LLC	6200 Lookout Road, Boulder, CO 80301
Gunbarrel Properties, LLC	4600 Nautilus Court South, Boulder, CO 80301
Gunbarrel Properties, LLC	4635 Nautilus Court South, Boulder, CO 80301
Northrim Properties, LLC	6880 Winchester Circle, Boulder, CO 80301
Pawnee Properties, LLC	6075 Longbow Drive, Boulder, CO 80301
Valtec Associates, LLC	4601 Nautilus Court South, Boulder, CO 80301
Westview Properties, LLC	4909 Nautilus Court North, Boulder, CO 80301

I was shocked to learn this morning that you are planning to make changes to the allowed uses for buildings located in both IG and IM zoning. I'm not sure how something that would have such a significant impact on both building owners and tenants was not made more public so we would have had the opportunity to explain why this is a horrible idea.

Limiting office uses to the second floor and above will significantly limit the tenants allowed on the first floor of these buildings. This will make a significant number of our buildings and other owners' buildings non-compliant and will force good tenants out of our buildings and most likely out of the City of Boulder.

In our Corporate Place four-building campus in Gunbarrel we have Medtronics and Northrop Grumman as tenants in all four of the buildings. They are good tenants that provide good high paying jobs that will most likely need to move elsewhere if the proposed changes go in effect. Since the majority of the space is used as office spaces, all four of these buildings would be non-compliant.

Please understand that we have spent millions building the Corporate Place buildings plus millions more on tenant improvements to accommodate the tenants. We built these buildings for the allowed uses at the time they were built. If we had known at the time the buildings were built that the first floor would be only allowed for industrial uses, that would have had a significant impact on how we designed the buildings in the first place. At this point we can't go back in time and change the buildings so they can better accommodate industrial uses on the first floors. This is just four of our buildings that would be non-compliant and several of our other buildings listed above would be non-compliant as well.

If you are that concerned about office use overwhelming industrial zoned buildings please keep professional offices out of IG and IM zoned buildings. It might be easier for the building department to group professional office and technical office under one office use type but you will make everything more difficult by controlling what can go where in the building.

I would have written more but after learning about this only this morning and needing to send something before noon I didn't have time.

Thanks,

Steven Chrisman
Managing Broker & Property Manager
CHRISMAN COMMERCIAL
864 W. South Boulder Road, Suite 200
Louisville, Colorado 80027
303-938-8200; 303-938-8201 (facsimile)
steve@chrismanc.com

Houde, Lisa

From: Scott Reichenberg <scott@coloradogroup.com>
Sent: Thursday, December 15, 2022 11:45 AM
To: Houde, Lisa
Cc: Susan Chrisman (Susan@elevatedboulder.com)
Subject: Property Owner Comments Related to Proposed Use Table Definition Update

Follow Up Flag: Follow up
Flag Status: Flagged

External Sender

Lisa:

Again, we appreciate you assisting us in making our comments part of the conversation (since this policy change just became aware to us yesterday). Without an ability to sign up to speak at tonight's meeting, we will use this method to convey some of our thinking.

Based on the limited time to fully digest the impacts of this proposed policy change, my comments are not fully matured as it relates to identifying all the unintended consequences (and/or any possible solutions). To that end, there are a few things that should be considered to avoid taking property rights away from owners that exist today. By example, we own a building at 7007 Winchester (IM-D zoned), which was built in 1999 under the design criteria that technical office would be allowed on all floors (which was and still is a needed and necessary product type in the market). The building is a 36,000 sf with 18,000 on the 1st and 2nd floors (2 story in total). Under this new definition of office, we'd be precluded from using 13,000 sf of the building, which would render that part of the building untenable. Even if there was some form of grandfathering clause, it would still be noted as a nonconforming use, which would put our loan in technical default and could lead to a very undesirable outcome. Furthermore, a new loan could not be secured. The idea of forcing a conversion of the space to another use (pure industrial) would be financially unfeasible, ESPECIALLY since the first-floor industrial product type would not be market accepted based on functional obsolescence (ceiling height being low, no direct dock access, etc. etc.). This would be unfairly narrowing the use of the property when this was not the stated goal of the policy change.

I would strongly request that Council reconsider how this is being designed as it has far reaching consequences that I don't believe are in the best interest of the community, City and property owners. At a minimum, more time is needed to address all of these concerns correctly in a fair and balanced manner.

Thank you for your assistance.

Sincerely,
Scott



W. Scott Reichenberg, CCIM
President | Principal | Broker Associate
The Colorado Group, Inc

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scott@coloradogroup.com

[3101 Iris Avenue, Suite 240, Boulder, Colorado 80301](https://www.coloradogroup.com/3101-Iris-Avenue-Suite-240-Boulder-Colorado-80301)



Houde, Lisa

From: Chris Hansen <chansen@coloradogroup.com>
Sent: Wednesday, December 14, 2022 4:57 PM
To: Houde, Lisa
Subject: RE: Use table update question

Thanks for a quick reply. Seems like one change is making more work for everyone, and making the code less clear.

Thoughts right now, and I'll try and share more tomorrow after it sinks in a bit. And I shared your email with my 31+/- Associates at TCG, so they may chime in as well.

1. Your stated goal is to simplify the code by aggregating the definition of office, but then you add more, lower level/ exception, to the code. More complex, not less. And certainly harder for the citizenry to find/ follow.
2. The flexibility in the ordinance you mention may be problematic. How will you show that in the Use Table?
3. And if an IG building owner, currently leasing to conforming "technical" office uses changes floor plans, merges suites, etc... how will that not trigger the exception?
4. How on earth would the City "police" the flexibility/ exemptions?
5. I do not believe there would be a "proliferation" of "professional" office users rushing to IG. Some?... well absolutely. As an IG building owner and broker in Boulder for 25+ years, I've turned away a few. But professional users want to/ need to be in the areas of town where they are now. A few will chase (slightly) cheaper rent, but most will stay because of the other amenities. I say this with confidence because I represent these folks. Not mere speculation.
6. And that said, if they are office users, you will be only rewarding those who own multiple story buildings.
7. Another thought – if there was a mass exodus of Professional office users to IG, well that would make downtown and other parts of the city more affordable. Hmmm.

OK, enough for now, it's late. I'm inclined to say don't make the change (not making the code simpler) or make the change without the "flexibility" clause. We can never possibly anticipate the nuances of each building, and the unfairness of OK'ing all office uses for multi-story IG buildings but not single story is... extremely problematic. I ask myself the "why"...

Good evening. I'll check in Thursday.



Chris Hansen
Principal/ Broker Associate, The Colorado Group, Inc

[\(303\) 588-1971 Mobile](tel:(303)588-1971) | [\(303\) 449-2131 x114](tel:(303)449-2131) | coloradogroup.com

chansen@coloradogroup.com

[3101 Iris Avenue, Suite 240, Boulder, Colorado 80301](https://www.google.com/maps/place/3101+Iris+Avenue,+Suite+240,+Boulder,+Colorado+80301)

Houde, Lisa

From: Peter Aweida <peter@westland-development.com>
Sent: Monday, December 12, 2022 5:42 PM
To: Houde, Lisa
Subject: Feedback on revised ordinance

External Sender

Lisa, thanks for sending this. A couple comments:

- On office uses in IG, most of the buildings currently are only 1 or 2 stories. Limiting office use to second story and above really takes most IG square footage away from office use. Please consider allowing office use on the ground floor.
- I don't see any changes to industrial zones for medical use. Maybe a clinic would be considered an office use? With such close proximity to the hospital, it would serve the East Boulder community well to allow medical clinic use in IG zones.

The rest of the suggestions looks good.

Best,
Peter Aweida
President, Westland Development Services, Inc.
1644 Conestoga Street, Suite 7
Boulder, CO 80301
303.449.9950 - Office
303.449.9952 - Fax
303.257.2357 - Mobile



Houde, Lisa

Subject: FW: Feedback on revised ordinance

From: Peter Aweida <peter@westland-development.com>

Sent: Tuesday, December 13, 2022 10:09 AM

To: Houde, Lisa <HoudeL@bouldercolorado.gov>

Subject: RE: Feedback on revised ordinance

Thanks Lisa. About 5 or 6 years ago when Planning Board and City Council were considering allowing medical uses in industrial zones, the neighborhood outlined in gray was allowed a variance and the other East Boulder neighborhoods were not, even though staff recommended that East Boulder be included in this variance. In addition to wellness centers, medical clinics, doctors' offices, surgery centers or even a life-science-type use in industrial zones makes sense, especially given the proximity to the hospital. Future needs for this type of space are hard to predict, but the lines between current medical practices and life-science R&D are getting blurred. Industrial buildings generally have the infrastructure to accommodate these uses. Many wellness and other uses may need more than 2,000 square feet and would be better-suited for a first-floor space rather than patients navigating elevators and stairs (if they're considered an office use). I think keeping these types of uses and businesses in Boulder is important and allowing more medical options in IG areas in East Boulder would help toward that end.

Best,
Peter Aweida
President, Westland Development Services, Inc.
1644 Conestoga Street, Suite 7
Boulder, CO 80301
303.449.9950 - Office
303.449.9952 - Fax
303.257.2357 - Mobile



Houde, Lisa

From: Hosea Rosenberg <hosea22@gmail.com>
Sent: Monday, December 12, 2022 7:05 PM
To: Houde, Lisa
Cc: Guiler, Karl
Subject: Re: Reminder: 12/15 City Council public hearing - Industrial area changes

External Sender

Hi Lisa,

Forgive me for being succinct, and if some of this is off topic or not relevant, but I did want to mention a few topics on my mind as a business owner in an industrial area of Boulder.

- We continually face difficulty finding applicants for restaurant work who can afford to live and work in Boulder. Adding more employee housing / affordable housing in the East Arapahoe area would be a godsend for us. Boulder is just too expensive for most low income people. This fact remains despite our efforts to greatly increase pay by adding on a Fair Wage Fee to our guest checks.
- Crime at my businesses is at an all-time high. I have spent tens of thousands of dollars this year repairing equipment and doors due to break-ins, and even more replacing stolen property. I wish more could be done to protect businesses and personal property. Something has to change.
- More (and later) bus routes in the 55th & Arapahoe corridor would also be great for our employees. Many who work in restaurants cannot get bus rides home as they finish work after the routes end.
- The permit process for building/remodeling is extremely lengthy - not to mention expensive - and slows our progress.

Thank you for your time.

Sincerely,
Hosea Rosenberg



Hosea Rosenberg

Chef / Owner
Blackbelly
Santo

720-427-8386
blackbelly.com
santoboulder.com

Help us find a cure for our daughter at [Sophie's Neighborhood](#)

Houde, Lisa

From: Macon Cowles <macon.cowles@gmail.com>
Sent: Tuesday, December 13, 2022 7:56 AM
To: Houde, Lisa; Guiler, Karl
Subject: Proposed Industrial area changes

External Sender

Dear Lisa and Karl:

I don't know that I will be able to testify to Council about the Use Table change on Thursday. I want to make three points to Council and to staff.

1)

It is a mistake to strip housing from an allowed use in IS and IM, and to allow housing in IG only where there is an adopted plan like the E. Bldr. Subcommunity Plan. There have only been two housing projects since 2004 approved in industrial zones—two of them, Waterview and Celestial Seasonings, will add 547 units of housing yet both would have been prohibited under the proposed Use Table changes. See <https://boulderhousing.net/important-recent-housing-projects-would-be-prohibited-under-use-table-changes-to-be-considered-by-council-thursday-dec-15-2022/>

I realize that the impetus for this is specific language in §2.21 of the BVCP that calls for housing “within areas zoned Industrial General (IG) (not those zoned for manufacturing or service uses).” But pause for a moment to consider this: it has taken 5 years (since the last update to the BVCP) to propose the Use Table change that implements the quoted language from §2.21. There are two takeaways from this: 1) Something has to be done to speed our planning processes; we have to be more nimble. 2) The two projects, Waterview and Celestial Seasonings, indicate that §2.21 may have been ill advised, so why don't we continue permitting housing in industrial Zones until the next major update.

2)

Eliminating housing from Industrial Zones will make them even more vulnerable to massive expansion of biotech facilities. The first harbinger of this is Blackstone's \$600 million purchase of Flatiron Properties earlier this year. See <https://seekingalpha.com/news/3820499-blackstones-biomed-buys-22-building-campus-in-boulder-colorado-for-over-600m>.

3)

Removing the current adjacency and lot size requirements for housing in the proposed Use Tables is a good thing. These are unduly restrictive.

I appreciate staff's work on the project. Thank you.

Macon Cowles
1726 Mapleton Ave.
Boulder, Colorado 80304
macon.cowles@gmail.com
(303) 447-3062

Houde, Lisa

From: Mark Casey <Mark@tenantwisdom.com>
Sent: Tuesday, December 13, 2022 10:18 AM
To: Houde, Lisa; Guiler, Karl
Subject: Use Table Changes

External Sender

Hello Lisa and Karl,

As a resident of the City of Boulder, I am in favor of changing the zoning code to allow for more housing in the industrially-zoned area of Boulder.

I am a commercial real estate broker who spends a lot of time in the industrial area of Boulder, particularly East Arapahoe. It done properly, housing can work well in these areas.

Please forward my comments on to the City Council.

Thank you,
Mark

Mark Casey
3601 Arapahoe Avenue, Suite 303
Boulder CO 80303
Tel: 303-665-6000
Fax: 1-866-289-5319

Houde, Lisa

From: Pannewig, Hella
Sent: Wednesday, December 14, 2022 11:34 AM
To: Houde, Lisa; Guiler, Karl; Browning, Elliott
Subject: FW: stephen eckert :- Planning and Development Services

FYI. A comment on the use table project.

From: No Reply <noreply@bouldercolorado.gov>
Sent: Wednesday, December 14, 2022 10:03 AM
To: Council <Council@bouldercolorado.gov>; ContactCoB <ContactCoB@bouldercolorado.gov>; Mueller, Brad <MuellerB@bouldercolorado.gov>; Pannewig, Hella <Pannewigh@bouldercolorado.gov>; Ferro, Charles <FerroC@bouldercolorado.gov>; Stafford, Edward <StaffordE@bouldercolorado.gov>; Johnson, Kristofer <JohnsonK3@bouldercolorado.gov>; Causa, Julie <CausaJ@bouldercolorado.gov>
Subject: stephen eckert :- Planning and Development Services

Preferred Form Language: English / Inglés

Name: stephen eckert

Organization (optional): Caddis PC

Email: stephen@caddispc.com

Phone (optional): (303) 523-1112

My question or feedback most closely relates to the following topic (please choose one): Planning and Development Services

Direct my submission to: Staff and Council

Comment, question or feedback: I strongly support the new uses that will be allowed in the Industrial zones. The changes reflect a modern approach to mixed uses that reflect the reality of how we live/work. They strongly support the idea of walkable communities and will provide community amenities that we all want and need. I do encourage the council to go one step further. I suggest we look at removing the barrier of the use review process on some uses. Especially restaurants, studio space, office space & independent schools. I use the word "barrier" because the use review process has become cumbersome, expensive, and much too long. If we all agree these uses are important, make the process to get them put in place less cumbersome. I ask ultimately what value is added in the review, that is not inherently incorporated in allowing the use to begin with? Unless the city is going to hire more staff, streamline the process, and encourage collaboration, the appropriate decisions on how best to move forward with the projects is best left to the Citizens who are providing them. Thanks for your consideration and these changes are a great step forward.

[[FSF080521]] Submission ID is #: 1046593890

[Compose a Response to this Email](#)

December 13, 2022

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: Potential Scenarios and Process Questions Regarding Ordinance Amending Use Regulations Applicable to Industrial Zoning Districts

Dear Mayor Brockett and Honorable Members of the City Council:

We write to follow up on our November 30 letter and subsequent conversations with City staff on behalf of our client, BioMed Realty. As requested by staff, we are providing a list of potential scenarios in which the proposed ordinance that the City Council will consider on December 15 may cause problems for stakeholders. We have also included several questions regarding process and application of the proposed ordinance. In addition, we have attached proposed modifications to the draft ordinance text that would address many of our concerns.

Technology and life science industries are evolving quickly, they no longer consist of old-fashioned labs but instead are dynamic work spaces that may defy traditional use categories. Transparency and predictability will be key to creating a thriving research and innovation ecosystem in Boulder. The following hypotheticals are not abstract, but are real situations that could occur, and are but a subset of a greater number of unintended consequences that could be identified with more time. We respectfully ask that City Council and Staff consider the following examples, and the proposed edits to the ordinance, with a view towards providing an environment of regulatory certainty. We have conviction—and trust you do as well—that such an environment would in turn attract the best companies in the world and bring cutting-edge R&D and innovation work to Boulder.

1. Hypotheticals:

- a. Tenant has 30,000 square feet of R&D space (software programming) in Building 1 on Lot A. Tenant wants to move its 20,000 square feet of corporate headquarters offices from a different state to be near its Building 1 operations:
 - i. Can the 20,000 feet of corporate office be on the first floor of Building 1, Lot A?
 - ii. What if there is another tenant with 40,000 square feet of non-R&D office in Building 1, Lot A?

- iii. Would your answer be different if the 30,000 sf R&D tenant was moving 50,000 square feet of corporate headquarters to Building 1, Lot A, and the R&D space use stayed at 30,000 square feet?
- iv. What if there is no room in Building 1 Lot A for the corporate offices and so the tenant leases space on the adjoining Lot B owned by a different owner?
 - 1. Would the 20,000 sf of corporate headquarters office still be considered “accessory”?
 - 2. Would the 20,000 sf count against Lot B’s 50,000 sf cap on office space?
 - 3. Would the answer be different if it was 50,000 sf of corporate office of the Building 1 Lot A tenant that went into Lot B’s building?
 - 4. Would it matter if Lot B’s building was only one story?
- v. What if Building 1 Lot A is full and tenant desires to move its office space onto Building 2 Lot B
 - 1. If they lease space on a nearby building on the same lot, is that still an “accessory” use¹ that can be greater than 50,000 square feet?
 - 2. Can the office space be located on the ground level of Building 2?
- b. Life Science Tenant has 10,000 sf of lab space and 3,000 sf of accessory office support space. Part way through the lease term, tenant outsources all lab work to a different country and uses the rest of the space as admin support for its national operations. The business is still an “R&D” business, but none of the lab operations are located in Boulder anymore.
 - i. Is the office use still “accessory”?

¹ One of the biggest concerns with the *accessory use* is the language mandating the accessory use be located on the same lot. Given how tenants now operate, it would make more sense to say “within the same project or campus” because tenants tend to treat an overall business park as one “location” and try to group their operations within that location. Making a distinction between each legal lot for purposes of a tenant’s use doesn’t really work and leads to negative consequences. If an entire business park could be viewed as a location where accessory use within the same park was permissible, that would alleviate many concerns for landlords and tenants with potential limitations of the R&D accessory definition. We have suggested additional clarifying language in Exhibit A where we propose limited modifications to the Research and Development definition.

- ii. Is the space now legally non-conforming or illegally non-conforming?
- c. Existing R&D tenant has a lease of all of second floor (lab use) and all of first floor (office) in Building 1, Lot A, (both 50,000 sf floors for a total of 100,000 sf). The tenant also occupies second floor (office) of Building 2 on Lot A (another 50,000 sf), and has an option in its lease to take over the first floor five years later (another 50,000 sf), when the first floor tenant's lease expires. If it exercises the option to take the 50,000 sf of ground floor space for office in the Building 2, it will have 50,000 square feet of Lab and 150,000 square feet of office.
 - i. Would the office use still be considered accessory?
 - ii. Would the use in Building 2 be in violation then of the 50,000 sf limit on office on a single parcel?
 - iii. Would the office be permitted on the first floor of Building 2?
- d. Tenant entered into lease on November 1, 2022 to lease 50,000 square feet of R&D space on second floor for its research division and 20,000 sf on the first floor for office that supports other operations of the company. Occupancy of the space (and the commencement date of the lease) doesn't begin until June 1, 2023 when space is built out.
 - i. Does the lease constitute "legal possession" of the space even though physical occupancy doesn't occur until after the new ordinance is enacted?
 - ii. What if it is a non-binding Letter of Intent to lease the space that has been signed by landlord and tenant? Is that a different answer?
- e. Professional Office user moves into 40,000 sf of space on second floor in Building 1 after Ordinance is adopted. The lease contains an option to expand another 10,000 sf of office. Lab user occupies 15,000 square feet in same building on first floor.
 - i. Lab user sells its company and the buyer takes over space and converts it to pure office in support of operations overseas.
 - 1. Is the 50,000 sf limit of office exceeded?
 - 2. If so, which tenant is in violation?
 - 3. Is the professional office tenant barred from exercising its option to expand the additional 10,000 square feet.

4. How would the City, the landlord, or the Professional Office user know that the conversion of the lab space may have created this problem?
 5. Would the City claim that the Professional Office tenant has no ability to enforce its expansion right?
 6. What would the City's enforcement action be?
- f. Single story building designed and approved as office – i.e., no docks or garages, and set back from roadway so no curbside appeal.
- i. Tenant on other property wants to use the space for administrative office. Can the landlord lease it for that purpose?
 - ii. What if the only demand for the space is a Professional Office user – no demand for R&D, retail or manufacturing. Must the landlord keep the space vacant, or can the landlord seek an exemption?
- g. A tenant executes a lease for 50,000 sf intending to use 35,000 sf for lab and 15,000 sf for office, but then subleases the lab space to an office user, which use is considered the principal use?
- i. What if there is already a tenant leasing 50,000 sf of office as principal use on the lot?
 - ii. Is the 50,000 sf limit on office exceeded?
 - iii. If so, which tenant is in violation?
 - iv. Note that it is a common practice in leases to allow tenants to assign or sublease without landlord consent in certain situations so the landlord might not have the right to just say no. These types of subleases could result in changes without landlord control, and we will not be able to lease space to any sophisticated company without agreeing to this standard lease language which is found across the US.
- h. Architectural and engineering firm executes lease in 2020 for 15,000 square feet on second floor of 30,000 square foot building. The tenant wants to ultimately grow into the 15,000 sf first floor space, but it is occupied at time of the lease, so tenant's lease also contains an option to take the 15,000 square feet of space on the first floor when the first floor tenant's lease expires in 2025. Tenant has invested over \$1 million in finishing out its space and did so because it knew it could take over the space on the first floor for expansion.

- i. Is the tenant permitted to expand its use to the first floor per the terms of the 2020 lease? (Tenant is not an R&D user, but was a lawful Technical Office user in 2020).
- ii. As in hypothetical e, what if the Architectural tenant had just signed a lease with all the above terms and the landlord had applied for a permit to build out the space, but the tenant hadn't yet occupied?

2. Process:

- a. How does a landlord or a tenant determine in advance whether a use is accessory or principal?
 - i. Is it a square footage calculation?²
 - ii. Is it an income calculation?³
 - iii. Is it something else?⁴
 - iv. How fast can a tenant or landlord get a commitment from the City as to whether the use is principal or accessory? Ideally, the statute is written so that it is very rare that a tenant or a landlord would need to go to the City to ask if the use is permitted.
 - v. Can it morph over time and remain in compliance if the R&D use becomes more office (i.e., is that then a legal non-conforming use, or now an illegal non-conforming use?)
- b. What constitutes "legal possession"? E.g., what vests a party's rights prior to the Ordinance going into effect?
 - i. Actual occupancy?
 - ii. Building under construction(consider some properties are owner occupied)
 - iii. Application for building permit?
 - iv. Site or Use Review approval? Application?
 - v. Signed lease creating binding obligations between landlord and tenant?

² This standard seems difficult to enforce and also impractical given that uses will almost assuredly change over time within a given location.

³ This also appears difficult to determine and impractical to enforce.

⁴ If the goal is to encourage the siting of R&D users within these zones, would it make sense that office uses are presumed to be accessory if the user's primary business fits within the R&D use category?

vi. Signed letter of intent (non-binding?)

3. Observations:

- a. Confirming in advance whether a use is R&D or “Office” will be critical, and then confirming where the line is between principal use and accessory use will also be critical. Making “accessory” applicable to the project as a whole and not each lot would help in making the changes more in keeping with actual practice and provide businesses with the level of certainty they need to locate, invest, and grow in Boulder.
- b. Without knowing in advance the City’s position on the above, it is hard to enter into binding leases and it is hard to calculate whether the 50,000 sf limit of office use, or limit on ground floor use is being violated.

Thank you for your consideration of these issues. We appreciate the opportunity to work together with you to make sure that the final draft of the proposed ordinance serves Boulder’s needs and addresses stakeholders’ concerns.

Very truly yours,



J. Marcus Painter
Jordan J. Bunch
of Holland & Hart LLP

cc: Brad Mueller, Planning Director

Exhibit A

Proposed Modifications to Draft Ordinance

The edited text below reflects our suggested changes to the draft ordinance distributed by the City of Boulder on November 25, 2022.

I. Office Use Standards: Proposed Boulder Revised Code Section 9-6-5(k)(4)(A)(i)

a. The ~~use is not located on the ground floor, with the exception of minimum necessary ground level access, and the~~ combined floor area of offices that are a principal use on the lot or parcel does not exceed 50,000 square feet;

b. The office meets the definition of an accessory office; or

c. The use was legally established within the associated floor area prior to March 15, 2023. Principal uses that do not meet the requirements of Subparagraph (A)(i)a. shall be considered a nonconforming use. Changes in operations, such as changes in ownership, tenancy, management, number of employees, or hours of operation or performance of alterations or improvements 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. For purposes of this Subparagraph (c), a use is deemed legally established prior to March 15, 2023 to the extent:

(i) a legally enforceable right to such use has been established by either:

(A) actual occupancy;

(B) application filed with the City for Site or Use Review relative to such intended use;

(C) application filed with the City for building permit for the space for such use; or

(D) a fully executed lease or letter of intent between landlord and tenant entitling a tenant to such use (including without limitation, by virtue of an existing lease, new lease or new letter of intent, a lease amendment, an option, a right of first refusal or first offer, a right of expansion, or other similar enforceable legal right between landlord and tenant, executed before March 15, 2023, whether or not such right to use exists currently or is a future right provided in the relevant legal document; and

(ii) such use was permitted by the provisions of the Code prior to March 15, 2023 and at the time of execution of the relevant legal document.

The burden of proof to establish such right shall be on the party seeking the exemption from the provisions of this Section ____, and shall be accompanied by a signed certificate under penalty of perjury reciting representing to the City:

(A) the date (prior to March 15, 2023) on which the document was executed; and

(B) the use ~~to~~ of the property or premises sought to be maintained or preserved.

II. Definitions: Proposed Boulder Revised Code Section 9-16-1(c)

...

*General manufacturing*⁵ means the processing, manufacturing, ~~or~~ compounding, fabrication, or assembly of materials ~~or~~ substances predominately from raw or primary materials, or a use, or products, provided that such use is engaged in processes that ~~have the potential to produce greater amounts of~~ noise, odor, vibration, glare, or other objectionable influences ~~than light manufacturing uses and which may have an~~ environmental contamination with a material or unreasonable adverse effect on surrounding properties. ~~General manufacturing uses typically involve primary production processes.~~

...

*Light manufacturing*⁶ means the ~~indoor production or~~ processing, manufacturing, compounding, fabrication, or assembly of ~~finished products or parts from previously prepared materials. Light manufacturing uses generally do not include processing of raw materials or production of primary materials. Any~~ materials, substances, or products, provided that, any noise, odor, vibration, glare, or other ~~similar impacts are confined on the property~~ environmental contamination produced by the use has no material or unreasonable adverse impact on surrounding properties. This use includes commercial

⁵ Replaces the current “Manufacturing uses” definition: “*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 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.

⁶ Replaces the current “Manufacturing use with potential off-site impacts” definition: “*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.

printing and binding of printed media. Light manufacturing may include a showroom or ancillary sales of products related to the items manufactured on-site.

...

*Research and development*⁷ means a facility where research and development is conducted in industries including but not limited to, industrial, biotechnology, life sciences, pharmaceuticals, medical or dental instruments or supplies, computer hardware or software, ~~or~~and electronics. ~~The facility engages in~~Activities may include product or process design, research, development, prototyping, ~~or~~testing, manufacturing, fabricating, processing, assembling, or storage of products or materials. This use may include laboratory, office, warehousing, ~~and light manufacturing functions~~, meeting rooms, management and administrative support, customer support, and employee services such as break rooms, kitchens, cafeterias, conference rooms, and fitness, recreation and wellness areas (in addition to all other accessory uses as permitted under the Code) as part of the research and development use. For the purposes of research and development use only, the definition of “accessory use” shall include uses located in the same business campus, office park, business subdivision, or original site development plan (planned unit development) as the principal use.

...

⁷ Replaces the current “Medical laboratory” definition: “Medical 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.

Exhibit B

Letter Dated November 30, 2022

[See attached document]

20504843_v2

November 30, 2022

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: Process and Policy Concerns Regarding Ordinance Amending Use Regulations Applicable to Industrial Zoning Districts

Dear Honorable Members of the City Council:

We write to express the concerns of a number of industrial property owners, as well as commercial tenants, affected by the proposed changes to the Boulder Revised Code (the “Code”) that the City Council will consider on first reading on December 1 (the “Proposal”). While the Proposal includes many positive elements that will promote flexibility and clarity, the Proposal also includes several provisions that will create immediate nonconforming uses, cause unnecessary disputes and litigation, and could drive long-standing local businesses and their employees out of Boulder. With a bit more time to evaluate the practical impacts, more issues may be identified and resolved, but in the minimal time given the public to review the Proposal, we have identified the following issues, discussed in more detail below:

- Lack of Stakeholder Notice and Knowledge of Impacts of Proposal
- Consequences of Office Prohibition on Ground Floors and Single-Story Buildings
- Limitation of Office Use to 50,000 Square Feet per Legal Parcel
- Major Consequences of Creation of Nonconformity on Existing Leases
- Consequences of New Manufacturing Definitions
- Narrow Definition of Research and Development Uses

We have, along with the Boulder Chamber and other owners and their representatives, reached out to the Planning Department with these concerns, and believe we have the Planning Department’s commitment to work in good faith with the stakeholders to consider and address these concerns in more detail. But that process will be difficult to complete before a December 15 second reading. We hope that the Council will allow further consideration of these issues before making a final decision on the Proposal and, optimally, will delay second reading for a reasonable period of time to allow stakeholders and Planning Department staff to address and achieve resolution of the unintended consequences and potential legal disputes.

1. **Lack of Opportunity for Stakeholder Input on Ordinance Language.**

Affected property owners (numbering in the hundreds) and tenants received no mailed notice of the proposed modifications, which practically speaking have a rezoning effect and which create new non-conformities; many owners still have no idea the modifications to definitions and limitations on uses are even happening. And while Planning Department staff engaged community groups early in the conceptual development of the Proposal, stakeholders were not involved in the drafting of the ordinance and only saw the initial language less than one week before the Planning Board's October consideration of the Proposal. *The latest draft ordinance that is now before the Council was only released on November 25 (the Friday of Thanksgiving week), and this new draft of the ordinance includes significant changes* from the draft that the Planning Board reviewed in October. Affected owners and tenants who actually do know about the Proposal are now scrambling to absorb the lengthy staff memo and evaluate all the potential impacts on their properties. Rather than adopt a major ordinance in a hurry without adequate knowledge or input from the affected citizens, we ask that a reasonable time be allowed for proper consideration of the impacts.

2. **Prohibition of Office Use on Ground Floors and Single-Story Buildings.** The Proposal provides that new office space as a principal use may not be located on a ground floor. Many buildings in the affected zoning districts currently contain technical¹ office uses on the ground floor, and office is often a logical use for ground floor space. Indeed, some of the affected buildings with office occupants are only one story. The Proposal would make these current lawful uses nonconforming and would limit flexibility for property owners and tenants to modify or expand their space in the future, which in turn would decrease investment in properties and neighborhoods. Prohibiting offices on ground floors is also contrary to the general planning goal of encouraging mixed-use development in industrial zoning districts.

3. **Limitation of Office Use to 50,000 Square Feet Per Parcel.** The Proposal provides that office space as a principal use may not occupy more than 50,000 square feet on a single legal parcel. This limitation would make a significant amount of current technical office space nonconforming and would restrict the ability of owners and tenants to adjust existing properties and invest in modernizing their facilities. The limitation also would discourage large, high-quality owners and tenants with the ability to contribute to Boulder's neighborhoods and economy from locating or staying in Boulder. The limitation also needs to be considered in light of "campus" designs or approvals of multiple buildings under a single Site Development Plan – i.e., research and development businesses with associated office campuses for operations or other business lines of the company.

4. **Lack of Grandfathering Provision for Existing Expansion Rights and In-Contract Development.** Critically, while the Proposal includes language allowing "legally established" uses to remain, as is required by the Code's legal nonconforming use provisions, the

¹ Technical office uses, which are the primary lawful form of office use in the relevant zoning districts, may to an extent be included in the new "Research and Development" definition. However, not all technical office space will fall into this category.

Proposal grants no extensions or exceptions for contractual rights that have been established prior to the effective date of the Proposal. The following are examples of immediate problems created by the Proposal for affected properties:

- a. Effect on a signed Letter of Intent between a landlord and tenant for ground-floor office space in a building under construction.
- b. Effect on a signed lease for space in a building under construction or a space being vacated by an existing tenant for more than 50,000 square feet of office, or for ground-floor office space.
- c. Effect on an existing tenant which has an option to expand its technical office use when another tenant vacates, resulting in office use on the ground floor or an expansion of office use beyond 50,000 square feet.
- d. Process for the City's determination of whether space qualifies as "office" or as an accessory use for "research and development," and how that is resolved before a lease is executed.

Legal rights and reliance issues arise with all of the above scenarios, which if suddenly defeated by adoption of the Proposal and the creation of a non-conformity, will give rise to litigation and displacement of tenants. For example, a technical office tenant with a current lease including a right of first refusal to expand into space currently occupied by a non-office use would be prohibited from exercising this right if the expansion would cause the total amount of office floor area on the parcel to exceed 50,000 square feet, or if the expansion right was for first-floor space. The tenant in such a circumstance could have legal rights against the landlord for the inability to deliver the bargained-for expansion space. Similarly, a party which has signed a lease for ground floor technical office space that will not be completed until later in 2023 may be bound under the lease but precluded from lawfully using the space as intended. The resulting disputes could result in liability litigation between landlord and tenant, and, in some cases, the City of Boulder. To avoid uncertainty, interference with investment-backed expectations, and unnecessary litigation, the Proposal should be modified to allow expansion or development to proceed under the former regulations if the right to a use is established by contract before the ordinance's operative date.

5. **Revised Manufacturing Use Definitions.** The current Code distinguishes between manufacturing uses without offsite impacts, which are allowed by right, and manufacturing uses with offsite impacts, which require use review. The Proposal renames these categories "Light Manufacturing" and "General Manufacturing," respectively, and revises their definitions. In so doing, the Proposal introduces a new distinction between manufacturing involving raw materials and manufacturing involving processed materials, requiring use review for the former but not the latter. Because this distinction is irrelevant to a use's impact on the surrounding area, the new distinction should be removed. The Proposal also inserts unclear language into the definition of "General Manufacturing" that causes the definition to depend on how a use compares to uses included in "Light Manufacturing" rather than on an objective standard.

6. **Research and Development Definition.** The Proposal creates a new “Research and Development” use category to replace the much narrower “Medical Laboratory” category. This is an appropriate step to provide clarity regarding uses that are critical to modern real estate development, such as life sciences and biotechnology. However, to avoid many of the issues noted above, we believe the definition should include references to essential ancillary uses for research and development facilities, such as administrative offices, meeting rooms, break rooms, cafeterias, and fitness areas.

And all of the language of the Proposal needs to be reviewed closely for inconsistencies. As an example, the proposed text states that personal service uses are allowed in all industrial zoning districts, but the proposed use table states that they are allowed only in IG districts.

We respectfully request that the Council seriously consider the potential impacts of the provisions described above before moving forward with the Proposal. Because stakeholders have not yet had the opportunity to comment on the specific text that is under consideration, we hope that the Council will ensure that affected property owners have a reasonable opportunity to evaluate the details of the Proposal, and vet those issues with Planning Staff before the Council’s final vote. The impacts of the unintended and unconsidered consequences of the Proposal are significant to the thriving innovative ecosystems that make up much of Boulder’s industrial uses. We suggest that the Council consider delaying the scheduled second reading of the Proposal or granting a continuance to allow sufficient time to address these issues.

We should take the time to get this right for these valued members of the Boulder community and for the City generally. Thank you for your consideration.

Very truly yours,



J. Marcus Painter
Partner
of Holland & Hart LLP

JMP:efs
cc: Brad Mueller, Planning Director

20421554_v2

12/14/22

Use Table changes

Dear Council Members,

I am writing to express some concerns with the proposed Use Table Changes and the associated process.

The relevant language in Section 2.21 of the BVCP is susceptible to two interpretations: (1) residential is appropriate in all industrial zones, with additional analysis guiding the location of housing in IG in particular; or (2) the only appropriate places for housing in industrial areas is in the IG zone district. Until recently, staff had confirmed that the first interpretation properly reflected the intent behind the most recent change to Section 2.21.

In particular, in 2016, after I purchased the Bustop site in North Boulder (zoned IS), I had multiple conversations with then Long-Range Planner Leslie Ellis, who confirmed that the intent of Section 2.21 of the BVCP was to implement Code changes to incentivize residential development in the IG zone, and not to limit or eliminate residential development in the IM or IS zone. This intent was confirmed multiple times in writing by Long Range Planner Philip Kleisler, when I entitled the Residential development located at the Celestial seasoning's site (zoned IM). Phillip added and shared information that staff's intent and CC guidance was to create a work plan to incentivize residential in IG (while not eliminating residential in IM and IS).

Nonetheless, at our final Planning Board hearing for the Celestial project where the site review was approved, there was a lengthy conversation between Board members in regards to preserving industrial uses and industrial-zoned land. I believe that that conversation (which was directly at odds with the stated intent behind Section 2.21) has continued through Planning Board and staff working groups and is now incorrectly influencing Council's thinking on the subject.

The concern I have is that the current Use Table Changes are not in Line with the years of community input for the comp plan update, and ideas for industrial preservation are now being input into staff's analysis of the use tables without any economic data based upon reality. Staff confirmed on numerous occasions that it was never the intent of the update to eliminate residential in the IM or IS zone. Also, although I can understand the planning benefit of limiting residential in the IG zone to parcels that are included in an area plan, that was also not the intent and does not incentivize residential in that zone.

In regards to the preservation of industrial land and uses, the Board members have continually listed the industrial uses that should be preserved (car mechanics, art space, metal fabricating, etc.). From a community standpoint I agree, but the reality is that if residential is not allowed in the IM zone and IM land with or without current industrial uses is sold, the new development will be large Life Science projects developed and financed by national REITS (this is already happening). The unfortunate truth is that the industrial uses talked about by the Board can not afford to pay even the property tax portion of the triple-net rent, let alone market rent, so thinking that eliminating residential from IM will clear the way for those sorts of industrial uses is just not reality.

In connection with its discussion, I would encourage Council to give effect to both: (1) the original intent of Section 2.21 of the BVCP (residential should be allowed in all industrial zones, and the process

regarding approving residential in IG in particular should be simplified); and (2) the underlying economic realities driving development in these areas.

Sincerely,

Andy Allison

Allison Holdings

Houde, Lisa

From: David Ensign <dwensign@gmail.com>
Sent: Thursday, December 15, 2022 2:37 PM
To: Houde, Lisa; Guiler, Karl
Subject: Fwd: Contact City Council and Staff

External Sender

Hi Lisa,

Thanks for the conversation clarifying zoning in East Boulder Subcommunity Planning area!

It sounded like you may not have seen what I sent to council below, so i'll send to both you and Karl. I'm thinking your options that you provided to Aaron on Hotline address my concerns, so I'll speak to those options tonight.

Looking forward to seeing you both!

d.

Begin forwarded message:

From: "No Reply" <noreply@bouldercolorado.gov>
Subject: **Contact City Council and Staff**
Date: December 5, 2022 at 3:12:06 PM MST
To: dwensign@gmail.com
Reply-To: noreply@bouldercolorado.gov

Thank you for contacting the City of Boulder. Your correspondence has been shared with staff and/or all nine council members, depending on the selection you made. If you are simply sharing your perspective on an issue, please be assured that your viewpoint will be considered even if you do not receive a response. We strive to respond to questions or requests for more information within three business days. Please do not reply to this email as it is not monitored. Have a good day!

Preferred Form Language / Idioma en el que Prefiere Llenar el Formulario: English / Inglés

Name (optional): David Ensign

Organization (optional): ex-Planning Board Member and Use Table Subcommittee Member

Email (optional): dwensign@gmail.com

Phone (optional): (303) 589-7783

My question or feedback most closely relates to the following topic (please choose one): Council

Direct my submission to:

Dear City of Boulder City Council Members,

On Thursday, 12/1, you had the first reading of Ordinance 8556 to update the Use Table and Standards for Industrial Uses to align better with the Boulder Valley Comprehensive Plan (BVCP).

In the Use Table Subcommittee working group, I have had the pleasure of collaborating with Karl Guiler for over four years on changes to the use tables, and with Lisa Houde since she took over the project in the last year. Karl, Lisa, and other staff members have done an excellent job of gathering ideas from the community, coordinating with other initiatives (like subcommunity planning), and proposing changes that increase the usability and crispness of the use tables/standards as well as aligning them with the latest revision to the Boulder Valley Comprehensive Plan.

Discussions around the industrial areas impacted by Use Table/Standards Module 2 largely acknowledged that the East Boulder Sub-community Plan would drive a lot of the details around industrial zones, and the adopted plan does that quite well for areas in the plan's scope. I'm looking forward to some outstanding mixed-use outcomes for the different place types covered by the plan.

I believe Ordinance 8556 in front of you will on balance move us in the right direction for areas both inside and outside of the East Boulder Subcommunity Plan.

I am, however, concerned that the currently proposed ordinance may go too far in prohibiting residential projects in the industrial zones. The current 1/6 contiguity requirement will need to be removed for areas within the East Boulder Subcommunity Plan so that the vision of residential in IG zones can be realized. But it isn't clear to me that removing that requirement means that residential should be completely disallowed in all zones outside the planning area that are designated as Light Industrial land use. Note that the BVCP states that "Residential and other complementary uses will be encouraged in appropriate locations", and the definitions of IG and IM zones corresponding to Light Industrial also mention residential uses.

Note also that disallowing residential in IS and IM in the use table would mean that if, in the future, the East Boulder Sub-community Plan were revised (or new sub-community plans developed) to take advantage of some housing opportunities in these zones, these opportunities would be prohibited in the code.

I would recommend that council and staff consider preserving use standards for IM, IG, and IS that might enable residential in appropriate areas that would not displace industrial. The use standards in Section 9-6-3 could require that consistency with adopted Subcommunity Plans takes precedence, but if there is no plan there still could be the possibility of residential opportunity. If the 1/6 contiguity requirement is not the right standard, is there a better way to describe where appropriate residential opportunities might be pursued?

In the past few years, we have seen some impactful proposals including on-site affordability that were only possible through allowing residential in industrial where there is 1/6 contiguity. With the proposed changes, these projects would not have been possible. Some will become non-conforming if this ordinance is adopted as written.

The East Boulder Subcommunity Plan has created some attractive opportunities for residential development, so I understand that we may be tempted to conclude that these proposed prohibitions on residential are offset by opportunities within the planning area. But I'd like there to be discussion about what affordable housing potential we might be giving up in areas where subcommunity plans may not be feasible in the near-term, or in areas zoned other than IG where sub-community plans identify opportunities in the future.

Best Regards,

Dave Ensign
4020 Evans Drive
Boulder, CO 80303
303 589 7783
dwensign@gmail.com

Comment, question or feedback:

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Best Regards,

Dave Ensign
4020 Evans Drive
Boulder, CO 80303
303 589 7783
dwensign@gmail.com

Houde, Lisa

To: Jeff Dawson
Subject: RE: Changes to Residential Uses in IM?

From: Jeff Dawson <jeff@thestudioatmorgancreek.com>
Sent: Friday, December 16, 2022 1:56 PM
To: Houde, Lisa <HoudeL@bouldercolorado.gov>
Cc: jason@markelhomes.com; Guiler, Karl <GuilerK@bouldercolorado.gov>
Subject: Re: Changes to Residential Uses in IM?

Hi Lisa,

Thank you for your email. I appreciate the follow up. I think my simple request would be to keep the city's ability to review "dwelling units, attached" on a case by case basis in the IM zone through the use review process and eliminate the contiguity requirement. That way each proposal can be evaluated on its own merits and community benefit. A blanket prohibition of attached dwelling units in the IM zone may eliminate opportunities to develop housing in locations where it could be very compatible with surrounding uses. The contiguity requirement is unnecessarily restrictive as well and only limits the potential to build more housing in the city.

Jason may have some additional thoughts as well.

Thank you for the opportunity to provide our feedback.

Jeff Dawson, AIA

Managing Principal

STUDIO
ARCHITECTURE

Boulder

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Boulder CO 80308

Denver

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Denver, CO 80216

720.771.0516

www.theSTUDIOarchitecture.com

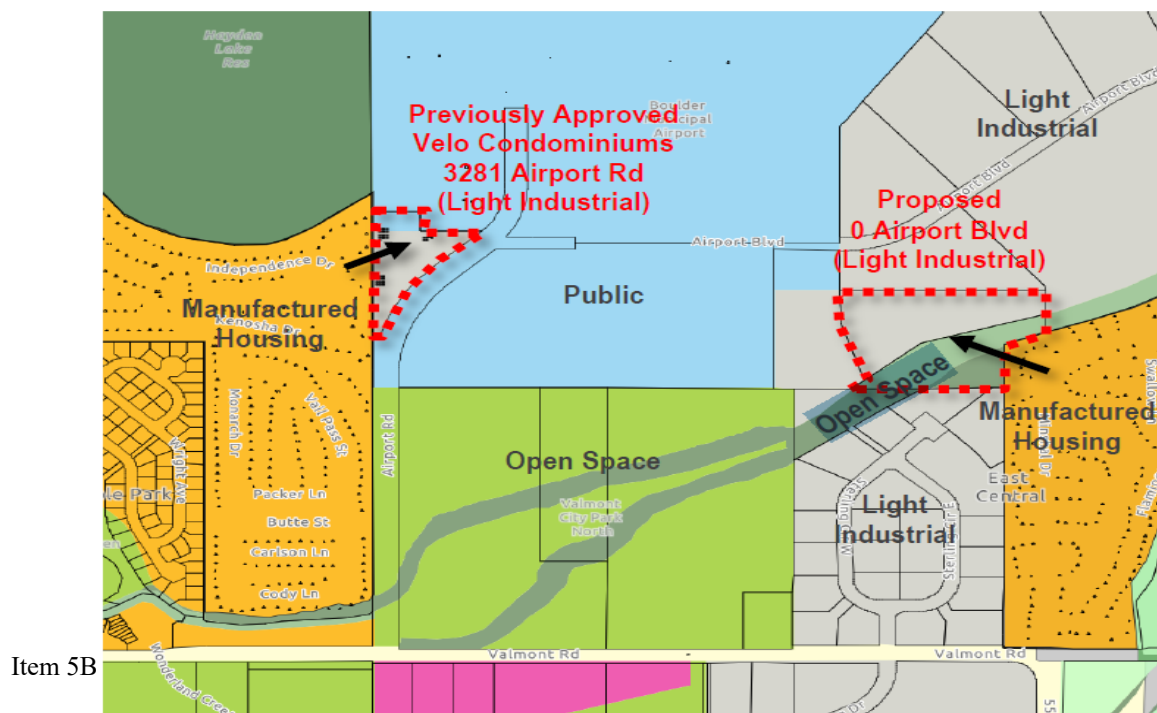
My name is Jason Markel, 5723 Arapahoe Ave Boulder, CO 80303, I'm Vice President at Markel Homes Construction Company. We have a Mixed-Use 141 unit project entering the entitlement phase within an IM Zoning District. We incorporated 111 of the 141 units as Efficiency Living Units in our plan. Our Pre-App meeting with Staff was very constructive, but our project came up 1% short with regards to our contiguity requirements. The proposal to abolish the contiguity requirement is a step in the right direction, but we feel limiting residential development to the IG zoning is too prohibitive for a city facing a housing crisis.

It is unnecessarily restrictive to prohibit residential uses in the IM zone Districts since affordable or attainable housing is such a priority, and land for housing is so limited within the city. The city should allow itself the flexibility through the Use Review process to evaluate creative proposals in the IM zone on a case by case basis and put the burden on the property owner/applicant to show there are no conflicts with surrounding uses and that the project provides significant public benefit.

A blanket prohibition won't allow the City to take into consideration each individual property's unique opportunities and conditions. Our property nearly meets the contiguity requirement, is adjacent to open space, is adjacent to existing residential, is next to Valmont bike park, and would have great access to the city trail system. It would be an excellent candidate for housing if it were not for its IM zoning. Furthermore, the property is on the periphery of the IM zone and not surrounded by properties with existing, incompatible IM uses.

It is a mistake for the city to prohibit housing as a potential use in the IM zone. They should eliminate the contiguity requirement, change the use table to allow housing through the use review process and leave the door open to residential uses in IM. The city already has an effective mechanism to closely scrutinize and evaluate a variety of land uses through the Use Review process, and they should put it to good use in this case. Thank you Councilors for your time and consideration.

--Jason Markel



Councilmembers & Staff,

My name is Ross Holbrook, 706 Iris Avenue Boulder, CO 80304, I'm Managing Partner at stok Investment Group.

Our firm's purpose is to help solve income inequality by developing affordable, healthy, and low carbon communities. Our vision is to develop the world's most sustainable real estate. We envision a future in which communities and real estate developers are strong allies and champions of aggressive climate goals, and renters choose properties for not only their affordability, but their exceptional living and wellness experiences too. We utilize thoughtful densification and sustainable building innovation to deliver housing for the largest and fastest growing rental market segment, the underserved middle market, while also generating a greater social value to the resident and the community.

We have a property within ¼ mile of the Boulder Junction Station (see enclosed map) that will be negatively affected by the proposed Use Table changes being proposed specific to the IG zoning and will significantly limit the possibility to build residential units through the Use Review process due to the outdated and arbitrary 1/6th contiguity requirement.

We see a much simpler and already existing mechanism of the Use Review process for residential in IG zones. Relying on Use Review allows the community to make intelligent choices regarding those options moving forward on an area-by-area, site-by-site basis which results in much more thoughtful redevelopment.

If adjacency or contiguity is in fact desired, a much simpler solution would be properties that have neighboring properties that allow residential uses currently, which would include business and mixed-use zones. This allows residential units to be built proximate to the central areas with the services needed in a typically walkable area. Otherwise, life sciences will continue to target these areas instead.

We would recommend including in the proposed Use Table changes criteria to include IG properties that are within ½ mile of a transit station as this provides much needed access to efficient and sustainable transportation for our Boulder residential population.

At 27.2 units per acre for residential and 0.5 Floor Area Ratio (FAR) under the current IG zoning, both maximums can easily coexist and provide a mixed-use development that provides both jobs and housing and does not exacerbate an already significant housing crisis.

Lastly, there seemed to be very little outreach to the affected property owners during this process and will have very significant impact to the value of these properties without any notification.

Regards,

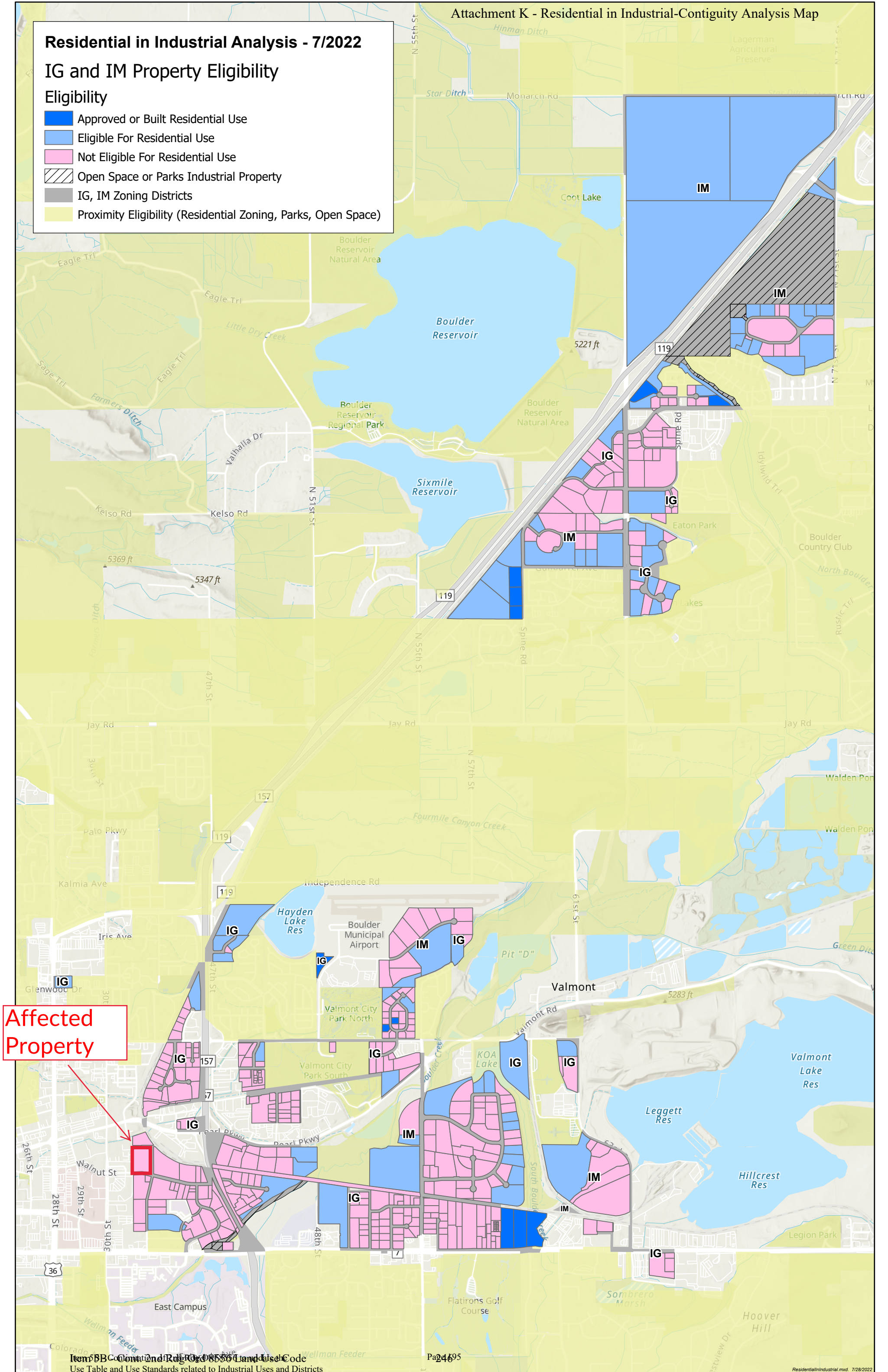
Ross Holbrook
Managing Partner
stok Investment Group, LLC
ross@stok.com
www.stokInvestmentGroup.com

Residential in Industrial Analysis - 7/2022

IG and IM Property Eligibility

Eligibility

- Approved or Built Residential Use
- Eligible For Residential Use
- Not Eligible For Residential Use
- Open Space or Parks Industrial Property
- IG, IM Zoning Districts
- Proximity Eligibility (Residential Zoning, Parks, Open Space)



Affected Property

January 16, 2023

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

**Re: Proposed Modifications to Draft Ordinance Amending Use Regulations
Applicable to Industrial Zoning Districts**

Dear Mayor Brockett and Honorable Members of the City Council:

We write to follow up on our letters dated November 30 and December 13, 2022, and our subsequent conversations with City staff on behalf of our clients, including BioMed Realty, regarding the proposed Ordinance that the City Council will consider on January 19 (the “Ordinance”). Once again, we would like to express our sincere appreciation to Council for recognizing the need for more engagement from stakeholders. Unfortunately, that direction has not produced the type of meaningful engagement necessary to respond to stakeholders’ concerns, or to identify available solutions that address both the City’s policies and the legal and market realities of the affected properties. For that reason, we are having to object to, and suggest further changes to, the draft Ordinance resubmitted to Council by staff.

PROCESS:

With respect to modifications to the Ordinance language we believe still need to be made, we have specifically attached proposed changes at **Exhibit A**, and describe the reasons for those two changes below. We also attach **Exhibit B** describing the very short chronology of staff engagement with the stakeholders leading to the Ordinance modifications – a chronology of a process that we submit did not work as Council intended.

From a process standpoint, meaningful engagement was largely doomed on December 15 when staff proposed this Ordinance be re-presented to Council at its January 19 meeting – the bulk of which period is the busiest holiday and vacation period of the year. That problem was exacerbated when, instead of providing the stakeholders with a revised ordinance on January 5, as understood, so it could be reviewed over the weekend and discussed meaningfully at a 9 a.m. meeting on January 9, staff was only able to produce a summary on Friday, January 6, while the City Attorney reviewed the proposed Ordinance modifications. And then staff was only able to share the revised Ordinance on a shared screen at the Monday morning meeting. Stakeholders made clear at the January 9 final meeting that they objected to the process, needed to receive copies of the actual Ordinance language, and then needed time to review and discuss the import of the language. Two days later, the staff submitted the language to Council without the opportunity for any further communication with the stakeholders.

Presenting an ordinance draft for discussion on a shared screen on a Teams call at the last scheduled meeting is not meaningful engagement and discussion. There is a reason Council members are given their own hard copy well in advance of having to discuss and decide on new ordinance language. The stakeholders here were given no such opportunity. And regardless of the reasons – deadlines or otherwise – they feel they were effectively given no meaningful opportunity to review, consider, comment upon and then substantively discuss the language with staff before it went to Council, though all stakeholders had committed to doing that under the previously agreed schedule, had it been followed. The result is an Ordinance that leaves critical issues unresolved and will (i) cause unnecessary complications in operations of the affected properties, (ii) do nothing to further the City’s policy interests, (iii) stifle growth in desired and creative industries, and (iv) drive cutting-edge and desirable innovative businesses away from Boulder.

No ill will is ascribed to staff – all the stakeholders are aware of the pressures on reduced staff with the currently more limited resources of the City. And the stakeholders acknowledge that the recommendation of code language to Council is ultimately staff’s to make, which may be different than the stakeholder’s desired language. But if Planning & Development Services Department’s mission really is to “*collaborate[] with our community to define and implement an inclusive vision for the city’s future,*” then both in this Ordinance’s process and in other processes over recent years, we need to find a way, when important legislative issues like this arise, to engage in a deliberative process that results in a good and supportable result instead of rushing through a process that results in significant avoidable negative consequences for the affected stakeholders, as well as other unforced errors.

PROPOSED ORDINANCE CHANGES:

Communications will be coming from other stakeholders regarding different issues with the proposed Ordinance, and below we submit proposed additional changes in two specific areas. We would be happy to work with staff on all of these prior to adoption of the Ordinance, but if that adoption is not going to be deferred, we ask that Council consider these modifications.

As discussed in our previous correspondence, the draft Ordinance contains many positive, well-considered changes benefitting Boulder, its residents, and its communities. And we are relieved that the revised Ordinance, which City staff distributed on January 9, removed or modified a number of provisions that caused significant concern, including restrictions on ground-floor office space in industrial districts, and a per-lot cap on office floor area (changes primarily driven by Council comments on December 15). Nevertheless, we believe the following changes should still be made in order to ensure that Boulder remains an attractive destination for the thriving innovative ecosystems that make up Boulder’s industrial uses.

1. **Accessory Office.** Many stakeholders expressed concern that the December Draft would unintentionally restrict the operation of modern research and development campuses by imposing a 50,000-square-foot limit on office space on a *per-lot basis*. At the Council’s direction, staff responded to this concern by drafting the Ordinance so that the 50,000-square-

foot limit is calculated on a *per-use basis*. This helpful change will ensure that the Ordinance adequately addresses the needs of modern innovative businesses, which typically operate over multiple buildings and lots.

However, we submit that a similar change should be made to regulate accessory office use in industrial districts. Accessory office use on research and development campuses is often spread over multiple buildings and is not always located on the same “legal” lot as the principal use served by the accessory uses. For instance, and to meet typical requirements of lenders, our client Biomed Realty owns adjoining lots through separate single purpose subsidiaries. This type of ownership structure is common in commercial real estate and often requires that separate subsidiaries be created, and that separate legal and tax lots exist, even when they are adjacent and even when they are operated as an integrated campus. The result is that the same tenant may be in adjoining buildings with employees and operations moving back and forth seamlessly, but the buildings happen to be on two separate legal descriptions owned by separate, but affiliated, entities.

The former Medtronic Campus in Gunbarrel is an example of a single R&D user spread out over multiple lots in a single campus. Another similar example is Google at 30th and Pearl – Google’s property on the southwest corner is owned by Google, Inc., and the property on the southeast corner is owned by Google LLC. In all these cases, the separate legal description and/or separate ownership is a creature of legal considerations or financing requirements, and has nothing to do with the actual land use policies the City seeks to implement.

The Boulder Revised Code (the “Code”) defines “Accessory” and “Office, accessory” so that an accessory use *must be located on the same lot as the related principal use*. An extension of this definition to encompass uses contained in facilities operated by the same business, or on lots owned by affiliated entities, would better reflect the reality of modern research and development operations. Our suggested revision to the Ordinance would allow accessory office uses to be located in facilities either operated or occupied by the same user as the principal use, or owned by the same or affiliated entities – even when the principal and accessory uses are technically located on separate lots. This is not a difficult change to either implement or enforce, and it avoids reliance on a distinction that in many cases has no bearing on the City’s goals. Our proposed change to the language is attached at Exhibit A.

2. **Use Review.** The Ordinance permits office space in excess of 50,000 square feet only through Use Review. However, as the Council is aware, Use Review is a time-intensive process requiring significant expense for the applicant, and potentially multiple public hearings. In practice, the time necessary to go through a Use Review – something that landlords have to disclose to tenants – often is so burdensome and lengthy that it deters innovative and creative businesses from leasing space. Consistent with the stated goal for this Ordinance of “simplifying” City processes, and not having the intensity of the process itself be the determining factor for otherwise desirable buyers or tenants, we believe the Ordinance’s standards for “approving” office space over 50,000 square feet could be more appropriately handled through

staff-level “*Conditional Use Review*.” Such a structure would still necessitate a City review and evaluation, but would also be more efficient and would use fewer City resources.

As noted earlier, we believe the process could be more meaningful and a better Ordinance could be presented to Council if given additional time for feedback to the staff. But if the Council desires to proceed on January 19, we respectfully request that the foregoing modifications be made, in addition to considering the comments you will be receiving from other stakeholders.

Very truly yours,



J. Marcus Painter
Jordan J. Bunch
of Holland & Hart LLP

cc: Brad Mueller, Planning Director

Lisa Houde
Karl Guiler
Charles Ferro
Client
Stakeholders

Attachment

Exhibit A

Proposed Modifications to Draft Ordinance

The edited text below reflects our suggested changes to the draft Ordinance distributed by the City of Boulder on January 6, 2023.

I. Office Use Standards: Proposed Boulder Revised Code Section 9-6-5(k)(4)(A)

- (i) Allowed Use:
 - (a) An office as a principal use is allowed by right if the use does not exceed 50,000 square feet in floor area.
 - (b) For the purposes of this section only, an office as an accessory use includes (1) an office operated by the same user, or an affiliate of the same user, as the principal use the office serves and (2) an office located on a lot owned by the same owner, or an affiliate of the same owner, as the principal use the office serves. This definition applies in addition to, and without limitation of, the definition of “Office, accessory” provided in Section 9-16-1(c) of this Code.
- (ii) Conditional Use-Review: If the office is not allowed by right, the use may be approved ~~only pursuant to a use review as a conditional use. In addition to meeting the use review criteria in Paragraphs 9-2-15(e)(1), (3), (4), and (5) "Use Review," B.R.C. 1981,~~ if the applicant shall demonstrates that:
 - (a) The area in the zoning district in which the office is located will remain a place primarily used for industrial uses or research and development; and
 - (b) For buildings constructed after March 15, 2023, the building design includes features that allow the building to be adapted in the future for industrial uses or research and development. Such features may include, without limitation, ceiling heights and integration of loading doors.

Exhibit B

Description of Process Failures

December 15 Council Meeting

As you will recall, at the December 15 Council meeting, staff was directed to work with the stakeholders on the perceived problems with the Ordinance. Unfortunately, and as we feared, the rush over the holidays to have those meetings and generate new drafts for submittal to the Council in its packet by January 12 gave very little time to organize meetings and provide an ability to review proposed drafts.

December 21 Stakeholder Call

Staff and a small group of stakeholders were able to meet for a discussion of concerns the following week on December 21. At that meeting, the attendees agreed on a schedule, with staff providing a redraft of the Ordinance by January 5 so the stakeholders could have a few days to meaningfully review the changes prior to a second and meeting set for 9 a.m. on Monday, January 9 (opportunities for meetings were constrained by the need to submit the packet to Council by January 12).

January 6 Staff Materials

Unfortunately, nothing was received from staff on January 5, and on Friday, January 6, staff circulated a summary, but no revised Ordinance. When asked for the actual Ordinance, the stakeholders were told that the Ordinance would be shown to the stakeholders at the Monday meeting, but could not be disclosed until after the City Attorney's office was done reviewing it. Several stakeholders expressed concern that without the actual Ordinance delivered for review over the weekend, the Monday morning meeting would be much less valuable. Nevertheless, in good faith and with so few days left before the packet needed to go to Council, the stakeholders went ahead with the January 9 meeting.

January 9 Stakeholder Call

At the January 9 call with stakeholders, the Ordinance was presented on a shared screen for the first time, but was not circulated to the stakeholders until later in the day. As noted in our letter to Council, stakeholders objected to the process and it was acknowledged that it was hard for them to articulate immediately any issues they had with what was being changed and what was being omitted.

While it is true that at least a plurality of the January 9 discussion focused on the stakeholders' surprise that the staff was proposing to return to "contiguity" as a consideration for

locating housing, other concerns were raised, and the point was made clearly that the stakeholders needed more time to review the language and provide feedback.

January 12 and January 13 Correspondence with Staff

On Thursday morning, January 12, stakeholders indicated comments would be coming and inquired of staff as to the status of any redraft. No response was received until the following day, when the stakeholders were given links to the packet that had already been sent out the prior day and which filing revealed staff had effectively adopted none of the concerns expressed other than changing one word in a definition.

CONCLUSION:

Regardless of the reasons for believing this process needed to be concluded by January 19, it has been rushed at a cost to both the result and to the potential for real collaboration between stakeholders and the City. From the standpoint of the parties who offered to participate in the process, it had the appearance of a rushed meeting on December 21; followed by a staff presentation of a slide deck of what the staff was going to do, regardless; followed by a packet to Council that did not reflect concerns of the stakeholders – i.e., it was a process of going through the motions.

One of the City's stated missions is *creating connections for a thriving community and democracy*. Finding ways for the business community and affected stakeholders to take a more active role is a responsibility partly borne by those communities, which could always do better. But when those communities do stand up and say that this new ordinance is going to create significant problems in a variety of ways, the offer of collaboration should be substantively recognized and honored.

Exhibit C

November 30 Letter

[See attached document]

November 30, 2022

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: Process and Policy Concerns Regarding Ordinance Amending Use Regulations Applicable to Industrial Zoning Districts

Dear Honorable Members of the City Council:

We write to express the concerns of a number of industrial property owners, as well as commercial tenants, affected by the proposed changes to the Boulder Revised Code (the “Code”) that the City Council will consider on first reading on December 1 (the “Proposal”). While the Proposal includes many positive elements that will promote flexibility and clarity, the Proposal also includes several provisions that will create immediate nonconforming uses, cause unnecessary disputes and litigation, and could drive long-standing local businesses and their employees out of Boulder. With a bit more time to evaluate the practical impacts, more issues may be identified and resolved, but in the minimal time given the public to review the Proposal, we have identified the following issues, discussed in more detail below:

- Lack of Stakeholder Notice and Knowledge of Impacts of Proposal
- Consequences of Office Prohibition on Ground Floors and Single-Story Buildings
- Limitation of Office Use to 50,000 Square Feet per Legal Parcel
- Major Consequences of Creation of Nonconformity on Existing Leases
- Consequences of New Manufacturing Definitions
- Narrow Definition of Research and Development Uses

We have, along with the Boulder Chamber and other owners and their representatives, reached out to the Planning Department with these concerns, and believe we have the Planning Department’s commitment to work in good faith with the stakeholders to consider and address these concerns in more detail. But that process will be difficult to complete before a December 15 second reading. We hope that the Council will allow further consideration of these issues before making a final decision on the Proposal and, optimally, will delay second reading for a reasonable period of time to allow stakeholders and Planning Department staff to address and achieve resolution of the unintended consequences and potential legal disputes.

1. **Lack of Opportunity for Stakeholder Input on Ordinance Language.**

Affected property owners (numbering in the hundreds) and tenants received no mailed notice of the proposed modifications, which practically speaking have a rezoning effect and which create new non-conformities; many owners still have no idea the modifications to definitions and limitations on uses are even happening. And while Planning Department staff engaged community groups early in the conceptual development of the Proposal, stakeholders were not involved in the drafting of the ordinance and only saw the initial language less than one week before the Planning Board's October consideration of the Proposal. *The latest draft ordinance that is now before the Council was only released on November 25 (the Friday of Thanksgiving week), and this new draft of the ordinance includes significant changes* from the draft that the Planning Board reviewed in October. Affected owners and tenants who actually do know about the Proposal are now scrambling to absorb the lengthy staff memo and evaluate all the potential impacts on their properties. Rather than adopt a major ordinance in a hurry without adequate knowledge or input from the affected citizens, we ask that a reasonable time be allowed for proper consideration of the impacts.

2. **Prohibition of Office Use on Ground Floors and Single-Story Buildings.**

The Proposal provides that new office space as a principal use may not be located on a ground floor. Many buildings in the affected zoning districts currently contain technical¹ office uses on the ground floor, and office is often a logical use for ground floor space. Indeed, some of the affected buildings with office occupants are only one story. The Proposal would make these current lawful uses nonconforming and would limit flexibility for property owners and tenants to modify or expand their space in the future, which in turn would decrease investment in properties and neighborhoods. Prohibiting offices on ground floors is also contrary to the general planning goal of encouraging mixed-use development in industrial zoning districts.

3. **Limitation of Office Use to 50,000 Square Feet Per Parcel.**

The Proposal provides that office space as a principal use may not occupy more than 50,000 square feet on a single legal parcel. This limitation would make a significant amount of current technical office space nonconforming and would restrict the ability of owners and tenants to adjust existing properties and invest in modernizing their facilities. The limitation also would discourage large, high-quality owners and tenants with the ability to contribute to Boulder's neighborhoods and economy from locating or staying in Boulder. The limitation also needs to be considered in light of "campus" designs or approvals of multiple buildings under a single Site Development Plan – i.e., research and development businesses with associated office campuses for operations or other business lines of the company.

4. **Lack of Grandfathering Provision for Existing Expansion Rights and In-Contract Development.** Critically, while the Proposal includes language allowing "legally established" uses to remain, as is required by the Code's legal nonconforming use provisions, the

¹ Technical office uses, which are the primary lawful form of office use in the relevant zoning districts, may to an extent be included in the new "Research and Development" definition. However, not all technical office space will fall into this category.

Proposal grants no extensions or exceptions for contractual rights that have been established prior to the effective date of the Proposal. The following are examples of immediate problems created by the Proposal for affected properties:

- a. Effect on a signed Letter of Intent between a landlord and tenant for ground-floor office space in a building under construction.
- b. Effect on a signed lease for space in a building under construction or a space being vacated by an existing tenant for more than 50,000 square feet of office, or for ground-floor office space.
- c. Effect on an existing tenant which has an option to expand its technical office use when another tenant vacates, resulting in office use on the ground floor or an expansion of office use beyond 50,000 square feet.
- d. Process for the City’s determination of whether space qualifies as “office” or as an accessory use for “research and development,” and how that is resolved before a lease is executed.

Legal rights and reliance issues arise with all of the above scenarios, which if suddenly defeated by adoption of the Proposal and the creation of a non-conformity, will give rise to litigation and displacement of tenants. For example, a technical office tenant with a current lease including a right of first refusal to expand into space currently occupied by a non-office use would be prohibited from exercising this right if the expansion would cause the total amount of office floor area on the parcel to exceed 50,000 square feet, or if the expansion right was for first-floor space. The tenant in such a circumstance could have legal rights against the landlord for the inability to deliver the bargained-for expansion space. Similarly, a party which has signed a lease for ground floor technical office space that will not be completed until later in 2023 may be bound under the lease but precluded from lawfully using the space as intended. The resulting disputes could result in liability litigation between landlord and tenant, and, in some cases, the City of Boulder. To avoid uncertainty, interference with investment-backed expectations, and unnecessary litigation, the Proposal should be modified to allow expansion or development to proceed under the former regulations if the right to a use is established by contract before the ordinance’s operative date.

5. **Revised Manufacturing Use Definitions.** The current Code distinguishes between manufacturing uses without offsite impacts, which are allowed by right, and manufacturing uses with offsite impacts, which require use review. The Proposal renames these categories “Light Manufacturing” and “General Manufacturing,” respectively, and revises their definitions. In so doing, the Proposal introduces a new distinction between manufacturing involving raw materials and manufacturing involving processed materials, requiring use review for the former but not the latter. Because this distinction is irrelevant to a use’s impact on the surrounding area, the new distinction should be removed. The Proposal also inserts unclear language into the definition of “General Manufacturing” that causes the definition to depend on how a use compares to uses included in “Light Manufacturing” rather than on an objective standard.

6. **Research and Development Definition.** The Proposal creates a new “Research and Development” use category to replace the much narrower “Medical Laboratory” category. This is an appropriate step to provide clarity regarding uses that are critical to modern real estate development, such as life sciences and biotechnology. However, to avoid many of the issues noted above, we believe the definition should include references to essential ancillary uses for research and development facilities, such as administrative offices, meeting rooms, break rooms, cafeterias, and fitness areas.

And all of the language of the Proposal needs to be reviewed closely for inconsistencies. As an example, the proposed text states that personal service uses are allowed in all industrial zoning districts, but the proposed use table states that they are allowed only in IG districts.

We respectfully request that the Council seriously consider the potential impacts of the provisions described above before moving forward with the Proposal. Because stakeholders have not yet had the opportunity to comment on the specific text that is under consideration, we hope that the Council will ensure that affected property owners have a reasonable opportunity to evaluate the details of the Proposal, and vet those issues with Planning Staff before the Council’s final vote. The impacts of the unintended and unconsidered consequences of the Proposal are significant to the thriving innovative ecosystems that make up much of Boulder’s industrial uses. We suggest that the Council consider delaying the scheduled second reading of the Proposal or granting a continuance to allow sufficient time to address these issues.

We should take the time to get this right for these valued members of the Boulder community and for the City generally. Thank you for your consideration.

Very truly yours,



J. Marcus Painter
Partner
of Holland & Hart LLP

JMP:efs
cc: Brad Mueller, Planning Director

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Exhibit D

December 13 Letter

[See attached document]

20686604_v6

December 13, 2022

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

**Re: Potential Scenarios and Process Questions Regarding Ordinance Amending
Use Regulations Applicable to Industrial Zoning Districts**

Dear Mayor Brockett and Honorable Members of the City Council:

We write to follow up on our November 30 letter and subsequent conversations with City staff on behalf of our client, BioMed Realty. As requested by staff, we are providing a list of potential scenarios in which the proposed ordinance that the City Council will consider on December 15 may cause problems for stakeholders. We have also included several questions regarding process and application of the proposed ordinance. In addition, we have attached proposed modifications to the draft ordinance text that would address many of our concerns.

Technology and life science industries are evolving quickly, they no longer consist of old-fashioned labs but instead are dynamic work spaces that may defy traditional use categories. Transparency and predictability will be key to creating a thriving research and innovation ecosystem in Boulder. The following hypotheticals are not abstract, but are real situations that could occur, and are but a subset of a greater number of unintended consequences that could be identified with more time. We respectfully ask that City Council and Staff consider the following examples, and the proposed edits to the ordinance, with a view towards providing an environment of regulatory certainty. We have conviction—and trust you do as well—that such an environment would in turn attract the best companies in the world and bring cutting-edge R&D and innovation work to Boulder.

1. Hypotheticals:

- a. Tenant has 30,000 square feet of R&D space (software programming) in Building 1 on Lot A. Tenant wants to move its 20,000 square feet of corporate headquarters offices from a different state to be near its Building 1 operations:
 - i. Can the 20,000 feet of corporate office be on the first floor of Building 1, Lot A?
 - ii. What if there is another tenant with 40,000 square feet of non-R&D office in Building 1, Lot A?

- iii. Would your answer be different if the 30,000 sf R&D tenant was moving 50,000 square feet of corporate headquarters to Building 1, Lot A, and the R&D space use stayed at 30,000 square feet?
- iv. What if there is no room in Building 1 Lot A for the corporate offices and so the tenant leases space on the adjoining Lot B owned by a different owner?
 - 1. Would the 20,000 sf of corporate headquarters office still be considered “accessory”?
 - 2. Would the 20,000 sf count against Lot B’s 50,000 sf cap on office space?
 - 3. Would the answer be different if it was 50,000 sf of corporate office of the Building 1 Lot A tenant that went into Lot B’s building?
 - 4. Would it matter if Lot B’s building was only one story?
- v. What if Building 1 Lot A is full and tenant desires to move its office space onto Building 2 Lot B
 - 1. If they lease space on a nearby building on the same lot, is that still an “accessory” use¹ that can be greater than 50,000 square feet?
 - 2. Can the office space be located on the ground level of Building 2?
- b. Life Science Tenant has 10,000 sf of lab space and 3,000 sf of accessory office support space. Part way through the lease term, tenant outsources all lab work to a different country and uses the rest of the space as admin support for its national operations. The business is still an “R&D” business, but none of the lab operations are located in Boulder anymore.
 - i. Is the office use still “accessory”?

¹ One of the biggest concerns with the *accessory use* is the language mandating the accessory use be located on the same lot. Given how tenants now operate, it would make more sense to say “within the same project or campus” because tenants tend to treat an overall business park as one “location” and try to group their operations within that location. Making a distinction between each legal lot for purposes of a tenant’s use doesn’t really work and leads to negative consequences. If an entire business park could be viewed as a location where accessory use within the same park was permissible, that would alleviate many concerns for landlords and tenants with potential limitations of the R&D accessory definition. We have suggested additional clarifying language in Exhibit A where we propose limited modifications to the Research and Development definition.

- ii. Is the space now legally non-conforming or illegally non-conforming?
- c. Existing R&D tenant has a lease of all of second floor (lab use) and all of first floor (office) in Building 1, Lot A, (both 50,000 sf floors for a total of 100,000 sf). The tenant also occupies second floor (office) of Building 2 on Lot A (another 50,000 sf), and has an option in its lease to take over the first floor five years later (another 50,000 sf), when the first floor tenant's lease expires. If it exercises the option to take the 50,000 sf of ground floor space for office in the Building 2, it will have 50,000 square feet of Lab and 150,000 square feet of office.
 - i. Would the office use still be considered accessory?
 - ii. Would the use in Building 2 be in violation then of the 50,000 sf limit on office on a single parcel?
 - iii. Would the office be permitted on the first floor of Building 2?
- d. Tenant entered into lease on November 1, 2022 to lease 50,000 square feet of R&D space on second floor for its research division and 20,000 sf on the first floor for office that supports other operations of the company. Occupancy of the space (and the commencement date of the lease) doesn't begin until June 1, 2023 when space is built out.
 - i. Does the lease constitute "legal possession" of the space even though physical occupancy doesn't occur until after the new ordinance is enacted?
 - ii. What if it is a non-binding Letter of Intent to lease the space that has been signed by landlord and tenant? Is that a different answer?
- e. Professional Office user moves into 40,000 sf of space on second floor in Building 1 after Ordinance is adopted. The lease contains an option to expand another 10,000 sf of office. Lab user occupies 15,000 square feet in same building on first floor.
 - i. Lab user sells its company and the buyer takes over space and converts it to pure office in support of operations overseas.
 - 1. Is the 50,000 sf limit of office exceeded?
 - 2. If so, which tenant is in violation?
 - 3. Is the professional office tenant barred from exercising its option to expand the additional 10,000 square feet.

4. How would the City, the landlord, or the Professional Office user know that the conversion of the lab space may have created this problem?
 5. Would the City claim that the Professional Office tenant has no ability to enforce its expansion right?
 6. What would the City's enforcement action be?
- f. Single story building designed and approved as office – i.e., no docks or garages, and set back from roadway so no curbside appeal.
- i. Tenant on other property wants to use the space for administrative office. Can the landlord lease it for that purpose?
 - ii. What if the only demand for the space is a Professional Office user – no demand for R&D, retail or manufacturing. Must the landlord keep the space vacant, or can the landlord seek an exemption?
- g. A tenant executes a lease for 50,000 sf intending to use 35,000 sf for lab and 15,000 sf for office, but then subleases the lab space to an office user, which use is considered the principal use?
- i. What if there is already a tenant leasing 50,000 sf of office as principal use on the lot?
 - ii. Is the 50,000 sf limit on office exceeded?
 - iii. If so, which tenant is in violation?
 - iv. Note that it is a common practice in leases to allow tenants to assign or sublease without landlord consent in certain situations so the landlord might not have the right to just say no. These types of subleases could result in changes without landlord control, and we will not be able to lease space to any sophisticated company without agreeing to this standard lease language which is found across the US.
- h. Architectural and engineering firm executes lease in 2020 for 15,000 square feet on second floor of 30,000 square foot building. The tenant wants to ultimately grow into the 15,000 sf first floor space, but it is occupied at time of the lease, so tenant's lease also contains an option to take the 15,000 square feet of space on the first floor when the first floor tenant's lease expires in 2025. Tenant has invested over \$1 million in finishing out its space and did so because it knew it could take over the space on the first floor for expansion.

- i. Is the tenant permitted to expand its use to the first floor per the terms of the 2020 lease? (Tenant is not an R&D user, but was a lawful Technical Office user in 2020).
- ii. As in hypothetical e, what if the Architectural tenant had just signed a lease with all the above terms and the landlord had applied for a permit to build out the space, but the tenant hadn't yet occupied?

2. Process:

- a. How does a landlord or a tenant determine in advance whether a use is accessory or principal?
 - i. Is it a square footage calculation?²
 - ii. Is it an income calculation?³
 - iii. Is it something else?⁴
 - iv. How fast can a tenant or landlord get a commitment from the City as to whether the use is principal or accessory? Ideally, the statute is written so that it is very rare that a tenant or a landlord would need to go to the City to ask if the use is permitted.
 - v. Can it morph over time and remain in compliance if the R&D use becomes more office (i.e., is that then a legal non-conforming use, or now an illegal non-conforming use?)
- b. What constitutes "legal possession"? E.g., what vests a party's rights prior to the Ordinance going into effect?
 - i. Actual occupancy?
 - ii. Building under construction(consider some properties are owner occupied)
 - iii. Application for building permit?
 - iv. Site or Use Review approval? Application?
 - v. Signed lease creating binding obligations between landlord and tenant?

² This standard seems difficult to enforce and also impractical given that uses will almost assuredly change over time within a given location.

³ This also appears difficult to determine and impractical to enforce.

⁴ If the goal is to encourage the siting of R&D users within these zones, would it make sense that office uses are presumed to be accessory if the user's primary business fits within the R&D use category?

vi. Signed letter of intent (non-binding?)

3. Observations:

- a. Confirming in advance whether a use is R&D or “Office” will be critical, and then confirming where the line is between principal use and accessory use will also be critical. Making “accessory” applicable to the project as a whole and not each lot would help in making the changes more in keeping with actual practice and provide businesses with the level of certainty they need to locate, invest, and grow in Boulder.
- b. Without knowing in advance the City’s position on the above, it is hard to enter into binding leases and it is hard to calculate whether the 50,000 sf limit of office use, or limit on ground floor use is being violated.

Thank you for your consideration of these issues. We appreciate the opportunity to work together with you to make sure that the final draft of the proposed ordinance serves Boulder’s needs and addresses stakeholders’ concerns.

Very truly yours,



J. Marcus Painter
Jordan J. Bunch
of Holland & Hart LLP

cc: Brad Mueller, Planning Director

Exhibit A

Proposed Modifications to Draft Ordinance

The edited text below reflects our suggested changes to the draft ordinance distributed by the City of Boulder on November 25, 2022.

I. Office Use Standards: Proposed Boulder Revised Code Section 9-6-5(k)(4)(A)(i)

a. The ~~use is not located on the ground floor, with the exception of minimum necessary ground level access, and the~~ combined floor area of offices that are a principal use on the lot or parcel does not exceed 50,000 square feet;

b. The office meets the definition of an accessory office; or

c. The use was legally established within the associated floor area prior to March 15, 2023. Principal uses that do not meet the requirements of Subparagraph (A)(i)a. shall be considered a nonconforming use. Changes in operations, such as changes in ownership, tenancy, management, number of employees, or hours of operation or performance of alterations or improvements 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. For purposes of this Subparagraph (c), a use is deemed legally established prior to March 15, 2023 to the extent:

(i) a legally enforceable right to such use has been established by either:

(A) actual occupancy;

(B) application filed with the City for Site or Use Review relative to such intended use;

(C) application filed with the City for building permit for the space for such use; or

(D) a fully executed lease or letter of intent between landlord and tenant entitling a tenant to such use (including without limitation, by virtue of an existing lease, new lease or new letter of intent, a lease amendment, an option, a right of first refusal or first offer, a right of expansion, or other similar enforceable legal right between landlord and tenant, executed before March 15, 2023, whether or not such right to use exists currently or is a future right provided in the relevant legal document; and

(ii) such use was permitted by the provisions of the Code prior to March 15, 2023 and at the time of execution of the relevant legal document.

The burden of proof to establish such right shall be on the party seeking the exemption from the provisions of this Section ____, and shall be accompanied by a signed certificate under penalty of perjury reciting representing to the City:

(A) the date (prior to March 15, 2023) on which the document was executed; and

(B) the use ~~to~~ of the property or premises sought to be maintained or preserved.

II. Definitions: Proposed Boulder Revised Code Section 9-16-1(c)

...

*General manufacturing*⁵ means the processing, manufacturing, ~~or~~ compounding, fabrication, or assembly of materials ~~or~~ substances predominately from raw or primary materials, or a use, or products, provided that such use is engaged in processes that ~~have the potential to produce greater amounts of~~ have objectionable influences ~~than light manufacturing uses and which may have an~~ environmental contamination with a material or unreasonable adverse effect on surrounding properties. ~~General manufacturing uses typically involve primary production processes.~~

...

*Light manufacturing*⁶ means the ~~indoor production or~~ processing, manufacturing, compounding, fabrication, or assembly of ~~finished products or parts from previously prepared materials. Light manufacturing uses generally do not include processing of raw materials or production of primary materials. Any~~ materials, substances, or products, provided that, any noise, odor, vibration, glare, or other ~~similar impacts are confined on the property~~ environmental contamination produced by the use has no material or unreasonable adverse impact on surrounding properties. This use includes commercial

⁵ Replaces the current “Manufacturing uses” definition: “*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 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.

⁶ Replaces the current “Manufacturing use with potential off-site impacts” definition: “*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.

printing and binding of printed media. Light manufacturing may include a showroom or ancillary sales of products related to the items manufactured on-site.

...

*Research and development*⁷ means a facility where research and development is conducted in industries including but not limited to, industrial, biotechnology, life sciences, pharmaceuticals, medical or dental instruments or supplies, computer hardware or software, ~~or~~and electronics. ~~The facility engages in~~Activities may include product or process design, research, development, prototyping, ~~or~~testing, manufacturing, fabricating, processing, assembling, or storage of products or materials. This use may include laboratory, office, warehousing, ~~and light manufacturing functions~~, meeting rooms, management and administrative support, customer support, and employee services such as break rooms, kitchens, cafeterias, conference rooms, and fitness, recreation and wellness areas (in addition to all other accessory uses as permitted under the Code) as part of the research and development use. For the purposes of research and development use only, the definition of “accessory use” shall include uses located in the same business campus, office park, business subdivision, or original site development plan (planned unit development) as the principal use.

...

⁷ Replaces the current “Medical laboratory” definition: “Medical 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.

Dear Council members and Staff,

My name is Jason Markel, 5723 Arapahoe Avenue, Boulder, CO 80303, Vice President at Markel Homes Construction Company.

Markel Homes has been an integral part of the Boulder real estate community by designing and building homes for nearly 50 years. We promote the creation of inclusive, multi-generational communities by building a variety of home types attractive to first-time buyers as well as growing families and active-agers.

We at Markel Homes have a strong vision and commitment to help tackle the dynamic Boulder County housing crisis. Markel would like to contribute by providing high performing, attainable workforce housing, in addition to deed restricted affordable housing. We believe the current amendments proposed for the light industrial zoning have the potential to help transform Boulder's housing crisis with a few small changes.

The Markel property zoned IM, located at 0 Airport Dr will not be heard if the 1/6th contiguity requirement is not amended. This property (depicted in graphic below) is situated adjacent to residential housing, open space, completes a desired multimodal path into Valmont Bike Park, and adds 111 efficiency living units into the City's housing market. We firmly believe in the viability of this project if Council could weigh in with a Use Review, otherwise this project is missing the mark falling 1% shy of the existing contiguity requirements.

Our primary concern is with the one-sixth continuity requirement as well as the specification for contiguous City or County owned open space. The code currently states in code section 9-6-3(a)(2)(B):

*"Location Within the Industrial Districts: Dwelling units may be constructed if located on a parcel that **has at least one-sixth of the perimeter of the parcel** contiguous with a 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..."*

Our recommendation would be to propose the following changes:

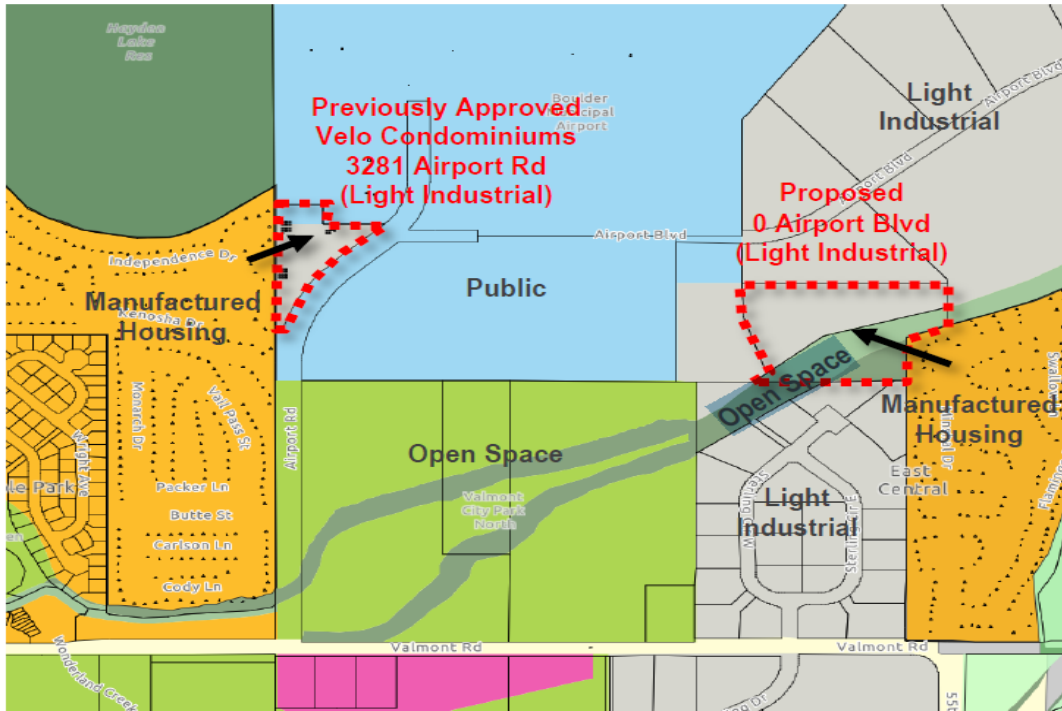
*"Location Within the Industrial Districts: Dwelling units may be constructed if located on a parcel that **is** contiguous with a residential use that includes one or more dwelling units or if contiguous to a residential zone or to a park or open space..."*

First of all, we do not feel that an arbitrary number of 1/6 is essential. We believe the mere adjacency, or contiguity to a residential zone, residential use, open space, or park should be sufficient to show the property has enough local amenities to support the proposed residential use on an IM property. What matters is that adjacent industrial impacts are mitigated, the residential neighborhood is well designed, it has ample access to a variety of transportation modes, and attractive attainable/affordable workforce housing is provided. These are all controlled and monitored by staff and the planning board through the *Use Review* process. With the *Use Review* process, the city already has an effective mechanism to closely scrutinize and evaluate a variety of land uses; they should put it to good use in this case.

Secondly, the idea that the open space must be County or City owned is unnecessary. Most private open space is generally as permanent as government owned open space. This private open space is typically deed restricted in use and can virtually never be abandoned. In this particular case, the adjacent private open space is as functional as city owned open space and will generally have the same longevity as a City or County owned open space since it is reserved as a stormwater feature that would render adjacent parcels unusable if abandoned. Again, a *Use Review* can determine if the open space is adequate.

Thank you for your consideration with this request.

Jason Markel | Vice President
Markel Homes Construction Company
Jason@markelhomes.com
markelhomes.com





January 23, 2023

Boulder City Council Members
City of Boulder
1777 Broadway
Boulder, CO 80302

Re: City of Boulder proposed Ordinance 8556, amending and updating the use table standards related to industrial zone districts and allowed uses.

Dear Mayor Brockett and Members of the City Council,

There has been considerable progress to better the proposed Ordinance in response to your suggestions in the December 15, 2022 City Council meeting. However, after meetings with further stakeholder input and discussion with City Staff in recent weeks, a number of recommendations have not been considered or included in the most recent draft.

Residential

Expanding residential uses in the IM zone district, is a step in the right direction. However, we are also taking a big step back if reinserting the requirement for adjacency to residential uses, parks, or open space as now recommended by staff is approved. The first reading draft of the Ordinance eliminated this requirement, so why reinsert it now? This restriction has long been an impediment to adding much needed affordable housing in Boulder. Staff contends that reinserting this provision creates more opportunities for housing. But how can a more restrictive covenant simultaneously create more flexibility?

Without the contiguity requirement, a property considering a residential use will still have to go through a Use Review process. Because of that, the City has full control over the approval or denial of any future residential use in an industrial zone district. If a proposed residential project is not appropriate, you have the ability to shut it down, but if the contiguity requirement is reinserted, a number of potential properties will be barred from your consideration altogether. We may not know if a future residential project is appropriate or not, but let's at least give ourselves a chance to take a look. Let's let the Use Review process be the guardrails for what should or should not happen on any given property. More flexibility gives us a better chance to achieve the City's housing goals. Keeping the contiguity requirement does not even allow us to have the conversation in far too many cases.

Under the currently proposed Ordinance, the following four properties could not be considering for residential uses, other than through a spot zoning change. I've included these specific examples because each has been explored for residential opportunities in the past. Options to build residential have been discussed with the City Staff on each – all four were not pursued because they did not meet the contiguity requirements. The first three of these properties are within the East Boulder Subcommunity Plan area. The approved Subcommunity Plan does not call for any use changes to these specific properties, as such, the allowed uses fall to the underlying IG or IM zoning designation. These examples are all missed opportunities because they did not meet an arbitrary and outdated contiguity regulation.



1. 5675 Arapahoe – 9.56 Acres, IG Zone



2. 2505 49th Street – 6.58 Acres, IG Zone



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TEL: 303.442.8687 FAX: 303.442.8757 1375 WALNUT STREET, SUITE 10, BOULDER, CO 80302



3. 5450 Airport Blvd. – 4.38 Acres, IM Zone



4. 6100 Spine Road – 3.74 Acres, IM Zone



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These are just a few of many examples where the adjacency requirement is limiting our ability to consider much needed housing. In your second reading deliberations of the Ordinance, I encourage you to approve the residential changes to the Ordinance but fully eliminate the requirement that new residential in any industrial zoned parcel be contiguous to a residential use or zoning, parks, open space, or otherwise.

Commercial

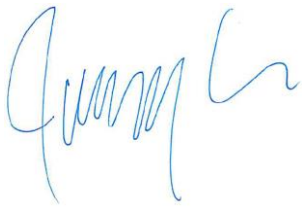
There has also been vast improvement to commercial use matters in the Ordinance, specifically in response to Council's direction on December 15, eliminating restrictions on ground floor office space and the cap on allowed office area on a given lot. However, after further stakeholder input, there are a couple of additional matters that merit further consideration.

Allowing Accessory Offices to be located on lots other than where a principal use is located will provide the necessary flexibility to accommodate the R&D and tech uses that are so common, and prevalent in Boulder today. These operations have grown, and many have multi-site operations. A more elastic approach here will allow these users to continue to grow and thrive in Boulder without the concern that they could fall into a non-conforming use scenario that could force them out.

Further, if part of this Ordinance it to help simplify the city process, offices uses in excess of the 50,000 square foot threshold should be allowed to go through a Conditional Use Review vs. a full Use Review process. This less cumbersome process still provides for a City review process, but it's far more efficient for both the City and the stakeholders.

I would like to thank all of you for your leadership and all the work you put in on behalf of Boulder. Please let me know if you have any questions or other needs.

With gratitude,



Jeff Wingert
The W.W. Reynolds Companies

cc: Brad Mueller, Planning Director
Lisa Houde
Karl Guiler
Charles Ferro

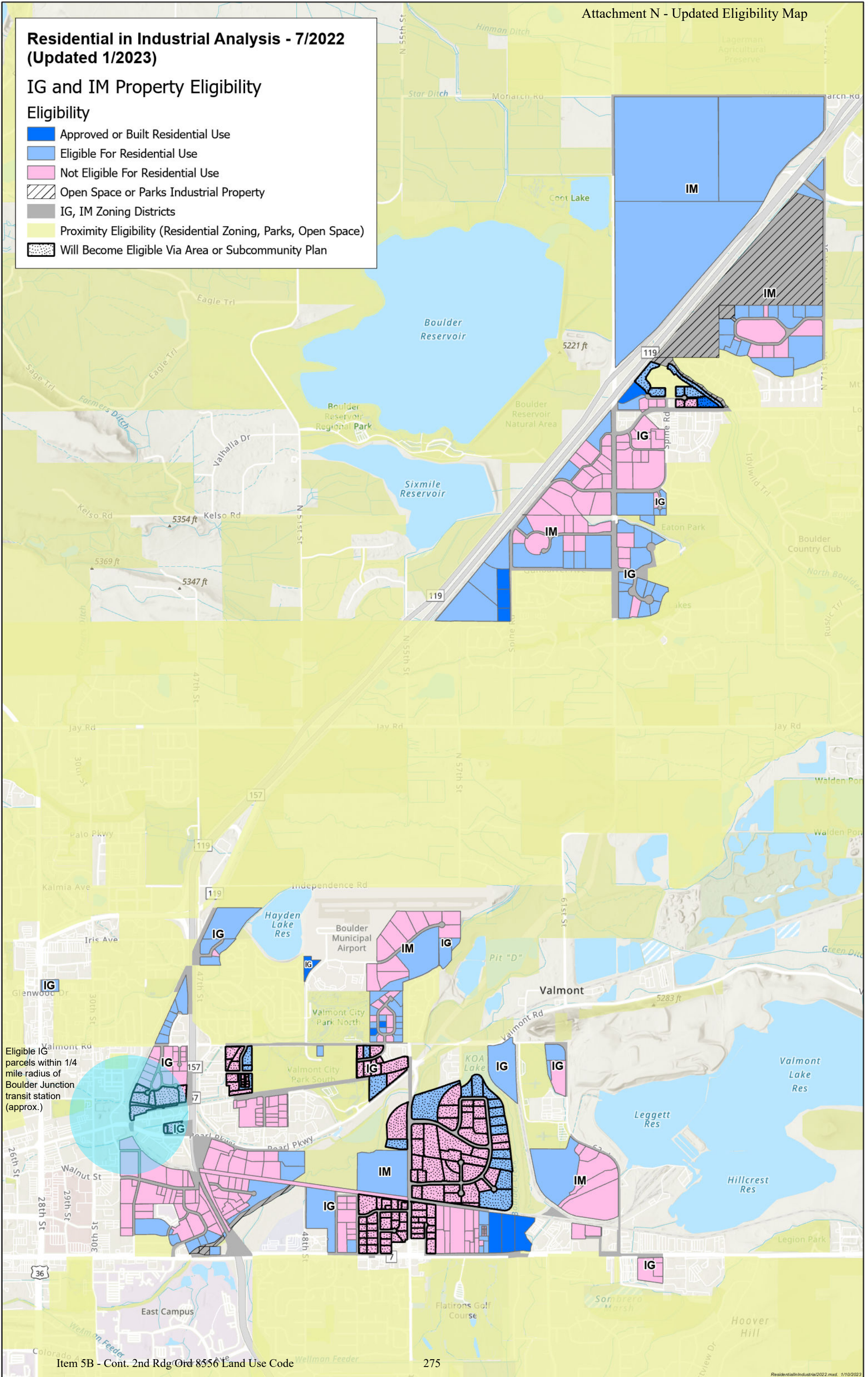


Residential in Industrial Analysis - 7/2022 (Updated 1/2023)

IG and IM Property Eligibility

Eligibility

- Approved or Built Residential Use
- Eligible For Residential Use
- Not Eligible For Residential Use
- Open Space or Parks Industrial Property
- IG, IM Zoning Districts
- Proximity Eligibility (Residential Zoning, Parks, Open Space)
- Will Become Eligible Via Area or Subcommunity Plan



Eligible IG parcels within 1/4 mile radius of Boulder Junction transit station (approx.)