

1 ORDINANCE 8556

2  
3 AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE,"  
4 B.R.C. 1981, TO UPDATE THE USE TABLE AND USE  
5 STANDARDS RELATED TO INDUSTRIAL USES AND  
6 DISTRICTS AND SETTING FORTH RELATED DETAILS.

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

9 Section 1. Section 2-3-12, "Board of Zoning Adjustment and Building Appeals," B.R.C.  
10 1981, is amended to read as follows:

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

13 (b) The board's functions are to:

14 ...

15 (2) Hear and decide to grant or deny applications for variances from the setback  
16 requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C.  
17 1981, and the size requirements for accessory dwelling units of Subparagraph 9-6-  
18 3(a) B.R.C. 1981;

19 ...

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

22 (a) No person shall place for sale or for solicitation of orders any merchandise or other  
23 things upon any street, alley, sidewalk or other public property or suspended from any  
24 building or structure over the street, sidewalk or public property without first obtaining  
25 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,

1 "University Hill Mobile Vending Cart Permit," or for mobile food vehicle sales pursuant  
2 to section 9-6-5(d) "Mobile Food Vehicle Sales," B.R.C. 1981.

3 ...

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

6 ...

7 (b) Land use regulation fees:

8 ...

9 (21) An applicant for a conditional use in a BC zoning district pursuant to Section 9-6-  
10 ~~102(c)(1), "Specific Use Standards for Uses in the BC Zoning Districts Specific~~  
~~Use Standards for Business Community Areas Designated in Appendix N,"~~  
11 B.R.C. 1981 ..... \$274

12 ...

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

15 (a) Fixed Location Required. It shall be unlawful to operate a hemp business or to grow  
16 hemp outside of a locked enclosed space within a building. All hemp business licenses  
17 shall be issued for a specific fixed location within an enclosed building. The portion of  
18 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.

19 (b) Location—Permitted Use in Zoning District. A hemp business license may be issued only  
20 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:

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

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

24 ...

25

1           Section 5. Section 6-14-7, "Locations of Medical Marijuana Businesses," B.R.C. 1981,

2 is amended to read as follows:

3 (a)     Fixed Location Required. It shall be unlawful to operate a medical marijuana business  
4           or to grow medical marijuana outside of an enclosed building. All medical marijuana  
5           business licenses shall be issued for a specific fixed location within an enclosed  
6           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.

7 (b)     Location - Permitted Use in Zoning District. A medical marijuana business license may  
8           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:

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

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

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

13 ...

14           Section 6. Section 6-16-7, "Locations of Recreational Marijuana Businesses," B.R.C.

15 1981, is amended to read as follows:

16  
17 (a)     Fixed Location Required. It shall be unlawful to operate a recreational marijuana  
18           business or to grow recreational marijuana outside of a locked enclosed space within a  
19           building. All recreational marijuana business licenses shall be issued for a specific fixed  
20           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.

21 (b)     Location - Permitted Use in Zoning District. A recreational marijuana business license  
22           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:

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

24           (2)     as "greenhouse ~~and plant~~ nursery" for a recreational marijuana cultivation  
25           facility; or

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

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

6  
7 (a) Purpose and Scope: Public rights-of-way and public easements are held by the city in  
8 trust for public use to ensure the health, safety and welfare of the residents of the city.  
9 The city council intends that all decisions regarding the granting of permission to place  
10 an encroachment into public right-of-way or public easements are legislative in nature.  
11 The city may determine from time to time at its discretion to issue a revocable permit,  
12 short-term lease or long-term lease subject to the requirements set forth in this section  
13 for certain encroachments into public rights-of-way and public easements that do not  
14 adversely affect its present or future use.

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

23 ...  
24 (4) If the encroachment is a wireless communications facility, demonstrate that the  
25 wireless communications facility has city manager approval for the proposed  
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.

26 ...  
27 (d) Revocable Permit: The city manager may issue a revocable permit for a period not to  
28 exceed three years, upon finding that:

29 (1) The encroachment is designed in a manner to be temporary in nature or the  
30 encroachment is a wireless communications facility approved pursuant to the  
31 provisions of Subsection 9-6-10~~4~~(af), "Wireless Communications

1 ~~Facilities~~Facility," B.R.C. 1981, that meets the standards of Paragraph 9-6-  
2 ~~104(a)~~(1), B.R.C. 1981;

3 ...

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

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

6 ...

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

17 ...

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

- 20 (a) Purpose: This section identifies those standards that can be varied by either the city  
21 manager or the Board of Zoning Adjustment (BOZA). Some standards can be varied by  
22 the city manager through an administrative Review process, others by BOZA by  
23 another level of administrative Review. The city manager may defer any administrative  
24 decision pursuant to this section to BOZA. This section also identifies which city  
25 manager interpretations of this title may be appealed to BOZA and establishes a process  
for such appeals.
- (b) Interpretations: The city manager may decide questions of interpretation and  
application of the regulations of this title as a ministerial function. Interpretations made  
by the city manager of Chapters 9-6, "Use Standards," 9-7, "Form and Bulk Standards,"  
and 9-8, "Intensity Standards," B.R.C. 1981, may be appealed to the BOZA by filing an  
application in compliance with this section.

26 ...

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

3 ...

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

5 ...

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

12 ...

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

14 (a) Purpose: Each zoning district established in Section 9-5-2, "Zoning Districts," B.R.C.  
15 1981, is intended for a predominant use, but other uses designated in Section 9-6-1,  
16 "Schedule of Permitted Land Uses," B.R.C. 1981, may be allowed by use review if a  
17 particular use is demonstrated to be appropriate in the proposed location.  
18 Nonconforming uses may be upgraded or expanded under this section if the change  
19 would not adversely affect the traffic and the environment of the surrounding area or if  
20 the change would reduce the degree of the nonconformity or improve the appearance of  
21 the structure or site without increasing the degree of nonconformity. Nonstandard  
22 buildings may be changed, expanded or modified consistent with the criteria and  
23 standards set forth in this section and Subsection 9-10-3(a), B.R.C. 1981.

24 (b) Application Requirements: An application for an approval of a use review use may be  
25 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:

26 ...

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

30 (A) A pollution prevention audit;

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

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- (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.

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...

(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;
- (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.

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

3  
4 (a) Legislative Intent: The purpose of this section is to enact an airport influence overlay  
5 zone map and associated regulations, providing for certain land development controls  
6 on the area surrounding the airport which may be affected by aircraft accidents and by  
7 noise, vibrations, fumes, dust, smoke, fuel particles and other annoyances and  
8 influences from airport operations. Further, the use of land within the airport influence  
9 overlay zone affects the safe and efficient operation of the airport and aircraft using the  
10 airport, and this section is intended to minimize risks to public safety and hazards to  
11 aircraft users, and to protect the capacity of the airport to serve the city's air  
12 transportation needs. Finally, this section is intended to promote sound land use  
13 planning in the airport influence overlay zone.

14 (b) Applicability of Section: The requirements of this section supplement those imposed on  
15 the same lands by any underlying zoning provision of this code or any other ordinance  
16 of the city. If there is a conflict between such requirements, the more restrictive  
17 controls.

18 (c) City Wide Restrictions:

19 ...

20 (3) Development Permits: No development permit shall be granted or approved that  
21 would create a hazard or that would allow an existing structure or use to become a  
22 greater hazard. Notwithstanding the provisions of this paragraph and subsection  
23 9-6-5(~~xv~~), B.R.C. 1981, no person shall, on or after July 1, 1989, acquire any  
24 vested right to maintain any hazard which the city manager may subsequently  
25 determine to exist, nor shall the city be estopped from proceeding to remove such  
26 hazard, under the procedure set forth in paragraph (c)(4) of this section.

27 ...

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

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

33 ...



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

3 ...

4 (c) Zoning District Purposes:

5 ...

6 (4) Industrial Districts:

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

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

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

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

...  
21

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

24 9-6-1. **Schedule of Permitted Land Uses.**

25 ...



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-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		
Day shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-	9-6-4(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]	[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]	[U]	-	9-6-4(e)	
<b>Infrastructure</b>																														
Airport and heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-		
Essential municipal and public utility service	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	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]	9-6-4(f)
<b>COMMERCIAL USES</b>																														
<b>Food, Beverage, and Lodging</b>																														
Bed and breakfast	-	-	-	-	-	[U]	[C]	-	-	[U]	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(a)	
Brewery, distillery, and winery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	-	-	-	9-6-5(b)	
Commercial kitchen and catering	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	U	U	U	U	U	U	A	A	A	A	-	-		
Hostel	-	-	-	-	-	U	U	-	-	U	A	U	[A]	U	[A]	-	-	A	[A]	[A]	U	-	U	U	-	-	-	-	9-6-5(c)	
Hotel or motel	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	-	-	U	A	A	U	-	-	-	-	-	-	-		
Mobile food vehicle	[A]	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	-	9-6-5(d)
Restaurant, brewpub, and tavern	-	-	-	-	-	U	[A]	-	-	[A]	A	[A]	[A]	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[C]	[C]	[C]	[C]	[C]	[A]	-	9-6-5(e)	
<b>Recreation and Entertainment</b>																														
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	U	-	9-6-5(f)	
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	-	-	U			
Indoor athletic facility	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	[A]	[A]	A	A	A	A	A	A	[A]	[A]	[A]	[A]	[A]	-	-	9-6-5(g)	
Indoor commercial recreation	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	A	U	U	U	U	-	-	-	-	-	-		
Outdoor recreation or entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	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	-	-	-		
Temporary event	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	9-6-5(h)	
<b>Office Uses</b>																														
Medical laboratory	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	[A]	-	-	-	U	A	-	U	-	-	9-6-5(i), (j) 9-6-2(e)	
Offices, administrative	-	-	-	-	-	-	-	-	-	-	-	-	[C]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	A	A	-	-	-	9-6-5(i), (k) 9-6-2(e)	
Office, medical	-	U	U	U	-	U	U	-	-	[A]	U	U	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	[C]	-	-	U	-	9-6-5(i), (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	-	-	-	-	-	-	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]	-	-	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]	-	-	9-6-5(i), (l) 9-6-2(c)	
<b>Retail Sales Uses</b>																														
Accessory sales	-	-	-	-	-	A	A	-	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-		
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	-	-	9-6-5(pp)	
Fuel sales	-	[U]	[U]	[U]	-	[U]	[U]	-	-	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	-	9-6-5(qq)	
Retail sales	-	-	-	-	-	-	-	-	-	[U]	-	[U]	[A]	-	[A]	[A]	A	A	A	A	A	[A]	[A]	[A]	[A]	-	-	-	9-6-5(rr)	
<b>Service Uses</b>																														
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	-	-	9-6-5(ss) 9-6-2(e)	

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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-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			
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]	[A]	U	[A]	[A]	A	A	[A]	[A]	[A]	-	-	-	-	-	-	9-6-5(wr) 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	-	-	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	{U}	{A}	{U}	{U}	{U}	{U}	{A}	{U}	-	{A}	-	-			
Neighborhood business center	-	[U]	[U]	-	-	[U]	[U]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(l)(w)		
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)		
<b>Vehicle-Related</b>																														
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	-	-	-	-	-	-			
Drive-thru use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	-	-	-	-	-	9-6-5(xy)		
Fuel service station	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(yz)		
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)		
<b>INDUSTRIAL USES</b>																														
<i>Storage, Distribution, and Wholesaling</i>																														
Cold storage locker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	9-6-6(eb)		
General manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
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)		
<i>Industrial Services</i>																														
Building and landscaping contractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	A	A	A	A	-	-		
Cleaning and laundry plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-		
Equipment repair and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	A	U	U	U	U	A	A	A	A	-	-		
Lumber yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-	-		
Printer and binder	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-		
<b>AGRICULTURE AND NATURAL RESOURCE USES</b>																														
Community garden	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	9-6-7(a)	
Crop production	A	A	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	
Firewood operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-	-	-		
Greenhouse and plant nursery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A		

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

Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standards
Use 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	
Mining industries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	U
Oil and gas operations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	-	[U]
Pasture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A
<b>ACCESSORY USES</b>																												
Accessory building or use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

...

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

- (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	<del>Broadcasting and recording facility</del>
	Fraternity, sorority, and dormitory		Business support service
Boarding house	Financial institution		
	<del>Medical laboratory</del> Media production		
	Medical office		
	Museum		
	Office, administrative		
	Office, medical		
	Office, professional		
	Office, technical		
	Principal parking facility		
	Research and development		

...

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

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

4 **(a) Residential Uses:**

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

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

9       (A) ~~Application Requirements: An applicant shall apply on forms provided by~~  
10 ~~the city manager showing how and in what manner the standards and~~  
11 ~~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:~~

12           (i) ~~Environmental Assessment: A report that addresses each of the~~  
13 ~~items required by the American Society for Testing and Materials~~  
14 ~~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.~~

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

18 ~~(B)(A) Location Within the Industrial Districts: Dwelling units may be~~  
19 ~~constructed only if located on a parcel where residential use is consistent~~  
20 ~~with the land use plan or map in an adopted subcommunity or area plan.~~  
21 ~~Dwelling units may be constructed if located on a parcel that has at least~~  
22 ~~one-sixth of the perimeter of the parcel contiguous with a residential use~~  
23 ~~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.~~

24 ~~(C) Residential and Nonresidential Uses Within a Project: If residential uses~~  
25 ~~are to be placed on the property, the entire property shall be used~~  
~~exclusively for residential purposes except as otherwise provided in this~~

1 paragraph. Nonresidential uses are permitted, provided that site design is  
2 approved pursuant to the site review criteria in Section 9-2-14, "Site  
3 Review," B.R.C. 1981, in order to ensure that the site design and building  
4 layout will result in compatibility among uses or to mitigate potential  
5 impacts between such uses.

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

10 (i) ~~Each convenience store, personal service, or restaurant use does  
11 not exceed two thousand five hundred square feet in floor area, and  
12 in the case of restaurants, such restaurants shall close no later than  
13 11:00 p.m. unless otherwise approved in a city review process.~~

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

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

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

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

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

34 (iii) ~~Interior Side Yard: The minimum side yard setback from an  
35 interior lot line for all principal buildings and uses shall be twenty  
36 feet. If an existing building is converted to residential uses, the side~~

1 yard setback may be reduced to twelve feet for the existing portion  
2 of the building.

3 ~~(iv)~~(B) Floor Area Ratios: The floor area regulations for the underlying zoning  
4 district classification shall only apply to the nonresidential floor area on  
5 the site.

6 ~~(v)~~ Open Space: If the site is not located within the service area of a  
7 neighborhood park, as identified in the Parks and Recreation Master Plan,  
8 a minimum of forty percent of the required usable open space shall be  
9 configured as a common contiguous area that will provide for the active  
10 and passive recreational needs of the residents.

11 ~~(vi)~~(C) Setbacks from Existing Oil and Gas Operations: The use is located no  
12 closer than ~~two thousand~~2,000 feet from a well pad of an existing single-  
13 well oil and gas operations use in pre-production, no closer than ~~two~~  
14 ~~thousand five hundred~~2,500 feet from any well pad of an existing multi-  
15 well (two or more) oil and gas operations use in pre-production, and no  
16 closer than ~~five hundred~~500 feet from any well pad of an existing oil and  
17 gas operations use in production. The use is located no closer than ~~two~~  
18 ~~hundred fifty~~250 feet from any oil and gas operations use that is capped  
19 and abandoned pursuant to the requirements of Section 9-6-7(b)(15),  
20 B.R.C. 1981.

21 ~~(F)~~(D) Buffers From Adjacent Land Uses: The applicant shall provide visual  
22 screening, which may include, without limitation, walls, fences,  
23 topographic changes, horizontal separation, or plantings for those areas  
24 that are adjacent to loading docks, truck or other delivery vehicle ingress  
25 or egress areas, dumpsters or other recycling vessels and outdoor storage  
areas.

~~(G)~~(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) 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



1 exterior day-night average industrial noise levels of seventy-three decibels  
2 measured at the property line. Such standards shall be in compliance with  
3 Chapter 10-5, "Building Code," B.R.C. 1981. Noise shall be measured in a  
4 manner that is consistent with the federal Housing and Urban  
5 Development's standards in Sections 24 CFR §§ 51.100 to 51.106 for the  
6 "measure of external noise environments," or similar standard adopted by  
7 the city manager in the event that such rule is repealed. The applicant shall  
8 provide written certification prior to the issuance of a certificate of  
9 occupancy that the sound abatement and attenuation measures were  
10 incorporated in the construction and site design as recommended by a  
11 professional engineer.

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

18 ~~(J)~~ ~~Modification of Standards: The approving authority is authorized to~~  
19 ~~modify the standards set forth in Section 9-2-14, "Site Review," B.R.C.~~  
20 ~~1981, or Subparagraphs (a)(2)(E), (F), (G) and (H) of this subsection,~~  
21 ~~upon finding that:~~

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

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

25 ~~(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.

...

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

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

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

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

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

8           (D)    Only one kitchen is permitted.

9           (2)    In the Industrial Zoning Districts:

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

14   ...  
15   **(gh)   Townhouse:**

16   ...  
17   **(hi)   Boarding House:**

18   ...  
19   **(ij)   Congregate Care ~~Facilities~~Facility, Custodial Care ~~Facilities~~Facility, and**  
20   **Residential Care ~~Facilities~~Facility:**

21   ...  
22   **(jk)   Fraternity, Sorority, and Dormitory:**

23   ...  
24   **(kl)   Group Home Facility:**

25   ...  
26   **(lm)   Transitional Housing:**

27   ...  
28   **(mn)   Accessory Dwelling Unit:**

1 ...

2 **(no) Home Occupation:**

3 ...

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

6  
7 **9-6-5 Specific Use Standards – Commercial Uses.**

8 ...

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

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

11 (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  
12 feet, whichever is greater, including any outdoor seating areas.

13 (1)(2) In the IS-1 and, IS-2, and IMS Zoning Districts:

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

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

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

19 b. Conditional Use: Breweries, distilleries, and wineries that  
20 are not allowed by right may be approved as a conditional  
21 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.  
22 and 5 a.m.

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

1 (ii) General Standards: No brewery, distillery, or winery shall exceed  
2 15,000 square feet in floor area. Any restaurant within a brewery,  
3 distillery, and winery approved as a conditional use or pursuant to  
4 a use review must also meet the following standards:

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

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

12 ~~(2)(3)~~ In the IG and IM Zoning Districts:

13 (A) In the IG and IM zoning districts, breweries, distilleries, and wineries shall  
14 meet the following standards:

15 (i) Review Process: In the IG and IM zoning districts, the following  
16 review process applies:

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

20 b. Conditional Use: If the use exceeds 15,000 square feet in  
21 floor area or includes a restaurant, it may be approved as a  
22 conditional use if any restaurant is closed between the hours  
23 of 11 p.m. and 5 a.m.

24 c. Use Review: If the use is not allowed by right or as a  
25 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~~

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

3 ~~(3) — In the IMS Zoning District:~~

4 ~~(A) — In the IMS zoning district, breweries, distilleries, and wineries shall meet~~  
5 ~~the following standards:~~

6 ~~(i) — Review Process: In the IMS zoning district, the following review~~  
7 ~~process applies:~~

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

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

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

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

22 a. — ~~The restaurant does not exceed thirty percent of the total~~  
23 ~~floor area of the facility, or one thousand square feet,~~  
24 ~~whichever is greater, including any outdoor seating areas;~~  
25 ~~and~~

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

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

30 ...

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

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

4 (10) In the Industrial Zoning Districts:

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

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

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

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

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

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

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

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

c. ~~In the IMS district only, the use shall be limited to a~~  
maximum size of two thousand square feet of floor area; and

d. — ~~Parking for restaurants in industrial districts shall meet the minimum number of off-street parking spaces per square foot of floor area for nonresidential uses. The indoor and outdoor seating requirements of Section 9-9-6(b), "Off-Street Parking Requirements," B.R.C. 1981, shall not be applied to industrial service centers.~~

5 ...  
6 **(f) ~~Art or Craft Studio~~Studio or Workshop:**

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

8 (A) ~~Review Process: In the MU-1, MU-2, and MU-3 zoning districts, art or~~  
9 ~~craft studios~~ studios or workshops are allowed by right for 2,000 square  
10 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.

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

12 ...  
13 (3) In the BT-1, BT-2, and BMS Zoning Districts:

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

17 (4) In the Industrial Zoning Districts:

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

21 ...  
22 **~~(j) Medical Laboratory:~~**

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

24 ~~(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning~~  
25 ~~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.~~

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

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

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

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

9 ~~(l)~~ ~~(j)~~ **Office, Medical** Medical Office:

10 ...

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

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

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

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

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

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

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

23 (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning  
24 districts, an technical office is allowed by right if at least fifty percent of  
25 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



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

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

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

8 ~~(3)~~(2) In the DT-4 Zoning District:

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

14 ~~(4)~~(3) In the IS-1 and, IS-2, and IMS Zoning Districts:

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

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

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

21 (i) Allowed Use: An office is allowed by right if the use meets one of  
22 the following standards:

23 a. The use is not located on the ground floor, with the exception  
24 of minimum necessary ground level access, and the  
25 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 within the

1 existing floor area referenced in this subsection, shall not be  
2 considered an expansion of a nonconforming use. Such  
3 changes shall not require a request for a change of use  
4 pursuant to Section 9-10-3(c)(2), "Standards for Changes to  
5 Nonconforming Uses," B.R.C. 1981.

6 (ii) Use Review: Additions or changes to floor plans of uses that were  
7 legally established within the associated floor area prior to March  
8 15, 2023 that do not meet the requirements of Subparagraph (A)(i)  
9 shall be considered an expansion of a nonconforming use and shall  
10 be reviewed pursuant to the procedures of Section 9-2-15, "Use  
11 Review," B.R.C. 1981, for nonconforming uses.

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

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

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

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

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

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

25 ...

**(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:

...

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

3 ~~(F)~~ **Retail Sales:**

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

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

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

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

13 (3) In the Industrial Zoning Districts:

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

18 **SERVICE USES**

19 ~~(s)~~ **Broadcasting and Recording Facility**

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

21 ~~(A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a  
22 broadcasting and recording facility is allowed by right if at least fifty  
23 percent of the floor area of the building is for residential uses and the total  
24 floor area of nonresidential uses in the building is less than 7,000 square  
25 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.~~

1 ~~(tq)~~ **Business Support Service:**

2 ...

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

4 ...

5 **(s) Media Production:**

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

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

11 (2) In the BMS Zoning District:

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

15 ...  
16 ~~(v)~~ **~~Industrial Service Center:~~**

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

19 ~~(A) Site Review Required: The application for an industrial service center may~~  
20 ~~only be approved as part of a site review application under Section 9-2-14,~~  
21 ~~"Site Review," B.R.C. 1981. The minimum site review thresholds in~~  
22 ~~Paragraph 9-2-14(b)(1), B.R.C. 1981, shall not apply to an application for~~  
23 ~~an industrial service center. The following additional factors will be~~  
24 ~~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~~

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

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

4 (C) ~~Location: The industrial service center shall be located at least one-quarter~~  
5 ~~of a mile from land that is zoned as a business district described in Section~~  
6 ~~9-5-2, "Zoning Districts," B.R.C. 1981, or from another industrial service~~  
7 ~~center;~~

8 (D) ~~Restaurant Parking: Parking for industrial service centers shall meet the~~  
9 ~~minimum number of off-street parking spaces per square foot of floor area~~  
10 ~~for nonresidential uses. The indoor and outdoor seating requirements of~~  
11 ~~Section 9-9-6(b), "Off-Street Parking Requirements," shall not be applied~~  
12 ~~to industrial service centers;~~

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

<b>Permitted Uses</b>	<b>Restrictions</b>
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

24 (F) ~~Hours of Operation:~~

25

1 (i) ~~Any use permitted in an industrial service center may operate daily~~  
2 ~~between the hours of 5:00 a.m. and 11:00 p.m.~~

3 (ii) ~~No person shall operate any use in an industrial service center~~  
4 ~~between the hours of 11:00 p.m. and 5:00 a.m., unless the use is:~~

5 a. ~~Approved through a use review process; and~~

6 b. ~~Located more than five hundred feet from an adjacent~~  
7 ~~residential use or zone.~~

8 ...  
9 **(wt) Neighborhood Business Center:**

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

11 (1) In the Industrial Zoning Districts:

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

16 ...  
17 **(xy) Drive-Thru Use:**

18 ...  
19 **(yw) Fuel Service Station:**

20 ...  
21 **(zx) Principal Parking Facility:**

22 ...  
23 **(aay) Sales or Rental of Vehicles:**

24 ...  
25 **(bbz) Service of Vehicles:**

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

3  
4 **9-6-6. Specific Use Standards – Industrial Uses.**

5 ...

6 **(b) Manufacturing Use:**

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

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

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

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

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

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

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

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

25                   (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 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.

26 **(c) Light Manufacturing:**

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

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

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

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

10       ...  
11       Section 18. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to  
12       read as follows:

13       ...  
14       (b) Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited  
15       Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit,  
16       detached accessory dwelling unit, or limited accessory dwelling unit must meet the  
17       requirements of Subsection 9-6-3(~~mn~~), B.R.C. 1981.

18       ...  
19       (d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit  
20       pursuant to Section 10-11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be  
21       subject to the occupancy limits or any exceptions as set forth in this section; and an  
22       attached accessory dwelling unit or detached accessory dwelling unit licensed with such  
23       dwelling unit as a cooperative housing unit shall not be subject to the occupancy  
24       standards of Subparagraph 9-6-3(~~mn~~)(1)(A)(ii), "Occupancy Requirements," B.R.C.  
25       1981. All such dwelling units together with any attached accessory dwelling unit or  
26       detached accessory dwelling unit so licensed shall be limited to no fewer than four  
27       occupants with the maximum number of occupants, without regard to whether the  
28       occupants are related or not, as follows:

29       ...  
30       Section 19. Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C.  
31       1981, is amended to read as follows:



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

- (a) Boarding or Rooming House, Fraternity, Sorority, or Dormitory: Accommodations for 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(ij), B.R.C. 1981.
- (d) Group Home Facilities: The occupancy of a group home facility must meet the requirements of Subsection 9-6-3(kl), B.R.C. 1981.

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

1		of employees and volunteers on the site at any given time
2	Day shelter	Use the same ratio as general nonresidential uses in the zone
3	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
4		
5		
6	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

7 ...

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

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

12 ...

13 (d) Drive-Thru Facilities: A drive-thru facility that was established prior to July 31, 1986, on  
14 a property not abutting Canyon Boulevard in the DT zoning districts, and has not expired  
15 pursuant to subsection (a) of this section, shall be considered a nonconforming use, and  
16 may:

16 (1) Be renovated or remodeled, by improvements the cumulative total of which  
17 increases the structure's fair market value by no more than twenty-five percent of  
18 the value of the structure, without meeting the criteria for drive-thru uses in  
19 Subsection 9-6-5(~~xy~~), B.R.C. 1981;

19 (2) Be renovated or remodeled by improvements the cumulative total of which  
20 increases the facility's structure's fair market value by more than twenty-five  
21 percent of the value of the structure; or be relocated on site if the development  
22 meets the criteria for drive-thru uses in Subsection 9-6-5(~~xy~~), B.R.C. 1981; or

21 ...

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

24 A system of managing the issuance of residential building permits in the city is established  
25 with the following general provisions:

1 (a) Building Permits: No building permit for the construction of a new dwelling unit may  
2 be issued unless applied for in compliance with this chapter.

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

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

10 ...

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

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

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

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

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

...

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 the processing, manufacturing, or compounding of  
2 materials or substances predominately from raw or primary materials, or a use engaged in  
3 processes that have the potential to produce greater amounts of noise, odor, vibration, glare,  
4 or other objectionable influences than light manufacturing uses and which may have an  
5 adverse effect on surrounding properties. General manufacturing uses typically involve  
6 primary production processes.

7 ...  
8 ~~*Industrial service center* means nonresidential uses in an industrial district that are~~  
9 ~~constructed and operated in accordance with the standards in Section 9-6-5(v), B.R.C.~~  
10 ~~1981.~~

11 ...  
12 Light manufacturing means the indoor production or processing of finished products or  
13 parts from previously prepared materials. Light manufacturing uses generally do not  
14 include processing of raw materials or production of primary materials. Any noise, odor,  
15 vibration, glare, or other similar impacts are confined on the property. This use includes  
16 commercial printing and binding of printed media. Light manufacturing may include a  
17 showroom or ancillary sales of products related to the items manufactured on-site.

18 ...  
19 *Limited accessory unit* means an existing nonconforming duplex or two detached  
20 dwelling units located on the same lot and within the R1 use module that has been  
21 approved in compliance with the standards in Section 9-6-3(mn)(4).

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

32 ...  
33 ~~*Manufacturing use with potential off site impacts* means all research and development~~  
34 ~~facilities, testing laboratories and facilities for the manufacturing, fabrication, processing,~~  
35 ~~or assembly of products which may produce effects on the environment that are measurable~~  
36 ~~at or beyond the property line, provided that any noise, smoke, vapor, dust, odor, glare,~~  
37 ~~vibration, fumes, or other environmental contamination is controlled in accordance with~~  
38 ~~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.~~

...

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

...

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

22 ~~*Office, administrative* means an office providing management or administrative services to~~  
23 ~~its affiliated industrial uses that are an equal or greater size, measured in floor area, of the~~  
24 ~~administrative office use located within the city's industrial zoning districts.~~

24 ~~*Office, medical*~~ *Medical office* means the clinic or office of physicians, medical doctors,  
25 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

1 incidental to the delivery of services. This use includes addiction recovery facilities that  
2 provide for the treatment of persons having drug or alcohol abuse problems under the  
3 supervision of professional health care or social services providers. With the exception of  
4 addiction recovery facilities which may permit short-term overnight stays, no overnight  
5 accommodations are provided.

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

12 ~~*Office, technical* means offices of businesses providing professional services in a technical  
13 field. This use is characterized by activities that focus on science, technology, and design  
14 services associated with the production of physical or digital goods. These establishments  
15 primarily provide services to individuals or to other businesses. Examples include, without  
16 limitation, accounting, legal, insurance, real estate, counseling, publishers publishing,  
17 architecture, engineering, graphic, industrial, and interior design, biotechnology or life  
18 sciences, surveying, telecommunications, computer design and development, and data  
19 processing. These establishments do not require customers or clients to visit the site; any  
20 such visits are infrequent and incidental. Facilitated arrangements such as shared  
21 coworking spaces, typically with membership fees, are included within this use. This use  
22 does not include professional, medical, or administrative offices, or uses otherwise listed  
23 in the use table.~~

24 ~~*Research and development* means a facility where research and development is  
25 conducted in industries including but not limited to, industrial, biotechnology, life  
26 sciences, pharmaceuticals, medical or dental instruments or supplies, computer hardware  
27 or software, or electronics. The facility engages in product or process design,  
28 development, prototyping, or testing. This use may include laboratory, office,  
29 warehousing, and light manufacturing functions as part of the research and development  
30 use.~~

31 ~~*Telecommunications use* means businesses primarily engaged in the design, development,  
32 engineering, or provision of telecommunication access services but excluding retail sales,  
33 manufacturing and repair, or installation services to customers.~~

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

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

1 ...

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

4 ...

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

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

26 ...

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

30 ...



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

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

6 (a) License terms shall be as follows:

7 ...  
8 (l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling  
9 unit that is licensed pursuant to this chapter shall be part of the licensed cooperative  
10 housing unit and subject to the standards of this chapter. The occupants of the dwelling  
11 unit and accessory unit shall all be members of the cooperative. While such units are  
12 licensed as a cooperative housing unit under this chapter, neither the principal dwelling  
13 unit nor the accessory unit shall be required to be owner-occupied as would otherwise be  
14 required under Subparagraph 9-6-43(an)(1)(A)(i), "Owner-Occupied," B.R.C. 1981.  
15 ...

16 Section 28. This ordinance shall become effective on March 15, 2023. This ordinance shall  
17 apply to any building permit, conditional use, use review, and site review applied for on or after  
18 the effective date of this ordinance; however, any project for which a complete site review, use  
19 review, or conditional use application has been submitted to the city or which has received a site  
20 review, use review, or conditional use approval prior to the effective date of this ordinance for a  
21 use inconsistent with the provisions of this ordinance will be permitted to establish the proposed  
22 use under the use standards of Chapter 9-6, " Use Standards," B.R.C. 1981, in effect at the time  
23 the site review, use review, or conditional use application was submitted to the city. Such  
24 applicants shall be required to pursue such development approvals and meet all requirements  
25 deadlines set by the city manager and the Boulder Revised Code necessary to establish the  
proposed use. The applications for such project shall demonstrate compliance with all applicable  
laws. An applicant may seek extensions of a development approval granted under the use standards

1 in effect prior to the effective date of this ordinance in accordance with the standards of Subsection  
2 9-2-12(b), “Extensions,” B.R.C. 1981, and any initial review under Paragraph 9-2-12(b)(2),  
3 “Planning Board Level Extension,” B.R.C. 1981, shall not impose as an additional condition  
4 compliance with the use standards adopted in this ordinance provided that all other requirements  
5 of this Section 28 of this ordinance have been met. Any failure to meet requirements of the city  
6 manager or this section of this ordinance will result in a denial of such application. Any subsequent  
7 application shall meet the requirements in place at the time of such subsequent application.

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

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

13         Section 31. The city council deems it appropriate that this ordinance be published by title  
14 only and orders that copies of this ordinance be made available in the office of the city clerk for  
15 public inspection and acquisition.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 1<sup>st</sup> day of December 2022.

5 \_\_\_\_\_  
Aaron Brockett,  
Mayor

6 Attest:

7  
8 \_\_\_\_\_  
Elesha Johnson,  
9 City Clerk

10  
11 READ ON SECOND READING, PASSED AND ADOPTED this 15<sup>th</sup> day of December  
12 2022.

15 \_\_\_\_\_  
Aaron Brockett,  
Mayor

16 Attest:

17  
18 \_\_\_\_\_  
Elesha Johnson,  
19 City Clerk