

ORDINANCE 8590

AN ORDINANCE AMENDING TITLE 9, “LAND USE CODE,” B.R.C. 1981, TO UPDATE THE USE TABLE AND USE STANDARDS RELATED TO WALKABLE NEIGHBORHOOD CENTERS, AND SETTING FORTH RELATED DETAILS.

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

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

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

...

TABLE 6-1: USE TABLE

A = Allowed C = Conditional Use U = Use Review [] = Specific Use Standards Apply - = Prohibited																												
Zoning District	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-3	MU-1	MU-2	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standards
	Use Module	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	
RESIDENTIAL USES																												
Household Living																												
Duplex	-	A	A	A	[A]	A	A	-	-	[EA] _J	A	A	A	[EA] ²	-	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (c) 9-6-2(c)
Dwelling unit, attached	-	A	A	A	[A]	A	A	[A]	-	[EA] _J	A	A	A	[A]	[A]	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (d) 9-6-2(c)
Dwelling unit, detached	[A]	[A]	A	A	[A]	[A]	[A]	-	-	[EA] _J	[A]	[A]	[A]	[A]	-	[A]	-	[A]	A	A	A	-	[U]	[U]	-	[U]	[U]	9-6-3(a), (b), (e) 9-6-2(c)
Efficiency living unit	-	-	-	-	[U]	[A]	A	-	-	[A]	A	A	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (f) 9-6-2(c)
Live-work unit	-	-	-	-	-	[A]	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[C]	[C]	[C]	[C]	-	-	9-6-3(a), (b), (g)
Mobile home park	-	U	U	-	U	U	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Townhouse	-	A	A	A	[A]	A	A	A	-	[EA] _J	A	A	A	[EA] ³	-	[A]	-	[A]	A	A	A	-	[U]	[U]	[A]	U	-	9-6-3(a), (b), (h) 9-6-2(c)
Group Living																												
Boarding house	-	-	U	U	A	A	A	-	-	U	A	A	[A]	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(i) 9-6-2(c)
Congregate care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	[U]	-	9-6-3(j)

¹ These changes from C to A are to correct an error. If a property is not fronting on Pearl Street, a conditional use application is not required per 9-6-3(b)(3).

² Ground floor restriction standard for duplexes in the BT zoning districts has been removed.

³ Ground floor restriction standard for townhomes in the BT zoning districts has been removed.

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Zoning District	RR-1, RR-2, RE, RU-1	RU-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RI-1, RH-2, RI-4, RH-5	RI-3, RH-7	RI-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		
Custodial care facility	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	[U]	[U]	[U]	-	[U]	-	[U]	-	[U]	-	[U]	[U]	-	[U]	[U]	-	-	-	9-6-3(j)	
Fraternity, sorority, and dormitory	-	-	-	-	-	A	A	-	-	U	-	-	-	[A]	[A]	[A]	-	[A]	-	-	A	-	[U]	[U]	-	-	-	9-6-3(k) 9-6-2(c)	
Group home facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	-	-	-	-	-	9-6-3(l)	
Residential care facility	-	-	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	[U]	[U]	-	-	-	9-6-3(j)	
Transitional housing	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-	[C]	[C]	[C]	[C]	-	9-6-3(m)	
Residential Accessory																													
Accessory dwelling unit	[A]	[A]	-	[A]	[A]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[A]	[A]	9-6-3(n)	
Caretaker dwelling unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	9-6-3(o)	
Home occupation	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]		
PUBLIC AND INSTITUTIONAL USES																													
Community, Cultural, and Educational																													
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	9-6-4(a)	
Club or lodge	-	-	-	-	-	-	-	-	-	-	-	-	A	U	[A]	A	A	A	A	A	A	-	-	-	-	-	U		-
Community services	-	-	-	-	-	-	-	-	-	UA ⁴	UA	UA	UA	A	[A]	[A]	A	A	[A]	A	A	-	U	-	U	UA ⁵	-	9-6-4(b) 9-6-2(c)	
Governmental facility ⁶	U	U	U	U	U	U	U	U	U	UA	UA	UA	A	A	A	[A]	A	A	A	A	A	A	A	A	A	A	UA	-	9-6-2(c)
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	9-6-2(c)	
Museum	-	-	-	-	-	-	-	-	-	U	U	U	A	U	A	[A]	A	A	A	A	A	U	U	U	U	U	UA ⁸		-
Open space, park, and recreation use	A	A	A	A	A	A	A	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	9-6-4(c) 9-6-2(c)
Private college or university	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	A	-	A	-	U	U	-	U	U	U	A	-		
Private elementary, middle, or high school	U	U	U	U	U	A	U	-	U	U	U	U	A	A	A	A	A	A	U	A	U	-	U	U	U	-	-	9-6-4(c) 9-6-2(c)	
Public college or university	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		-
Public elementary, middle, or high school	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	9-6-4(c) 9-6-2(c)
Religious assembly	A	A	A	A	U	A	A	-	-	A	U	U	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	
Specialized instruction facility	U	U	U	-	U	U	U	-	U	U	U	[A]	A	[A]	[A]	A	A	A	U	A	U	[A]	[A]	[A]	[A]	A	-	9-6-4(c) 9-6-2(c)	
Care and Shelter																													
Daycare center	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[C]	[U]	[C]	[C]	[U]	[U]	[U]	[U]	[U]	[U]	[U]	9-6-4(d)
Daycare, home	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-4(e)
Day shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-		
Emergency shelter	[U]	[U]	[U]	[U]	[U]	[C]	[C]	-	-	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-	9-6-4(e)	
Overnight shelter	-	-	[U]	-	[U]	[C]	[C]	-	-	[U]	[C]	[U]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[U]	-	9-6-4(e)	
Infrastructure																													
Airport and heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	9-6-2(c)	
Essential municipal and public utility service	U	U	U	U	U	U	U	U	U	U	U	U	A	A	A	[A]	A	A	A	A	A	A	A	A	A	U	U		
Wireless communications facility	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	9-6-4(f)	
COMMERCIAL USES																													
Food, Beverage, and Lodging																													
Bed and breakfast	-	-	-	-	-	[U]	[C]	-	-	[U]	[C]	[C]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(a)

⁴ Allow community services by-right rather than with use review in all MU districts.⁵ Allow community service uses in Public zoning districts.⁶ Allow governmental facilities in MU-1,2,3, and P zoning districts. This can include services like a post office.⁷ Allow museums in MU-1,2,3 with Use Review, similar to current requirement in BT district.⁸ Allow museums in P zoning district.

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Zoning District	RR-1, RR-2, RE, RU-1	RI-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RI-1, RH-2, RI-4, RH-5	RI-3, RH-7	RI-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		
Brewery, distillery, and winery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	-	-	9-6-5(b)	
Commercial kitchen and catering	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	U	U	U	U	U	A	A	A	A	-	-		
Hostel	-	-	-	-	-	U	U	-	-	U	A	U	[A]	U	[A]	-	-	A	[A]	[A]	U	-	U	U	-	-	-	9-6-5(c)	
Hotel or motel	-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	-	-	U	A	A	U	-	-	-	-	-	-		
Mobile food vehicle	[A]	-	-	-	-	-	-	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(d)	
Restaurant, brewpub, and tavern ⁹	-	-	-	-	-	[U]	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	-	9-6-5(e)	
Recreation and Entertainment																													
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	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]	-	-	9-6-5(g)	
Indoor commercial recreation	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	A	U	U	U	-	-	-	-	-	-		
Outdoor recreation or entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	U	U	U	U	-	-	-	-	U	-U ¹³		
Small theater or rehearsal space	-	-	-	-	-	-	-	-	-	-U	-U	-U ¹⁴	U	-U	U	U	U	A	U	U	U	A	A	A	A	-	-		
Temporary event	-	-	-	-	-	-	-	-	-	-C	-C	-C ¹⁵	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	[C]	-C	9-6-5(h)	
Office Uses																													
Administrative office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-		
Medical office	-	U	U	U	-	U	U	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	-	[C]	-	-	U	-	9-6-5(i), (j) 9-6-2(c)	
Office	-	U	U	U	U	U	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	A	[A]	[A]	[A]	[A]	-	-	9-6-5(i), (k) 9-6-2(c)	
Research and development	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	[A]	[A]	[A]	A	[A]	-	-	-	[A]	A	A	[A]	-	-	9-6-5(i), (l) 9-6-2(c)	
Retail Sales Uses																													
Accessory sales	-	-	-	-	-	A	A	-	-	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-		
Building material sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	U	-	-	-	[A]	[A]	[A]	[A]	-	-	9-6-5(m)	
Convenience retail sales	-	[U]	[U]	[U]	-	U	[A]	-	-	[A]	[A]	[A]	A	A	A	A	A	A	-	A	A	A	A	-	A	-	-	9-6-5(n)	
Fuel sales	-	[U]	[U]	[U]	-	[U]	[U]	-	-	[U]	[U]	[U]	[C]	[U]	[C]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	9-6-5(o)	
Retail sales ¹²	-	-	-	-	-	-	-	-	-	[A]	-[A]	[A]	[A]	-[A]	[A]	[A]	A	A	A	A	[A]	[A]	[A]	[A]	[A]	-	-	9-6-5(p)	
Service Uses																													
Animal hospital or veterinary clinic ¹⁸	-	-	-	-	-	-	-	-	-	-U	-U	-U	U	U	U	A	U	A	-	-	U	A	A	A	A	-	-		
Animal kennel	-	-	-	-	-	-	-	-	-	-	-	-	U	-	U	U	A	U	-	-	-	A	A	U	A	-	-		
Business support service	-	-	-	-	-	-	-	-	-	-	-	-	[A]	-	[A]	[A]	A	A	A	A	A	[A]	U	U	[A]	-	-	9-6-5(q) 9-6-2(c)	
Financial institution	-	-	-	-	-	-	[A]	-	-	[A]	[A]	[A]	[A]	U	[A]	[A]	A	A	[A]	[A]	[A]	-	-	-	-	-	-	9-6-5(r) 9-6-2(c)	

⁹ Brackets added to each district to reflect the potentially applicable outdoor seating requirements, depending if the patio is near residential areas.

¹⁰ Allowing restaurants subject to use standards in BT, similar to other zoning districts near residential areas.

¹¹ In these high intensity business districts BC, BCS, and BR, removing standard that requires use review for patios near residential areas – general standards for outdoor seating will apply in lieu of the use review requirement. Brackets remain as the general standards for outdoor seating would apply if near residential.

¹² Restaurants in DT-1,2,3 would have an allowed by-right option, subject to standards like size limit and hours of operation, rather than automatically requiring a conditional use application and good neighbor meeting.

¹³ Use Review for outdoor entertainment in the agricultural zoning district, consistent with other zones in the city.

¹⁴ Use Review for small theater or rehearsal space in MU-1,2,3 districts and BT districts.

¹⁵ Temporary events allowed as conditional use in MU-1,2,3 and A districts.

¹⁶ Subject to same use standard as current standard for MU-3.

¹⁷ Allowing small retail spaces by right in MU-1, 2, and BT districts where currently prohibited or automatically require use review, with use review option for larger uses.

¹⁸ Use review for vet clinics rather than prohibited in MU-1,2,3.

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Use Module	R1	R2	R3	R4	R5	R6	R7	R8			M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A			
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 ¹²	-	-	-	-	-	-	-	-	-		-[A]	-[A]	[A]	-[A]	-[A]	-[A]	U	A	U	U	U	U	A	U	-	A	-	-	9-6-5(t)		
Neighborhood business center	-	[U]	[U]	-	-	[U]	[U]	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9-6-5(h)		
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(v)		
Vehicle-Related																															
Car wash	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	U	A	U	U	U	U	-	-	-	-	-	-	-		
Drive-thru use	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	[U]	[U]	[U]	[U]	[U]	[U]	-	-	-	-	-	-	-	9-6-5(w)	
Fuel service station	-	-	-	-	-	-	-	-	-		-	-	-	[U]	[U]	[U]	[C]	[U]	[C]	-	[U]	[U]	[C]	[C]	-	[U]	-	-	-	9-6-5(w)	
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(x) 9-6-2(c)	
Sales or rental of vehicles	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	[U]	[A]	[U]	-	-	-	[A]	[A]	-	-	-	-	-	9-6-5(y)	
Service of vehicles	-	-	-	-	-	-	-	-	-		-	-	-	[U]	-	[U]	U	[A]	U	-	-	-	A	A	[A]	A	-	-	-	9-6-5(z)	
INDUSTRIAL USES																															
Storage, Distribution, and Wholesaling																															
Cold storage locker	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	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	-	-	-		
Production and Processing																															
General manufacturing	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	-	-	-	-	9-6-6(b)	
Light manufacturing	-	-	-	-	-	-	-	-	-		-	-	-	[A]	-	-	-	[A]	-	-	-	-	[A]	A	A	A	-	-	-	9-6-6(c)	
Recycling center	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	U	U	U	U	-	-	-		
Recycling collection facility - large	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	[U]	[U]	[U]	-	-	-	[U]	[U]	[U]	[U]	[U]	-	-	-	9-6-6(d)
Recycling collection facility - small	-	-	-	-	-	-	-	-	-		-	-	-	[C]	-	[C]	[C]	[C]	[U]	[U]	[U]	[U]	[C]	[C]	[C]	[C]	[C]	-	-	-	9-6-6(e)
Recycling processing facility	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	[U]	[U]	[U]	-	[U]	-	-	9-6-6(f)	
Industrial Services																															
Building and landscaping contractor	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	A	-	-	-	-	A	A	A	A	-	-	-		
Cleaning and laundry plant	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-		
Equipment repair and rental	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	U	A	U	U	U	U	A	A	A	A	-	-	-		
Lumber yard	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	A	A	-	-	-	-	-		
AGRICULTURE AND NATURAL RESOURCE USES																															
Community garden	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]		[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[A]	[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		
Mining industries	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	U	-	-	-	U		
Oil and gas operations	-	-	-	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	[U]	-	-	-	[U]	9-6-7(b)	

¹⁹ Allowing small repair and rental service in MU and B districts where currently prohibited, with use review option for larger uses.

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
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
Pasture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ACCESSORY USES																									
Accessory building or use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

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

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

(c) Duplex:

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

~~(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a duplex is allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. A duplex that is not allowed by right may be approved only pursuant to a use review.²⁰~~

~~(21)~~ In the BR-1 and BR-2 Zoning Districts:

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

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

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

b. The use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a

²⁰ Removed ground floor requirement for duplexes in BT. Per Ordinance 8556, duplexes are prohibited in IS districts and thus standards need to be removed.

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

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

~~(32)~~ In the IMS Zoning District:

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

(d) Dwelling Unit, Attached:

(1) In the RH-6 Zoning District:

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

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

- (A) Review Process: In the BT-1, ~~and~~ BT-2, ~~IS-1, and IS-2~~ zoning districts, attached dwelling units are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.²¹

...

(h) Townhouse:

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

- ~~(A) Review Process: In the BT-1, BT-2, IS-1, and IS-2 zoning districts, a townhouse 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 townhouse that is not allowed by right may be approved only pursuant to a use review.²²~~

~~(21)~~ In the BR-1 and BR-2 Zoning Districts:

²¹ Per Ordinance 8556, most residential uses are now prohibited in the IS districts, so this standard has been removed.

²² Removed ground floor restriction from BT (townhouses by virtue of design must be on the ground floor). Per Ordinance 8556, residential uses are prohibited in IS so removing standard.

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

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

- a. All units on the lot or parcel are permanently affordable units meeting the requirements in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981; or
- b. The use is not located on the ground floor along a major street, as defined by Appendix A, "Major Streets," B.R.C. 1981, with the exception of minimum necessary ground level access. The limitation on ground floor use along a major street applies to a depth of 30 feet measured from the building's major street facing façade.

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

~~(32)~~ In the IMS Zoning Districts:

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

...

(o) Home Occupation:

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

(A) Standards:

- (i) Such use is conducted entirely within a principal or accessory building and is not carried on by any person other than the inhabitants living there.
- (ii) Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
- (iii) The total area used for such purposes does not exceed one-half the first floor area of the user's dwelling unit.

- (iv) There is no change in the outside appearance of the dwelling unit or lot indicating the conduct of such home occupation, including, without limitation, advertising signs or displays.
- (v) There is no on-site sale of materials or supplies except incidental retail sales. Remote sales, such as virtual sales, with no on-site consumer visits are permitted.²³
- (vi) There is no exterior storage of material or equipment used as a part of the home occupation.
- (vii) No equipment or process is used in such home occupation that creates any glare, fumes, odors or other objectionable condition detectable to the normal senses at the boundary of the lot if the occupation is conducted in a detached dwelling unit, or outside the dwelling unit if conducted in an attached dwelling unit.
- (viii) No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage of the district.
- (B) Cottage Food and Fresh Produce Exception: A home occupation use meeting the requirements of Chapter 6-17, "Cottage Foods and Fresh Produce," B.R.C. 1981, is exempt from the requirements of Subparagraphs (1)(A)(i), (iv), (v), (vi) and (vii) above. Gardens are exempt from Subparagraph (iii) above. Such use shall be permitted as an allowed use in all zoning districts in which a home occupation is permitted²⁴~~as a conditional use.~~
- (C) Identification and Contact Information: No person shall engage in a home occupation unless such person has ~~filed an affidavit with the city manager affirming compliance with the standards of this subsection~~obtained a business license from the city, including identification and contact information of the person operating the home occupation. No administrative review pursuant to Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981, is required.²⁵
- (D) Prohibitions: No person shall engage in a home occupation except in conformance with all of the requirements of Paragraph (n)(1)(A) of this section, except as provided in Paragraph (n)(1)(B) of this section.

²³ Clarification added that internet sales are permitted.

²⁴ Fixing error.

²⁵ Change to reflect current practice with recent update to online business licensing system.

Section 3. Section 9-6-4, “Specific Use Standards - Public and Institutional Uses,”

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

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

...

(c) Specialized Instruction Facility:

...

(3) In the Industrial Zoning Districts:

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

...

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

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

...

(e) Restaurant, Brewpub, and Tavern:

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

(2) Floor Area Measurement:

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

(3) Standards for Outdoor Seating:²⁶

²⁶ Rather than require Use Review for patios near residential areas, the common standards for patios applied to Use Review approvals have been incorporated here to apply generally to all patios located near residential areas.

(A) Applicability: The following standards apply to any outdoor seating area that is within ~~500-300~~ feet²⁷ (measured from the perimeter of the subject property) of a residential ~~use module~~ zoning district. ~~Outdoor seating areas that are within the BMS, DT, and I zoning districts are also subject to the provisions of Subparagraphs (e)(3)(A)(i), (ii), or (iii) of this section, when applicable.~~

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

~~(ii) — Parking Required: Parking in compliance with Section 9-9-6, "Parking Standards," B.R.C. 1981, shall be provided for all outdoor seating areas except those located in general improvement districts.~~²⁹

~~(iii) Music: Exterior amplified sound and live music are prohibited prior to 10 a.m. and after 11 p.m.~~³⁰ ~~No outdoor music or entertainment shall be provided after 11 p.m.~~

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

~~(v) Trash: All trash located within the outdoor seating area, on the restaurant, brewpub, or tavern property, and on adjacent streets, sidewalks, and properties shall be picked up and properly disposed of or stored inside the building immediately after closing. No trash or recycling shall be disposed of in any outdoor dumpster or receptacle between the hours of 10 p.m. and 7 a.m. the next day.~~³¹

(4) In the RH-3 and RH-7 Zoning Districts:³²

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

(i) The use has a maximum floor area of ~~4~~2,000 square feet; and

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

²⁷ This distance has been changed from 500 feet to 300 feet – a typical east-west block length in Boulder beyond which the noise of an outdoor patio would be unlikely to affect residential uses.

²⁸ Removing this limitation on outdoor seating compared to indoor seating to better support outdoor dining.

²⁹ Removing the calculation of parking for outdoor seating as it is already addressed in the parking standards.

³⁰ This is a common condition added to use review approvals, so including it in these standards to apply generally to all outdoor seating areas near residential areas.

³¹ This is another common condition added to use review approvals that will now apply generally.

³² Removing outdoor seating area size limit and increasing size of restaurant by 1,000 square feet. For reference, the size of the Alpine Modern café (a nonconforming use located in RL-1) is 1,200 square feet.

(iii) The use closes no later than 11:00 p.m.

(5) In the MU-2 ~~and~~, MU-3, MU-4, BMS, BT-1, BT-2, DT-1, DT-2, and DT-3 Zoning Districts.³³

(A) Review Process: In the MU-2 ~~and~~, MU-3, MU-4, BMS, BT-1, BT-2, DT-1, DT-2, and DT-3 zoning districts, the following review process applies to restaurants, brewpubs, and taverns:

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

a. The use has a maximum floor area of 14,000 square feet;

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

eb. The use closes no later than 11:00 p.m.

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

~~(6) In the MU-4 Zoning District.~~³⁴

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

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

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

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

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

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

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

³³ In these zoning districts that often are located near residential areas, removing the outdoor seating area size limit and increasing the allowable size of a restaurant to 4,000 square feet. BT zoning district currently always requires a use review; this would allow restaurants by-right subject to these standards instead. BMS district currently has complex requirements within and outside the Hill that would be streamlined and consolidated here.

³⁴ Consolidated similar MU-4 requirements with other MU districts above.

(7) ~~In the BMS Zoning District:~~³⁵

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

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

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

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

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

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

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

~~a. — Good Neighbor Meetings and Management Plans Required: Owners and operators of restaurant, brewpub, and tavern uses shall organize and participate in a meeting with the surrounding property owners pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981.~~

~~(B) — Review Process Within UHGID:~~

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

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

~~b. — Preparation and Distribution of a Proposed Management Plan: The owner or operator shall prepare a proposed~~

³⁵ Regulations for the BMS district currently differ within and outside of the University Hill general improvement district. These have been consolidated with the standards for similar residential/commercial interface districts such as BT, MU, and DT-1,2,3 above.

management plan, pursuant to Section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981, and present it to the surrounding property owners at the neighbor meeting.

e. ~~Size of Establishment: Restaurants, brewpubs, and taverns shall not exceed four thousand square feet in size.~~

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

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

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

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

h. ~~Food Service in Restaurants: In restaurants:~~

1. ~~A food preparation area shall be in operation on the premises during all business hours, and solid food, prepared in the food preparation area, shall be offered and available for consumption on the premises during all business hours; and~~

2. ~~Not less than fifty percent of the gross income from sales of food and drink of the establishment over any thirty-day period of time must be from sales of food; receipts of all sources of income showing the name of the establishment, the date of sale, a description of each item sold, and the price paid for each item sold shall be retained for one year and must be provided to the city manager within seven days of request.~~

~~(8) In the BC-1, BC-2, BCS, BR-1, BR-2, DT-4, and DT-5 Zoning Districts:³⁶~~

³⁶ This limit on outdoor seating size has been removed. In lieu of requiring a Use Review, the general standards for outdoor seating areas located near residential areas will apply.

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

(9) ~~In the DT-1, DT-2, and DT-3 Zoning Districts:~~³⁷

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

(i) ~~Review Process:~~

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

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

2. ~~Total outdoor seating area is not more than 500 square feet;~~

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

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

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

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

(10) ~~In the Industrial Zoning Districts:~~

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

(B) Restaurants: In the industrial zoning districts, the following applies to restaurants:

³⁷ Consolidated DT-1,2,3 zoning district standards with other similar zoning districts that interface closely with residential areas like BT, BMS, and MU zones – allow by right with 4,000 square foot size limit and 11 pm hour of operation limit, with use review option for larger restaurants or later hours. Do not require a good neighbor meeting.

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

(h) Temporary Event:

- (1) Temporary events may be approved as a conditional use if the following standards are met:
- (A) Such uses are temporary and limited to ~~two consecutive weeks~~ 14 days in any three-month period, unless otherwise approved by the city manager;³⁸
 - (B) Such uses conducted from movable structures or upon vacant lots shall submit a site plan, including, without limitation, the location, setback from property line, screening, sign and fence locations, if applicable, and electric meter locations or power source;
 - (C) Applicants shall obtain the appropriate sales tax license and, if applicable, temporary fence permits;
 - (D) All exterior areas used for such uses and the lot or parcel that such uses occur upon shall meet the bulk requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981;
 - (E) Such uses may not adversely affect the required parking or result in unsafe conditions or unacceptable levels of congestion;
 - (F) Upon termination of the use and on days for which no event is approved pursuant to Subparagraph (h)(1)(A) of this section, the lot or parcel shall be returned substantially to its original condition unless otherwise approved by the city manager. All litter, fences, borders, tie-down materials, and other items associated with the temporary ~~sale event~~ shall be promptly removed. Unless otherwise approved by the city manager, "promptly," as used in this subparagraph, shall mean within five days;
 - (G) Temporary ~~sales events~~ shall only be conducted by the owner or lessee of the property on which it is conducted and only in conjunction with the principal use of the property; and

³⁸ This change will provide flexibility for events that occur once a week for several weeks.

(H) ~~In the P zoning district, temporary sales are prohibited.~~

(H) Prohibitions: No person shall sell merchandise or services from a motor vehicle, trailer, mobile home, or tent upon any public or private property, including, without limitation, lots, or portions thereof that are vacant or used for parking except as provided in this section.

...
(j) **Medical Office:**

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

(A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a medical office is allowed by right if the floor area of the use does not exceed 5,000 square feet at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A medical office that is not allowed by right may be approved only pursuant to a use review.³⁹

...
(k) **Office:**

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

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, an office is allowed by right if the floor area of the use does not exceed 5,000 square feet at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. An office that is not allowed by right may be approved only pursuant to a use review.⁴⁰

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

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

(A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a research and development use is allowed by right if the floor area of the use does not exceed 5,000 square feet at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A

³⁹ Allowing by right in MU-1 and MU-2 as well subject to same standard. Updated outdated mixed use standard from 1981 to a simpler size limit.

⁴⁰ Updated outdated mixed use standard to simpler size limit.

research and development use that is not allowed by right may be approved only pursuant to a use review.⁴¹

(m) Building Material Sales:

(2) In the Industrial Zoning Districts:

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

(n) Convenience Retail Sales:

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

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

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

- (A) Review Process: In the RH-3, RH-7, MU-1, and MU-2, and MU-3 zoning districts, convenience retail sales are allowed by right if the floor area of the use does not exceed for 2,000 square feet ~~or less of floor area per lot or parcel~~. Convenience retail sales that are not allowed by right may be approved only pursuant to a use review.⁴²

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

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

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

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

⁴¹ Updated outdated mixed use standard to simpler size limit.

⁴² Consolidated complex standards for MU-1 and MU-3 into simpler existing standards applicable to MU-2, and some wording changes for consistency.

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

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

(p) Retail Sales:

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

(A) Review Process: In the MU-1, BT-1, and BT-2 zoning districts, retail sales are allowed by right if the floor area of the use does not exceed 2,000 square feet. Retail sales that are not allowed by right may be approved only pursuant to a use review.⁴³

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

(A) Review Process: In the MU-2 and MU-3 zoning districts, retail sales ~~that may be approved pursuant to a use review~~ are allowed by right if the floor area of the use does not ~~shall not~~ exceed 5,000 square feet ~~in floor area per individual use. Otherwise, the use is prohibited~~. Retail sales that are not allowed by right may be approved only pursuant to a use review.

(q) Business Support Service:

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

(A) Review Process: In the MU-4, BMS, IS-1, IS-2, and IMS zoning districts, ~~a~~ business support service ~~uses are~~ is allowed by right if the floor area of the use is ~~uses are~~ less than 10,000 square feet ~~of floor area per lot or parcel~~. A business support service that is not allowed by right may be approved only pursuant to a use review.⁴⁴

(r) Financial Institution:

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

⁴³ Retail is currently prohibited in MU-1 and BT districts. This allows small retail uses in these districts and the opportunity for use review for larger uses.

⁴⁴ Edits to make language consistent with other standards.

- (A) Review Process: In the RH-3, RH-7, MU-1, MU-2, and MU-3 zoning districts, a financial institution is allowed by right if the floor area of the use does not exceed 5,000 square feet at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A financial institution that is not allowed by right may be approved only pursuant to a use review.⁴⁵

(s) Media Production:

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

- (A) Review Process: In the MU-1, MU-2, and MU-3 zoning districts, a media production use is allowed by right if the floor area of the use does not exceed 5,000 square feet at least fifty percent of the floor area of the building is for residential uses and the total floor area of nonresidential uses in the building is less than 7,000 square feet. A media production use that is not allowed by right may be approved only pursuant to a use review.⁴⁶

(t) Non-Vehicular Repair and Rental Service

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

- (A) Review Process: In the MU-1, MU-2, MU-3, MU-4, BT-1, BT-2, and BMS zoning districts, a non-vehicular repair and rental service is allowed by right if the floor area of the use does not exceed 5,000 square feet. A non-vehicular repair and rental service that is not allowed by right may be approved only pursuant to a use review.⁴⁷

(u) Neighborhood Business Center:

(v) Personal Service Use:

(w) Drive-Thru Use:

⁴⁵ Updated outdated mixed use standard to simpler size limit.

⁴⁶ Updated outdated mixed use standard to simpler size limit.

⁴⁷ Allowing small-scale repair and rental services (non-vehicular) with use review option for larger uses, in MU and B districts where previously prohibited.

1 ...

2 ~~(wx)~~ **Fuel Service Station:**

3 ...

4 ~~(xy)~~ **Principal Parking Facility:**

5 ...

6 ~~(yz)~~ **Sales or Rental of Vehicles:**

7 ...

8 ~~(zaa)~~ **Service of Vehicles:**

9 ...

10 Section 5.

11 This ordinance shall apply to any building permit, conditional use, use review, and site
12 review applied for on or after the effective date of this ordinance; however, any project for which
13 a complete building permit, site review, use review, or conditional use application has been
14 submitted to the city or which has received a site review, use review, or conditional use approval
15 prior to the effective date of this ordinance for a use inconsistent with the provisions of this
16 ordinance will be permitted to establish the proposed use under the use standards of Chapter 9-6,
17 " Use Standards," B.R.C. 1981, in effect at the time the building permit, site review, use review,
18 or conditional use application was submitted to the city. Such applicants shall be required to pursue
19 such development approvals and meet all requirements deadlines set by the city manager and the
20 Boulder Revised Code necessary to establish the proposed use. The applications for such project
21 shall demonstrate compliance with all applicable laws. An applicant may seek extensions of a
22 development approval granted under the use standards in effect prior to the effective date of this
23 ordinance in accordance with the standards of Subsection 9-2-12(b), "Extensions," B.R.C. 1981,
24 and any initial review under Paragraph 9-2-12(b)(2), "Planning Board Level Extension," B.R.C.

1 1981, shall not impose as an additional condition compliance with the use standards adopted in
2 this ordinance provided that all other requirements of this Section 5 of this ordinance have been
3 met. Any failure to meet requirements of the city manager or this section of this ordinance will
4 result in a denial of such application. Any subsequent application shall meet the requirements in
5 place at the time of such subsequent application.

6 Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any
7 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
8 provisions of this ordinance.

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

11 Section 8. The city council deems it appropriate that this ordinance be published by title
12 only and orders that copies of this ordinance be made available in the office of the city clerk for
13 public inspection and acquisition.
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