Article 4

Zoning

Article 4 • Zoning Table

District	Lot Size		Setbacks			Height	Additional Restrictions
	Subdivided with Water & Sewer in a Community Service Area	Unsubdivided	Front	Side	Rear		
Forestry **F**	35 acres	35 acres	15'	25'	15'	30'	2 animal units/acre
Agricultural **A**	35 acres	35 acres	35'	7'	15'	30'/50'	4 animal units/acre
Rural Residential **RR**	1 acre	35 acres	25'	7'	15'	30'	2 animal units/acre
Estate Residential **ER**	1 acre	35 acres	35'	10'	25'	30'	2 animal units/acre
Suburban Residential **SR**	7,500 sq. ft.	35 acres	25'	7'	15'	30'	1 horse per one-half acre of pasturage See footnote^
Multifamily **MF**	7,500 sq. ft 15,500 sq. ft	35 acres	25'	7'	15'	50'	1 horse per one-half acre of pasturage
Manufactured Home Park **MH**	35 acres	35 acres	25'	7'	15'	30'	No animal units/acre
Transitional **T**	15,500 sq. ft	35 acres	25'	7'	15'	50'	Within Community Service Areas - Maximum dwelling units on subdivided land - 9/acre. No animal units/acre
Business **B**	No minimum requirement	35 acres	*60'	0' or 12'	20'	50'	Within Community Service Areas - Maximum dwelling units on subdivided land - 9/acre. No animal units/acre
Commercial **C**	No minimum requirement	35 acres	*60'	0' or 12'	20'	50'	Within Community Service Areas - Maximum dwelling units on subdivided land - 9/acre. No animal units/acre
Light Industrial **LI**	No minimum requirement	35 acres	*60'	0' or 12'	20'	50'	4 animal units/acre
General Industrial **GI**	No minimum requirement	35 acres	*60'	0' or 12'	20'	50'	4 animal units/acre
Mountain Institutional **MI**	35 acres	35 acres	15'	25'	15'	30'	2 animal units/acre

*From centerline of existing roadway. ^Residents in the SR zone may keep up to 8 hens and 2 bee colonies for their own use.

Article 4 • Zoning

From the Forward to the Boulder County Zoning Resolution, February 4, 1944

A zoning ordinance imposes such reasonable limitations upon the right of a property owner to use his property as he pleases, as may be determined by considerations of public health, safety, and welfare. But he may not use his property as he pleases without regard for his neighbors, or the effect of his actions upon the welfare and prosperity of the whole community of which he is a part. Nor is a zoning ordinance merely a temporary matter. It is an integral part of public planning, which takes the long view. The use of land is a granted right, but the land itself remains long after individuals who have exercised such rights have passed away. Rural zoning contemplates not only benefits in the present, but also seeks to conserve our resources for future generations.

4-100 Zoning District Regulations

Zoning District Legend:	
(A)	Uses Permitted by Special Authorization of the Building Official (Article 2-500)
(I)	Uses Permitted by Limited Impact Special Review (Article 3 and Article 4-600)
(L)	Uses Permitted by Location & Extent Review (Article 8)
(R)	Uses Permitted by Review of Areas and Activities of State Interest (Article 8)
(S)	Uses Permitted by Special Review (Article 3 and Article 4-600)
(SPR)	Uses Permitted by Site Plan Review (Article 4-800)

Note: The uses listed in each zoning district are listed with the review process acronyms as shown in the legend above. Review processes are also triggered based on the intensity of the use, specific location of the development and extent of physical development on the property. Thus, even if a review process is not enumerated, a parcel may still require a process based on other Code requirements

4-101 Forestry (F) District

A. Purpose: Rural areas established for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve open areas.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Equestrian Center (S)
- **b.** Intensive Agricultural Uses (S)
- **c.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Kennel (S)

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Camp (I/S)
- **c.** Membership Club (S)
- **d.** Reception Halls and Community Meeting Facilities (S)
- **e.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
- **a.** Forestry
- **b.** Forestry Processing and Sort Yard (I)

6. Industrial Uses (see 4-506)
- **a.** Saw Mill (S)
- **b.** Solid Waste Transfer Facility (S)

7. Lodging Uses (see 4-507)
- **a.** Bed and Breakfast (I)
- **b.** Campground (S)
- **c.** Resort Lodge, Conference Center, or Guest Ranch (S)
- **d.** Vacation Rental

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations
- **c.** Open Mining (S)
- **d.** Subsurface Mining; (I) (S)
- **e.** Subsurface Mining of Uranium (S)

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)
- **a.** Firing Range, Outdoor (S)
- **b.** Livery or Horse Rental Operation (S)
- **c.** Outdoor Recreation, for day use (S)
- **d.** Outdoor Recreation, for night use (S)
- **e.** Park and/or Playfield, for day use
- **f.** Park and/or Playfield, for night use (S)
- **g.** Public Recreation Center (S)
- **h.** Ski Area (S)

11. Residential Uses (see 4-511)
- **a.** Group Care or Foster Home (S)
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Recycling Collection Center, Small (I)
- **b.** Veterinary Clinic, without outdoor holding facilities (S)

13. Transportation Uses (see 4-513)
- **a.** Heliport (S)
- **b.** Helistop (S)
- **c.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (R) (S) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (R) (S) (L)
- **j.** Small Wind-Powered Energy System
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR) (S) (I)
- **m.** Solar Energy - Parking Canopy System (SPR)
- **n.** Telecommunications Facility, existing structure meeting height requirements
- **o.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **p.** Utility Service Facility
- **q.** Water Reservoir (R) (S) (L)
- **r.** Water Tank or Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Accessory Dwelling (I)
6. Accessory Horse Keeping
7. Accessory Meat or Poultry Processing
8. Accessory Outside Storage
9. Accessory Solar Energy System
10. Accessory Structure
11. Grading of more than 500 Cubic Yards (I)
12. Home Events
13. Home Occupation
14. Household Pets
15. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
16. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
17. Parking
18. Small Wind-Powered Energy System, Roof-Mounted
19. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres
2. Minimum setbacks
a. Front yard...15 feet
b. Side yard...25 feet
c. Rear yard...15 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsites of Allenspark, Eldora, Eldorado Springs, Raymond, and Riverside, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

b. On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

c. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Two animal units per acre without going through Special Review

2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet; or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses preserve the landmark; or for second Principal Uses approved though Special Review under 4-101.F.2.e, above

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-102 Agricultural (A) District

A. Purpose: Rural areas where conservation of agricultural resources is of major value, and where residential development compatible with agricultural uses is allowed.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Agricultural Products Processing and Storage (S)
- **b.** Commercial Feed Yard (S)
- **c.** Commercial Nursery
- **d.** Custom Meat or Poultry Processing Facility (S)(I)
- **e.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Equestrian Center
- **b.** Farm Store (I)
- **c.** Intensive Agricultural Uses
- **d.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Kennel

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Camp (I/S)
- **c.** Cemetery (S)
- **d.** Church
- **e.** Education Facility (S)
- **f.** Membership Club (S)
- **g.** Reception Halls and Community Meeting Facilities (S)
- **h.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
- **a.** Forestry
- **b.** Forestry Processing and Sort Yard (I)

6. Industrial Uses (see 4-506)
- **a.** Composting Facility (S)
- **b.** Sawmill (S)
- **c.** Solid Waste Disposal Site and Facility (S)
- **d.** Solid Waste Transfer Facility (S)

7. Lodging Uses (see 4-507)
- **a.** Bed and Breakfast (I)
- **b.** Campground (S)
- **c.** Resort Lodge, Conference Center, or Guest Ranch (legally existing as of April 20, 2004) (S)

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations
- **c.** Open Mining (S)
- **d.** Subsurface Mining (S)
- **e.** Subsurface Mining of Uranium (S)

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)
- **a.** Firing Range, Outdoor (S)
- **b.** Golf Course (S)
- **c.** Livery or Horse Rental Operation (S)
- **d.** Outdoor Recreation, for day use (S)
- **e.** Outdoor Recreation, for night use (S)
- **f.** Park and/or Playfield, for day use
- **g.** Park and/or Playfield, for night use (S)
- **h.** Public Recreation Center (S)

11. Residential Uses (see 4-511)
- **a.** Group Care or Foster Home (S)
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Day Care Center (S)
- **b.** Recycling Collection Center, Small (I)
- **c.** Veterinary Clinic, with outdoor holding facilities
- **d.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)
- **a.** Airport (S)
- **b.** Heliport (S)
- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (R) (S) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (R) (S) (L)
- **j.** Small Wind-Powered Energy System
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR) (S) (I)
- **m.** Solar Energy - Parking Canopy System (SPR)
- **n.** Telecommunications Facility, existing structure meeting height requirements
- **o.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **p.** Utility Service Facility
- **q.** Water Reservoir (R) (S) (L)
- **r.** Water Tank and Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Demonstration Farm or Farm Camp (I)
14. Farm Events (I)
15. Grading of more than 500 Cubic Yards (I)
16. Home Events
17. Home Occupation
18. Household Pets
19. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
20. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
21. Parking
22. Small Wind-Powered Energy System, Roof-Mounted
23. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Subsection 4-1004.A.2. (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres
2. Minimum setbacks
a. Front yard...35 feet
b. Side yard...7 feet
c. Rear Yard...15 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. Residential structures:

(i) On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

(ii) On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

(iii) 50 feet for nonresidential structures.

(iv) The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Four animal units per acre without going through Special Review

2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. is on a parcel with a total floor area greater than 25,000 square feet, any portion of which is not part of an agricultural use;

(i) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season-Extending Agricultural Structures on a property is less than the thresholds identified in 4-802A.16. has a second Principal Use which does not increase density.

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. on a parcel with a total floor area greater than 25,000 square feet all of which is part of an agricultural use.

(i) A parcel may have 1,800 square feet of additional floor area for every additional 5 acres of parcel size above 35 acres, without triggering Limited Impact Special Review, but only if the owner grants the County a conservation easement on the property which prohibits any division of the property which would result in a violation of this Code, and prohibits the addition of structures to the property; or

(ii) Season-Extending Agricultural Structures shall be excluded from the square footage counted toward this provision if the square footage of the Season-Extending Agricultural Structures on a property is less than the thresholds identified in 4-802A.16.

c. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-102.F.2.e, above.

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-103 Rural Residential (RR) District

A. Purpose: Residential areas developed at a density and character compatible with agricultural uses.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Commercial Nursery on unsubdivided land (S)
- **b.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Equestrian Center (S)
- **b.** Farm Store on unsubdivided land (I)
- **c.** Intensive Agricultural Uses (S)
- **d.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Cemetery (S)
- **c.** Church
- **d.** Educational Facility (S)
- **e.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)
- **a.** Bed and Breakfast (I)

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)
- **a.** Golf Course (S)
- **b.** Park and/or Playfield, for day use
- **c.** Park and/or Playfield, for night use (S)
- **d.** Public Recreation Center (S)

11. Residential Uses (see 4-511)
- **a.** Group Care or Foster Home (S)
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Day Care Center (S)
- **b.** Veterinary Clinic, without outdoor holding facilities (S)

13. Transportation Uses (see 4-513)
- **a.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (S) (R) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)

i. Sewage Treatment Facility (R) (S) (L)
j. Small Wind-Powered Energy System (see 4-514.K.)
k. Solar Energy – Building-Mounted System
l. Solar Energy – Ground-Mounted System (SPR) (S) (I)
m. Solar Energy - Parking Canopy System (SPR)
n. Telecommunications Facility, existing structure meeting height requirements
o. Telecommunications Facility, new structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (R) (S) (L)
r. Water Tank or Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Dwelling (I)
7. Accessory Horse Keeping
8. Accessory Meat or Poultry Processing
9. Accessory Outside Storage
10. Accessory Solar Energy System
11. Accessory Structure
12. Demonstration Farm or Farm Camp on unsubdivided land (I)
13. Farm Events on unsubdivided land (I)
14. Grading of more than 500 Cubic Yards (I)
15. Home Events
16. Home Occupation
17. Household Pets
18. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
19. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
20. Parking
21. Small Wind-Powered Energy System, Roof-Mounted
22. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use (nonconforming use under Subsection 4-1004.A.2. (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size
a. In a community service area on subdivided land with connection to public water and sewer facilities...One acre
b. On other land...35 acres

2. Minimum setbacks

a. Front yard...25 feet

b. Side yard...7 feet

c. Rear Yard...15 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.

e. Supplementary requirements may apply, refer to Article 7-1400.

f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

b. On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

c. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Two animal units per acre without going through Special Review

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use that is not in a platted subdivision may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use that is not in a platted subdivision may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-103.F.2.e, above.

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-104 Estate Residential (ER) District

A. Purpose: Low density urban residential areas

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)

a. Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)

a. Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)

a. Adaptive Reuse of a Historic Landmark (I)

b. Church

c. Educational Facility (S)

d. Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)

a. Bed and Breakfast (I)

8. Mining Uses (see 4-508)

a. Limited Impact Open Mining (I)

b. Oil and Gas Operations

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)

a. Park and/or Playfield, for day use

11. Residential Uses (see 4-511)

a. Group Care or Foster Home (S)

b. Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)

a. Day Care Center (S)

b. Veterinary Clinic, without outdoor holding facilities (S)

13. Transportation Uses (see 4-513)

a. Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

a. Central Office Building of a Telecommunication Company (R)

b. Community Cistern (I)

c. Fire Barn (I)

d. Fire Station (S)

e. Major Facility of a Public Utility (R) (S) (L)

f. Public or Quasi-public Facility other than Listed (S)

g. Public Safety Telecommunication Facility (I)

h. Sewage or Water Transmission Line (R) (L)

i. Sewage Treatment Facility (R) (S) (L)

j. Small Wind-Powered Energy System

k. Solar Energy – Building-Mounted System

l. Solar Energy – Ground-Mounted System (SPR) (S) (I)

m. Solar Energy - Parking Canopy System (SPR)

n. Telecommunications Facility, existing structure meeting height requirements

o. Telecommunications Facility, new structure or not meeting height requirements (S)

p. Utility Service Facility

q. Water Reservoir (R) (S) (L)

r. Water Tank or Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales

2. Temporary Accessory Community Meeting Facility

3. Accessory Dwelling (I)

4. Accessory Agricultural Structure

5. Accessory Beekeeping

6. Accessory Chicken Keeping

7. Accessory Meat or Poultry Processing

8. Accessory Horse Keeping

9. Accessory Outside Storage

10. Accessory Solar Energy System

11. Accessory Structure

12. Grading of more than 500 Cubic Yards (I)

13. Home Events

14. Home Occupation

15. Household Pets

16. Noncommercial Telecommunication Site, one structure which meets setback and height requirements

17. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)

18. Parking

19. Small Wind-Powered Energy System, Roof-Mounted

20. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)

2. Garage Sales or Occasional Sales

3. Group Gathering (A)

4. Temporary Batch Plant (A)

5. Temporary Construction or Sales Office (A)

6. Temporary Dwelling Unit (A)

7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)

8. Temporary Weather Device Tower

9. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size

a. In a community service area on subdivided land with connection to public water and sewer facilities...One acre

b. On other land...35 acres

2. Minimum setbacks

a. Front yard...35 feet

b. Side yard...10 feet

c. Rear Yard...25 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.

e. Supplementary requirements may apply, refer to Article 7-1400.

f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

b. On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

c. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Two animal units per acre without going through Special Review

2. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use that is not in a platted subdivision may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use that is not in a platted subdivision may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-104.F.2.e, above.

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-105 Suburban Residential (SR) District

A. Purpose: Low density suburban residential areas.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)

a. Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
None Permitted

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)

a. Adaptive Reuse of a Historic Landmark (I)

b. Cemetery (S)

c. Church

d. Educational Facility (S)

e. Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)

a. Bed and Breakfast (I)

8. Mining Uses (see 4-508)

a. Limited Impact Open Mining (I)

b. Oil and Gas Operations

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)

a. Park and/or Playfield, for day use

b. Park and/or Playfield, for night use (S)

c. Public Recreation Center (S)

11. Residential Uses (see 4-511)

a. Group Care or Foster Home (S)

b. Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)

a. Day Care Center (S)

13. Transportation Uses (see 4-513)

a. Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

a. Central Office Building of a Telecommunication Company (R)

b. Community Cistern (I)

c. Fire Barn (I)

d. Fire Station (S)

e. Major Facility of a Public Utility (R) (S) (L)

f. Public or Quasi-public Facility other than Listed (S)

g. Public Safety Telecommunication Facility (I)

h. Sewage or Water Transmission Line (R) (L)

i. Sewage Treatment Facility (R) (S) (L)

j. Small Wind-Powered Energy System

k. Solar Energy – Building-Mounted System

l. Solar Energy – Ground-Mounted System (SPR)

m. Solar Energy - Parking Canopy System (SPR)

n. Telecommunications Facility, existing structure meeting height requirements

o. Telecommunications Facility, new structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (R) (S) (L)
r. Water Tank or Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Beekeeping
3. Accessory Chicken Keeping
4. Accessory Dwelling (I)
5. Accessory Horse Keeping (see Section 4-105.F.3. below)
6. Accessory Outside Storage
7. Accessory Solar Energy System
8. Accessory Structure
9. Grading of more than 500 Cubic Yards (I)
10. Home Events
11. Home Occupation
12. Household Pets
13. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
14. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
15. Parking
16. Small Wind-Powered Energy System, Roof-Mounted
17. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
a. In a community service area on subdivided land with connection to public water and sewer...7,500 square feet
b. On other land...35 acres

2. Minimum setbacks
a. Front yard...25 feet
b. Side yard...7 feet
c. Rear Yard...15 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

b. On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any residential structure exceed 35 feet.

c. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Special review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area);or

e. has a second Principal Use which does not increase density.

2. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

3. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-105.F.1.e, above.

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-106 Multifamily (MF) District

A. Purpose: Medium density residential areas which allow for a variety of housing options.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)

a. Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
None Permitted

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)

a. Adaptive Reuse of a Historic Landmark (I)

b. Cemetery (S)

c. Church

d. Educational Facility (S)

e. Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)

8. Mining Uses (see 4-508)

a. Limited Impact Open Mining (I)

b. Oil and Gas Operations

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)

a. Golf Course (legally existing as of April 20, 2004) (S)

b. Park and/or Playfield, for day use

c. Park and/or Playfield, for night use (S)

d. Public Recreation Center (S)

11. Residential Uses (see 4-511)

a. Boarding House

b. Group Care or Foster Home (S)

c. Multi-Unit Dwelling

d. Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)

a. Day Care Center (S)

13. Transportation Uses (see 4-513)

a. Helistop (S)

b. Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

a. Central Office Building of a Telecommunication Company (R)

b. Community Cistern (I)

c. Fire Barn (I)

d. Fire Station (S)

e. Major Facility of a Public Utility (S) (R) (L)

f. Public or Quasi-public Facility other than Listed (S)

g. Public Safety Telecommunication Facility (I)

h. Sewage or Water Transmission Line (R) (L)

i. Sewage Treatment Facility (S) (R) (L)

j. Small Wind-Powered Energy System

k. Solar Energy – Building-Mounted System

l. Solar Energy – Ground-Mounted System (SPR)
m. Solar Energy - Parking Canopy System (SPR)
n. Telecommunications Facility, existing structure meeting height requirements
o. Telecommunications Facility, new structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (S) (R) (L)
r. Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Horse Keeping
4. Accessory Outside Storage
5. Accessory Solar Energy System
6. Accessory Structure
7. Grading of more than 500 Cubic Yards (I)
8. Home Events
9. Home Occupation
10. Household Pets
11. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
12. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
13. Parking
14. Small Wind-Powered Energy System, Roof-Mounted
15. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
a. In a community service area on subdivided land where the principal structure is a Single Unit Dwelling, educational facility, or Church connected to public water and sewer facilities...7,500 square feet
b. On subdivided land where any other principal structure is connected to public water and sewer facilities...15,000 square feet
c. On any other land...35 acres

2. Minimum setbacks
a. Front yard...25 feet
b. Side yard...7 feet
c. Rear Yard...15 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.

f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height...50 feet

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Maximum gross density

a. On subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

b. On other land...One dwelling unit per 35 acres

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area of greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. Riding horses for use of occupants of a lot and their guests may be kept as permitted accessory uses provided at least one-half acre of pasture is available for each horse.

5. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-106.F.2.e, above.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-107 Manufactured Home Park (MH) District

A. Purpose: To provide for manufactured home parks in appropriate locations, consistent with comprehensive planning policies to encourage and provide for affordable housing including the preservation of existing housing stocks.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
None Permitted

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)
- **a.** Parks or Playfields for day use
- **b.** Parks or Playfields for night use (S)
- **c.** Public Recreation Center (S)

11. Residential Uses (see 4-511)
- **a.** Group Care or Foster Home (S)
- **b.** Manufactured Home Parks
- **c.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Day Care Center (S)

13. Transportation Uses (see 4-513)
- **a.** Multimodal Parking Facility (S) (I)

14. Utility Uses and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (S) (R) (L)
- **f.** Public or Quasi-Public Facilities other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (S) (R) (L)
- **j.** Small Wind-Powered Energy System
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR)
- **m.** Solar Energy - Parking Canopy System (SPR)

n. Telecommunications Facility, existing structure meeting height requirements
o. Telecommunications Facility, new structure or not meeting height requirements (S)
p. Utility Service Facility
q. Water Reservoir (S) (R) (L)
r. Water Tank or Treatment Facility (S) (R)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Short-Term Rental
15. Secondary Dwelling Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres, or the area of the parcel or portion of parcel occupied by a manufactured (mobile) home park legally existing on the effective date of the amendments creating this District.
2. Minimum setbacks
a. Front yard...25 feet
b. Side yard...7 feet
c. Rear Yard...15 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -**with County concurrence**- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum structure height... 30 feet

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second Principal Use which does not increase density.

2. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

3. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-107.F.1.e, above.

4. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-108 Transitional (T) District

A. Purpose: Areas containing both a variety of residential uses and a limited number of business uses which are compatible with residential development.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
None Permitted

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Membership Club
- **e.** Reception Halls and Community Meeting Facilities
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)
- **a.** Overnight Lodging
- **b.** Resort Lodge, Conference Center, or Guest Ranch

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
- **a.** Professional Office

10. Recreation Uses (see 4-510)
- **a.** Indoor Recreation
- **b.** Outdoor Recreation, for day use
- **c.** Outdoor Recreation, for night use (S)
- **d.** Park and/or Playfield, for day use
- **e.** Park and/or Playfield, for night use (S)

11. Residential Uses (see 4-511)
- **a.** Boarding House
- **b.** Group Care or Foster Home (S)
- **c.** Multi-Unit Dwelling
- **d.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Building Material or Garden Store (S)
- **b.** Day Care Center (S)
- **c.** Eating or Drinking Place, with drive through (S)
- **d.** Eating or Drinking Place, without drive through (S)
- **e.** Marijuana Establishment
- **f.** Mortuary
- **g.** Recycling Collection Center, Small (I)
- **h.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)
- **a.** Airport (S)
- **b.** Heliport (S)
- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (S) (R) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (S) (R) (L)
- **j.** Small Wind-Powered Energy System
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR) (I)
- **m.** Solar Energy - Parking Canopy System (SPR)
- **n.** Telecommunications Facility, existing structure meeting height requirements
- **o.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **p.** Utility Service Facility
- **q.** Water Reservoir (S) (R) (L)
- **r.** Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)
1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
9. Temporary Weather Device Tower

10. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size

a. In a community service area on subdivided land where any other principal structure is connected to public water and sewer facilities...15,000 square feet

b. On any other land...35 acres

2. Minimum setbacks

a. Front yard...25 feet

b. Side yard...7 feet

c. Rear Yard...15 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.

e. Supplementary requirements may apply, refer to Article 7-1400.

f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Single Unit Dwelling on a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Single Unit Dwelling on a Parcel within the mapped Townsite of Eldorado Springs, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height... 50 feet.

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s). Maximum building height... 50 feet.

F. Additional Requirements

1. Maximum gross residential density

a. In a community service area on subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

b. On other land...One dwelling unit per 35 acres

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area); or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. An exemption plat is required for any Single Unit Dwelling development on vacant land proposed for subdivided land with a final plat approved prior to March 22, 1978.

5. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; unless approved through Special Review, or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-108.F.2.e, above.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-109 Business (B) District

A. Purpose: Areas for the development of restricted retail and business uses which have minimal exterior impact on surrounding properties.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Farm Store
- **b.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Printing and/or Publishing Establishment
- **b.** Vehicle Sales/Rental Lot (S)

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Membership Club
- **e.** Reception Halls and Community Meeting Facilities
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)
- **a.** Overnight Lodging
- **b.** Resort Lodge, Conference Center, or Guest Ranch
- **c.** Bed and Breakfast

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
- **a.** Professional Office

10. Recreation Uses (see 4-510)
- **a.** Indoor Recreation
- **b.** Outdoor Recreation, for day use
- **c.** Outdoor Recreation, for night use (S)
- **d.** Park and/or Playfield, for day use
- **e.** Park and/or Playfield, for night use (S)

11. Residential Uses (see 4-511)
- **a.** Boarding House
- **b.** Group Care or Foster Home (S)
- **c.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Bank
- **b.** Convenience Store
- **c.** Day Care Center
- **d.** Emergency Care Facility
- **e.** Eating or Drinking Place, with drive through (S)
- **f.** Eating or Drinking Place, without drive through
- **g.** Indoor Theater
- **h.** Marijuana Establishment
- **i.** Mortuary

- **j.** Recycling Collection Center, small (I)
- **k.** Retail or Personal Service Facility
- **l.** Vehicle Service Center
- **m.** Veterinary Clinic, with outdoor holding facilities
- **n.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)

- **a.** Airport (S)
- **b.** Heliport (S)
- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (S) (R) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (S) (R) (L)
- **j.** Small Wind-Powered Energy System
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR) (I)
- **m.** Solar Energy - Parking Canopy System (SPR)
- **n.** Telecommunications Facility, existing structure meeting height requirements
- **o.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **p.** Utility Service Facility
- **q.** Water Reservoir (S) (R) (L)
- **r.** Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Parking
13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size
a. On subdivided land where the principal structure is connected to public water and sewer facilities...no minimum requirement
b. On other land...35 acres

2. Minimum setbacks
a. Front yard...60 feet from the centerline of the ROW
b. Side yard...Zero or 12 feet
c. Rear Yard...20 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:
(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and
(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
(ii) For a Parcel within the mapped Townsites of Allenspark, Eldorado Springs, Raymond, and Riverside, the maximum Residential Floor Area shall be 1,500 square feet.
(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.
(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
(B) Subsection (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.
(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
(A) the proposed development does not conflict with the intent of the landmark designation,

restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height...50 feet

F. Additional Requirements

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

1. Maximum gross residential density

a. In a community service area on subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

b. On other land...One dwelling unit per 35 acres

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. An exemption plat is required for any Single Unit Dwelling development on vacant land proposed for subdivided land with a final plat approved prior to March 22, 1978.

5. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-110 Commercial (C) District

A. Purpose: Areas for the development of commercial, business, retail, and/or service uses

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Farm Store
- **b.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Building Contracting Shop
- **b.** Carpentry, Woodworking, or Furniture Making Facility
- **c.** Car Wash
- **d.** Commercial Bakery
- **e.** Commercial Laundry and Dry Cleaning
- **f.** Machine Shop
- **g.** Printing and/or Publishing Establishment
- **h.** Vehicle Sales/Rental Lot (S)

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Membership Club
- **e.** Reception Halls and Community Meeting Facilities
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
- **a.** Recycling Collection Center, Large (S)

7. Lodging Uses (see 4-507)
- **a.** Overnight Lodging
- **b.** Resort Lodge, Conference Center, or Guest Ranch
- **c.** Bed and Breakfast

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
- **a.** Professional Office

10. Recreation Uses (see 4-510)
- **a.** Indoor Recreation
- **b.** Outdoor Recreation, for day use
- **c.** Outdoor Recreation, for night use (S)

11. Residential Uses (see 4-511)
- **a.** Boarding House
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Bank
- **b.** Building Material and Garden Store
- **c.** Convenience Store
- **d.** Day Care Center
- **e.** Emergency Care Facility
- **f.** Eating or Drinking Place, with drive through (S)

- **g.** Eating or Drinking Place, without drive through
- **h.** Indoor Theater
- **i.** Marijuana Establishment
- **j.** Mortuary
- **k.** Outdoor Theater
- **l.** Recycling Collection Center, Small
- **m.** Retail or Personal Service Facility
- **n.** Vehicle Service Center
- **o.** Veterinary Clinic, with outdoor holding facilities
- **p.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)

- **a.** Airport (S)
- **b.** Heliport (S)
- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Large Solar Energy System (S)
- **f.** Major Facility of a Public Utility (S) (R) (L)
- **g.** Medium Solar Energy System or Solar Garden (S)
- **h.** Public or Quasi-public Facility other than Listed (S)
- **i.** Public Safety Telecommunication Facility (I)
- **j.** Sewage or Water Transmission Line (R) (L)
- **k.** Sewage Treatment Facility (S) (R) (L)
- **l.** Small Wind-Powered Energy System
- **m.** Solar Energy – Building-Mounted System
- **n.** Solar Energy – Ground-Mounted System (SPR) (I)
- **o.** Solar Energy - Parking Canopy System (SPR)
- **p.** Telecommunications Facility, existing structure meeting height requirements
- **q.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **r.** Utility Service Facility
- **s.** Water Reservoir (S) (R) (L)
- **t.** Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)

- **a.** Personal Storage Facility

C. Accessory Uses Permitted (see 4-516)

1. Temporary Accessory Community Meeting Facility
2. Accessory Dwelling (I)
3. Accessory Outside Storage
4. Accessory Solar Energy System
5. Accessory Structure
6. Grading of more than 500 Cubic Yards (I)
7. Home Events
8. Home Occupation
9. Household Pets
10. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
11. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
12. Parking

13. Small Wind-Powered Energy System, Roof-Mounted
14. Accessory Agricultural Sales
15. Accessory Agricultural Structure
16. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
8. Temporary Weather Device Tower
9. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
a. In a community service area on subdivided land where the principal structure is connected to public water and sewer facilities...no minimum requirement
b. On other land...35 acres
2. Minimum setbacks
a. Front yard...60 feet from the centerline of the ROW
b. Side yard...Zero or 12 feet
c. Rear Yard...20 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).
3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:
(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and
(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.
(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
(B) ubsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.
(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height...50 feet

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Maximum gross residential density

a. On subdivided land where the dwellings are connected to public water and sewer facilities...Nine dwelling units per acre

b. On other land...One dwelling unit per 35 acres

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. An exemption plat is required for any Single Unit Dwelling development on vacant land proposed for subdivided land with a final plat approved prior to March 22, 1978.

5. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-111 Light Industrial (LI) District

A. Purpose: Areas for the development of research, light industrial, warehouse, and/or distribution centers.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Agricultural Products Processing and Storage
- **b.** Commercial Nursery
- **c.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Intensive Agricultural Uses
- **b.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Commercial Bakery

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Membership Club
- **e.** Reception Halls and Community Meeting Facilities
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
- **a.** Light Industrial
- **b.** Outside Storage (S)
- **c.** Recycling Processing Facility (S)

7. Lodging Uses (see 4-507)
- **a.** Overnight Lodging
- **b.** Resort Lodge, Conference Center, or Guest Ranch
- **c.** Bed and Breakfast

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations

9. Office Uses (see 4-509)
- **a.** Professional Office

10. Recreation Uses (see 4-510)
- **a.** Firing Range, Outdoor (S)
- **b.** Indoor Recreation
- **c.** Outdoor Recreation, for day use
- **d.** Outdoor Recreation, for night use (S)

11. Residential Uses (see 4-511)
- **a.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Day Care Center
- **b.** Emergency Care Facility
- **c.** Marijuana Establishment
- **d.** Mortuary
- **e.** Recycling Collection Center, Small
- **f.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)
- **a.** Airport (S)
- **b.** Heliport (S)

- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)

- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Large Solar Energy System (S)
- **f.** Major Facility of a Public Utility (S) (R) (L)
- **g.** Medium Solar Energy System or Solar Garden (S)
- **h.** Public or Quasi-public Facility other than Listed (S)
- **i.** Public Safety Telecommunication Facility (I)
- **j.** Sewage or Water Transmission Line (R) (L)
- **k.** Sewage Treatment Facility (S) (R) (L)
- **l.** Small Wind-Powered Energy System
- **m.** Solar Energy – Building-Mounted System
- **n.** Solar Energy – Ground-Mounted System (SPR) (I)
- **o.** Solar Energy - Parking Canopy System (SPR)
- **p.** Telecommunications Facility, existing structure meeting height requirements
- **q.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **r.** Utility Service Facility
- **s.** Water Reservoir (S) (R) (L)
- **t.** Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)

- **a.** Personal Storage Facility
- **b.** Warehouse and Distribution Center

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Grading of more than 500 Cubic Yards (I)
14. Home Events
15. Home Occupation
16. Household Pets
17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
19. Parking
20. Small Wind-Powered Energy System, Roof-Mounted
21. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering / Special Events (A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size
a. In a community service area on subdivided land where the principal structure is not a Single Unit Dwelling and is connected to public water and sewer facilities...no minimum requirement
b. On any other land...35 acres

2. Minimum setbacks
a. Front yard...60 feet from the centerline of the ROW
b. Side yard...Zero or 12 feet
c. Rear Yard...20 feet
d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
e. Supplementary requirements may apply, refer to Article 7-1400.
f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size
a. Maximum Residential Floor Area
(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:
(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;
(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and
(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.
(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.
(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.
(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.
(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.
(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:
(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and
(B) the additional Residential Floor Area granted is related to the preservation of the protected

structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height...50 feet

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Four animal units per acre

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. An exemption plat is required for any Single Unit Dwelling development on vacant land proposed for subdivided land with a final plat approved prior to March 22, 1978.

5. No parcel shall be used for more than one Principal Use, except for allowed open Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-112 General Industrial (GI) District

A. Purpose: Areas for the development of general industrial, manufacturing, commercial, and/or retail uses.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Agricultural Products Processing and Storage
- **b.** Commercial Nursery
- **c.** Custom Meat and Poultry Processing Facility (S)
- **d.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Intensive Agricultural Uses
- **b.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Building Contracting Shop
- **b.** Carpentry, Woodworking, or Furniture Making Facility
- **c.** Car Wash
- **d.** Commercial Bakery
- **e.** Commercial Laundry and Dry Cleaning
- **f.** Machine Shop
- **g.** Printing and/or Publishing Establishment
- **h.** Vehicle Sales/Rental Lot

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Church
- **c.** Educational Facility (S)
- **d.** Membership Club
- **e.** Reception Halls and Community Meeting Facilities
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
None Permitted

6. Industrial Uses (see 4-506)
- **a.** Composting Facility (S)
- **b.** General Industrial (S)
- **c.** Light Industrial
- **d.** Outside Storage
- **e.** Recycling Collection Center, Large
- **f.** Recycling Processing Facility (S)
- **g.** Saw Mill
- **h.** Solid Waste Disposal Site and Facility (S)
- **i.** Solid Waste Transfer Facility (S)

7. Lodging Uses (see 4-507)
- **a.** Overnight Lodging
- **b.** Resort Lodge, Conference Center, or Guest Ranch
- **c.** Bed and Breakfast

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations
- **c.** Open Mining (S)
- **d.** Subsurface Mining (S)
- **e.** Subsurface Mining of Uranium (S)

9. Office Uses (see 4-509)
- **a.** Professional Office

10. Recreation Uses (see 4-510)
- **a.** Firing Range, Outdoor (S)
- **b.** Indoor Recreation
- **c.** Outdoor Recreation, for day use
- **d.** Outdoor Recreation, for night use (S)

11. Residential Uses (see 4-511)
- **a.** Boarding House
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see-4-512)
- **a.** Bank
- **b.** Building Materials or Garden Store
- **c.** Convenience Store
- **d.** Day Care Center
- **e.** Emergency Care Facility
- **f.** Eating or Drinking Place, with drive through (S)
- **g.** Eating or Drinking Place, without drive through
- **h.** Indoor Theater
- **i.** Marijuana Establishment
- **j.** Mortuary
- **k.** Outdoor Theater
- **l.** Recycling Collection Center, Small
- **m.** Retail or Personal Service Facility
- **n.** Vehicle Service Center
- **o.** Veterinary Clinic, with outdoor holding facilities
- **p.** Veterinary Clinic, without outdoor holding facilities

13. Transportation Uses (see 4-513)
- **a.** Airport (S)
- **b.** Heliport (S)
- **c.** Helistop (S)
- **d.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Large Solar Energy System (S)
- **f.** Major Facility of a Public Utility (S) (R) (L)
- **g.** Medium Solar Energy System or Solar Garden (S)
- **h.** Public or Quasi-public Facility other than Listed (S)
- **i.** Public Safety Telecommunication Facility (I)
- **j.** Sewage or Water Transmission Line (R) (L)
- **k.** Sewage Treatment Facility (S) (R) (L)
- **l.** Small Wind-Powered Energy System
- **m.** Solar Energy – Building-Mounted System
- **n.** Solar Energy – Ground-Mounted System (SPR) (I)
- **o.** Solar Energy - Parking Canopy System (SPR)
- **p.** Telecommunications Facility, existing structure meeting height requirements
- **q.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **r.** Utility Service Facility
- **s.** Water Reservoir (S) (R) (L)
- **t.** Water Tank or Treatment Facility (S) (R) (L)

15. Warehouse Uses (see 4-515)
- **a.** Personal Storage Facility
- **b.** Warehouse and Distribution Center

C. Accessory Uses Permitted (see 4-516)
1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Temporary Accessory Community Meeting Facility
6. Accessory Concrete or Asphalt Batch Plant (S)
7. Accessory Dwelling (I)
8. Accessory Horse Keeping
9. Accessory Meat or Poultry Processing
10. Accessory Outside Storage
11. Accessory Solar Energy System
12. Accessory Structure
13. Grading of more than 500 Cubic Yards (I)
14. Home Events
15. Home Occupation
16. Household Pets
17. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
18. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
19. Parking
20. Small Wind-Powered Energy System, Roof-Mounted
21. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)
1. Emergency Noncommercial Telecommunication Site (A)
2. Garage Sales or Occasional Sales
3. Group Gathering /Special Events(A)
4. Temporary Batch Plant (A)
5. Temporary Construction or Sales Office (A)
6. Temporary Dwelling Unit (A)
7. Temporary Christmas Tree Sales (I)
8. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)
9. Temporary Weather Device Tower
10. Educational Tour

E. Lot, Building, and Structure Requirements
1. Minimum lot size
   - **a.** In a community service area on subdivided land where the principal structure is not a Single Unit Dwelling and is connected to public water and sewer facilities...no minimum requirement
   - **b.** On any other land...35 acres
2. Minimum setbacks
   - **a.** Front yard...60 feet from the centerline of the ROW
   - **b.** Side yard...Zero or 12 feet
   - **c.** Rear Yard...20 feet
   - **d.** From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.
   - **e.** Supplementary requirements may apply, refer to Article 7-1400.
   - **f.** The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height...50 feet

a. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. Animal units...Four animal units per acre

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

(i) Property with a Verified Established Farm Use may have up to 200 average daily trips per lot, as determined through the applicable review process, when there is an Agricultural Sales Unit in operation on the property.

b. has an occupant load greater than or equal to 100 persons per lot;

(i) Property with a Verified Established Farm Use may have an occupant load up to 150 persons per lot, as determined through the applicable review process, to accommodate Farm Events.

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot; or

d. has a total floor area greater than 25,000 square feet (35,000 square feet in a community service area).

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. An exemption plat is required for any Single Unit Dwelling development on vacant land proposed for subdivided land with a final plat approved prior to March 22, 1978.

5. No parcel shall be used for more than one Principal Use, except for allowed open Agricultural uses, Forestry uses, Mining uses, or any combination thereof, unless approved through Special Review; or for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark.

6. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-113 Economic Development (ED) District

A. Purpose: Urban areas which have economic value for Boulder County, and which can be developed to be compatible with surrounding areas.

B. Uses Permitted by Special Review

1. The following special uses may be permitted as Principal Uses Permitted upon Special Review approval:

a. nonresidential planned unit developments such as office, industrial, research, recreational, and accessory uses, or a mixture of any uses which can be designed to be compatible with each other and with surrounding areas; or

b. any other use permitted through Special Review.

C. Minimum district area...five contiguous acres

D. Lot, Building and Structure Requirements

1. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) (An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

E. Additional Requirements

1. Maximum gross residential density

a. On subdivided land where the dwellings are connected to both public water and public sewer facilities . . . Nine dwelling units/acre, except as such maximum may have been specifically limited as part of the platting process for the subject property;

b. On other land . . . One dwelling unit per 35 acres

2. Grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516 of this Code shall go through Limited Impact Special Review.

4-114 Historic (H) District

A. Purpose: Rural areas in which residential and business uses which can be developed compatibly with established historical areas.

B. Uses Permitted

1. Principal Uses Permitted: Those uses which are required to serve the immediate area and which are public or semi-public uses or are permitted in the Business zoning district subject to the requirements of Section 4-114(C); and

2. Accessory Structures and uses permitted in the Business zoning district.

3. Uses permitted by Special Review or Limited Impact Special Review permitted in the Business zoning district.

C. Approval of Building and Structures

1. No person shall construct a new principal building or any structures accessory to a new principal building or change the Principal Use of a structure within the Historic zoning district unless that person has first received approval of the County Commissioners following a public hearing, notice of which shall be given by publication in a newspaper of general circulation within Boulder County at least 30 days prior to the hearing date and by transmission of written notice by first class mail, postage prepaid, at least 30 days prior to the hearing date to the applicant and to adjacent property owners. A Site Plan Review is not required in this district.

2. Approval of a new principal building or any structures accessory to a new principal building or change of Principal Use of a structure within the Historic zoning district shall receive approval only if the proposed building or structure meets the following standards and conditions:

a. The character of the proposed construction is in harmony with the established exterior architectural appeal of structures already located in the surrounding neighborhood.

b. The character of the proposed construction is in harmony with approved public plans for the surrounding area, so that existing and future land values within the historical area will not be depreciated.

3. In making its determination pursuant to Section 4-114(C)(2), the Board shall restrict its review in each case to the impact of the proposed construction on the health, safety, morals, and general welfare of the inhabitants of Boulder County, keeping particularly in mind the unique characteristics of certain existing structures in the Historic zoning districts within the County. As a minimum, the following specific criteria shall be considered:

a. architectural compatibility of the proposed structure with other structures in the Zoning District;

b. the proposed density of occupancy;

c. the relationship of the proposed use to existing and future open space;

d. vehicular and pedestrian access; and

e. the bulk of the proposed building or structure in relationship to surrounding buildings and land.

4. Prior to approval of a building permit which would allow the construction of any new principal building in the Historic zoning district, the Board shall request comments from the owners of properties abutting and from any representative homeowners association formed in the Historic zoning district. Although final action by the Board shall not be bound by such local comments, the opinion of such persons and the ideas expressed on the official plans for the Historic zoning district shall be given careful consideration by the County Commissioners.

5. Prior to the approving of a building permit which would allow the construction of additions, exterior remodeling or accessory structures in the Historic zoning district, the Director shall request and consider comments from the owners of properties abutting and from any representative homeowners association formed within the Historic zoning district. The decision and action of the Director shall be based upon the standards of 4-114(C)(2) and (3) and shall carefully consider, but not be bound by, local comments.

a. The Director shall make a decision on the submitted plans and information within 14 days of submission. The findings of the Director shall be transmitted by first class mail, to the applicant and the local group(s) that have commented within seven (7) days of the Director's decision.

b. The decision of the Director may be appealed pursuant to Section 4-800 of this Code.

D. Size of Zoning District

No area shall be zoned or rezoned Historic unless the area encompasses a minimum of 10 contiguous acres.

4-115 Rural Community (RC) District

A. Purpose: To encourage flexibility in the land use patterns of established rural communities in order to achieve the objectives of the Boulder County Comprehensive Plan.

B. Uses Permitted

Any approved RC District may appropriately limit, the uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning. Additional uses found compatible with the purpose and intent of the RC District may be approved through the Land Use Code text amendment process.

C. Additional Requirements

1. A RC District may be permitted in the following established rural communities:

- **a.** Allenspark
- **b.** Eldora
- **c.** Eldorado Springs
- **d.** Gold Hill
- **e.** Hygiene
- **f.** Niwot Community Service Area

2. The RC District shall include only the following;

- **a.** Parcels with existing structures;
- **b.** Vacant parcels completely surrounded by parcels with existing structures; or
- **c.** Vacant parcels contiguous to, or partially surrounded by parcels with existing structures, provided that the vacant parcel is determined by the Board of County Commissioners to be an essential part of the land use pattern of the community.

3. Topographical features and other land forms that provide a natural boundary or edge to the community shall be considered when determining the boundary of an RC District.

4. Each RC District must be established by a separate resolution which shall include a zoning map defining the district, and the district development plan.

- **a.** The district development plan shall be drafted by County staff based on recommendations from the property owners, neighborhood associations, community associations, business associations, and other parties with an interest in the proposed district. The plan shall include the following:
  - **(i)** A development report as defined in Section 3-203.F. of this Code.
  - **(ii)** A site plan showing significant natural features, proposed district boundaries, and existing and proposed land uses.
  - **(iii)** A listing of existing and proposed land uses and the total proposed district area in acres with a breakdown in percentages and amounts devoted to specific land.
  - **(iv)** The proposed lot, building, and structure design and dimension requirements.
  - **(v)** The proposed parking requirements.
  - **(vi)** Standards and guidelines for
    - **(A)** the development of site facilities, including, but not limited to, parking, parks and open space, signage, landscape, and lighting;
    - **(B)** appropriate architectural design within the district; and
    - **(C)** designated historic districts, where applicable.
  - **(vii)** Any additional relevant information deemed necessary by the Community Planning & Permitting Director.
- **b.** Any proposed modifications to a district development plan shall be reviewed by the Community Planning & Permitting Director.
  - **(i)** If found to be a substantial modification, an amendment of the district development plan shall be required.
  - **(ii)** The amendment must be reviewed by the Planning Commission and approved by the Board of County Commissioners.
  - **(iii)** Any modification to the regulatory portion of the plan shall be considered substantial.

5. Procedures under Article 15, Historic Preservation, shall control for any recognized historic district or structure.

6. Written consent of greater than 50 percent of the owners of building lots within the proposed district, with no owner having more than one vote, must be obtained prior to approval of the proposed district by the Board of County Commissioners.

7. Notification

a. At least 30 days prior to the Planning Commission hearing, the final district development plan and all attachments shall be mailed to the property owners of parcels within the proposed district and to all property owners adjacent to the proposed district.

b. Any changes made to the district development plan as a result of the Planning Commission hearing shall be incorporated into the plan, and the revised plan shall be mailed to property owners within the proposed district at least 14 days prior to the Board of County Commissioner hearing.

4-116 Niwot Rural Community District

4-116A Niwot Rural Community District I (NRCD I)

A. Purpose, Scope, and District Description

The Niwot Rural Community District I (NRCD I) was created under Article 4-115 to recognize the unique semi-rural character of the community, and to apply planning tools to help maintain that character. The NRCD I includes a historic district (HD) and a non-historic district (NH), each with a distinct character (see Figure 1). Article 4-116, as amended in March 2019, is intended to provide clear guidance for development that will help maintain community character while accommodating changes associated with preserving and enhancing the community as a thriving, semi-rural village center.

All provisions of the Boulder County Land Use Code apply to proposed development within the NRCD I unless otherwise noted in Article 4-116. Provisions in Article 4-116 identify the maximum allowed development footprint for the NRCD I. The applicable review process will evaluate all development proposals and may further restrict development based on the characteristics of a given property and proposal and review criteria, with particular attention to historic conditions in the district.

NRCD I includes: Block 1 north of 2nd Avenue and west of Murray Street; Block 2 south of 2nd Avenue and west of Murray Street; Block 3 north of 2nd Avenue between Murray Street and Franklin Street; Block 4 south of 2nd Avenue between Murray Street and Franklin Street; Block 5 north of 2nd Avenue between Franklin Street and Niwot Road; Block 6 south of 2nd Avenue between Franklin Street and Niwot Road.

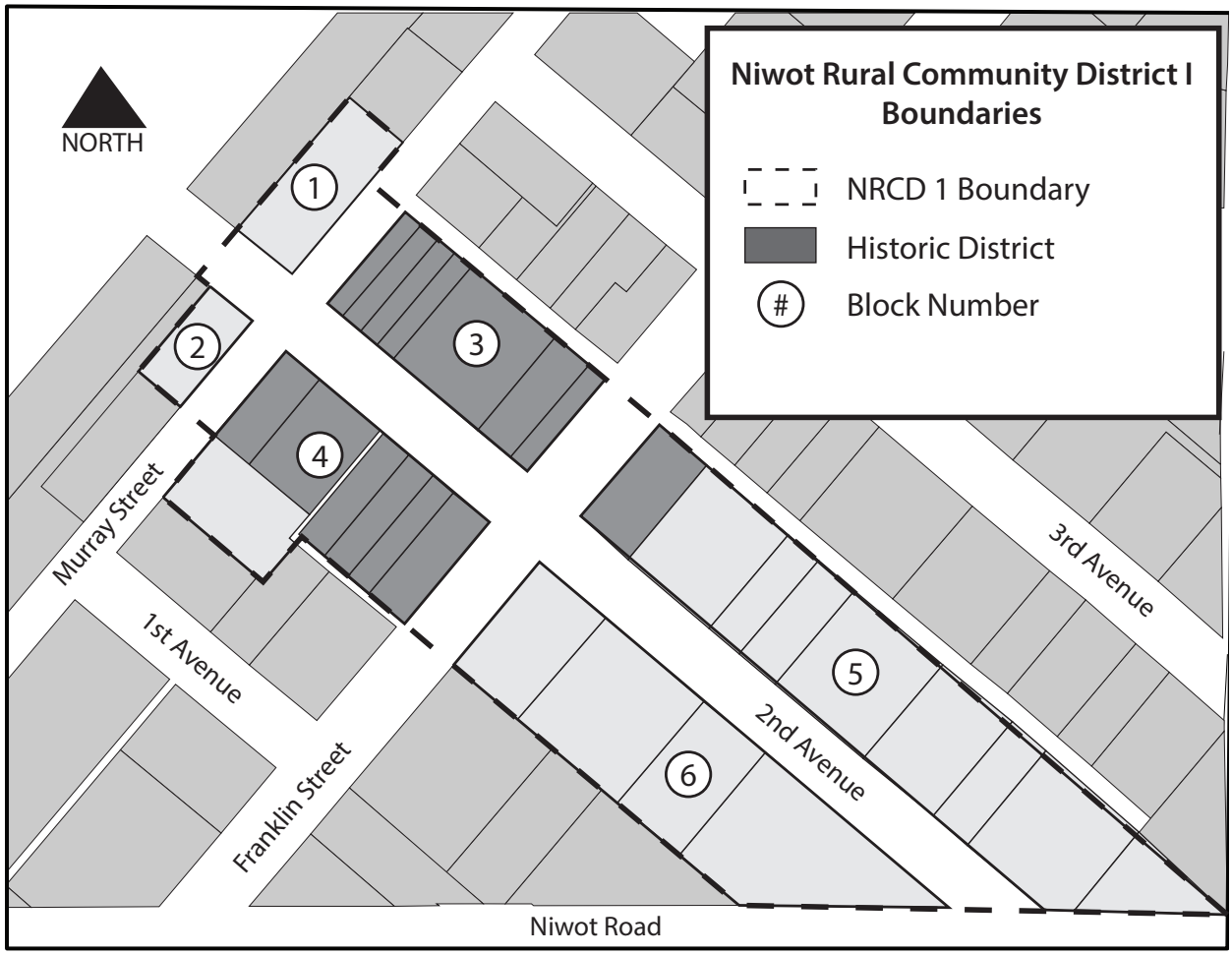

Figure 1: Niwot Rural Community District I

B. Principal Uses Permitted [NH = Nonhistoric district only]

1. Agricultural Uses

a. Farm Store [NH]

2. Commercial / Business Service Uses

a. Carpentry, Woodworking, or Furniture Making Facility

b. Commercial Bakery (see 4-503.D.) provided it is limited to no more than 2,000 square feet of floor area and is located on the second floor or in the rear of the property.

c. Vehicle Sales/Rental Lots [NH]

3. Community Uses

a. Church

4. Lodging Uses

a. Overnight Lodging Facility (not more than 14 rooms)

5. Office Uses

a. Professional Office

6. Residential Uses

a. Single Unit Dwelling [NH]

7. Retail and Personal Service Uses

a. Bank

b. Day Care Center [NH]

c. Eating or Drinking Place, without drive through service

d. Emergency care facility

e. Mortuary [NH]

f. Retail or Personal Service Facility

g. Veterinary Clinic without outside holding facilities

8. Utility and Public Service Uses

a. Public or quasi-public facility other than listed

9. Mixed Use

Table. 1 NRCD I Residential Unit Allowance

Parcel Size	Dwelling Units Allowed as part of a Mixed Use	
< 10,000	2	3 if one is 600 sq ft or less
10,000-15,000	4	5 if one is 600 sq ft or less
>15,000	5	6 if one is 600 sq ft or less

C. Lot, Building, and Structure Requirements

1. Minimum Lot Size

a. 3,500 square feet

2. Maximum Building Height

a. 30 feet

b. 15 feet within 25 feet of rear property line where the rear lot line is adjacent to a parcel or right-of-way outside of the NRCD I.

(i) Properties that do not currently meet this requirement may rebuild the same massing as the existing structure if approved by the Community Planning & Permitting Director or applicable processes.

c. 15 feet within 20 feet of the front property line in Blocks 5 and 6.

3. Minimum setbacks

a. Front yard

(i) Blocks 1, 2, 3, 4: 0 feet

(ii) Blocks 5, 6:

(A) 20 feet along 2nd Avenue with the ability to reduce the front setback to 10 feet as long as the front and rear combined setbacks are not less than 20 feet.

(B) 10 feet along Franklin with the ability to reduce the setback to 5 feet if retaining at least 30 feet from 2nd Avenue.

b. Side yard

(i) Block 1, 2, 3, 4, 5, 6: 0 feet

(ii) Interior parcel lines perpendicular to 2nd Avenue shall be considered a side yard.

c. Rear yard

(i) Blocks 1, 2, 6: 10 feet

(ii) Blocks 3, 4: 0 feet for corner parcels and parcels where the rear lot line is adjacent to a parcel in the NRCD I, or 15 feet for interior parcels where the rear lot line is adjacent to a parcel outside the NRCD I

(iii) Block 5: 10 feet with the ability to reduce to 0 feet as long as the front and rear combined setbacks are not less than 20 feet.

4. Supplemental Setbacks

a. No supplemental setback from the center line of 2nd Avenue is required.

b. Along Niwot Road, the minimum yard requirements for all structures, with the exception of signs, shall not be less than 80 feet from the center line of the roadway.

5. Lot Coverage

a. Definition: The percentage of total Parcel area that can be covered by Structures.

b. Provisions:

(i) Blocks 1, 2: 55%

(ii) Blocks 3, 4: 80% for interior lots and 90% for corner lots

(iii) Blocks 5, 6: 50%

6. Floor Area Ratio

a. Definition: The percentage of total parcel area that can be covered by structures.

b. Provisions:

(i) Blocks 1, 2, 5, 6: 0.6

(ii) Blocks 5, 6: can propose an increase in FAR from 0.6 to a maximum of 0.7 if transferring an equal amount of square footage from another parcel in the same block. The parcel the square footage is transferred from would then be limited to the reduced FAR. The additional FAR can be approved through the review process if it is determined that:

(A) The design flexibility created by transferring square footage keeps parking and driveways in the rear of the subject properties; or

(B) Achieves a greater rear setback; or

(C) Allows for existing structures or mature trees to be retained; and

(D) The proposal does not negatively impact historic resources.

(iii) Blocks 5, 6 can propose an increase in FAR from 0.6 to a maximum of 0.7 if all residential square footage, with the exception of garages and carports, is located above non-residential uses. The additional FAR can be approved through the review process if it is determined that:

(A) The proposal does not negatively impact historic resources.

(iv) Areas within the NRCD I Historic District: No FAR – Historic, Site Plan Review, setback, and lot coverage provisions to control.

7. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (v), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) (For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iii) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed,

provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iii) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(iv) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(v) The Director may approve a reasonable allowance of additional Residential Floor Area over the maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

D. Parking Requirements:

1. 1 parking space per 500 square feet of non-residential floor area, and residential parking at:

Number of dwelling units	Parking Requirement*
1	2
2	3
3	5
4	6
5	8
6	9
* Units less than 600 sq. ft may be granted a reduction in parking.	

2. A change of use within an existing structure or the addition of at grade, uncovered outdoor seating will not require additional parking.

3. Non-residential parking may be provided on the lot or on another lot within the NRCD I, or in an approved community lot. A County approved parking agreement is required if the parking is provided on another lot.

4. Residential parking must be provided on site and on the same lot as the residential units.

5. Reduction in Parking Requirement

a. The County Engineer and Zoning Administrator may approve up to a maximum 40% reduction total in required spaces if the applicant can demonstrate in a Parking Reduction Plan.

b. The applicant must demonstrate that the project will meet the following criteria:

(i) The proposed use(s) do not generate as much parking demand as the standards were designed to accommodate;

(ii) The reduction in parking will not increase the demand for on street parking in the adjacent residential neighborhood;

(iii) The applicant commits to obtain additional parking spaces (Contingency Parking) at such point in time as a County-led parking study of the NRCD I finds that, due to cumulative growth in NRCD I parking demand, on-street parking in the NRCD I is no longer sufficient to meet demand, as described in 4-116 D.4.b; and,

(iv) The reduction in parking shall not be contrary to the purpose of this Code.

c. Methods that can be used to achieve the maximum 40% reduction include:

(i) Use of Current Surplus Parking. A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved if an applicant proposes to utilize the current surplus of district parking with a commitment to utilize the common parking area when and if it is constructed, or utilize other approved on-site or shared parking.

(A) The Niwot Transportation and Connectivity Plan (NTCP) recognizes the potential future need for additional parking within the district. At the time of adoption of 4-116, as amended, parking demand does not warrant the construction of a common parking area as there is adequate supply to accommodate existing uses and a surplus to accommodate a moderate level of additional use. When a parking study finds that surplus parking no longer exists, property owners must implement commitments to obtain Contingency Parking.

(B) Commitment to Contingency Parking. The following provisions apply to applicants relying on surplus parking capacity in the NRCD I to gain approval of a Parking Reduction Plan:

(1) The applicant must commit to obtaining additional spaces in an amount equivalent to the amount of parking reduction (number of spaces) for which the property was previously approved.

(2) Additional spaces can be obtained either on-site or through a parking agreement.

(3) The applicant must commit to obtain additional parking spaces within 1 year of completion of the County-led parking study. This period may be extended for up to 1 year if the applicant can show additional spaces will be obtained in a parking lot or other project under construction.

(ii) Multi-Modal: A reduction of up to 10% of the allowed 40% reduction of required spaces may be approved for implementing multi-modal strategies such as bike racks, bus pass or ride share benefits. The applicant shall provide passenger loading and staging areas for ridesharing and autonomous vehicles. The applicants must submit evidence that the staging areas are sufficient to meet demand and transportation behaviors and technology warrant a reduction in parking.

(iii) Shared Parking: A reduction of the required spaces may be approved for implementing a shared parking agreement with one or more other properties located within the NRCD I or within a County approved lot. The property owner shall submit sufficient data to demonstrate that the parking demand associated with the properties holding the shared parking agreement is complementary and the timing of peak demand for the uses on the properties is not coincident. Said data to include either information on standard parking demand associated with the use(s) in question from a professional publication such as those published by the Institute of Transportation Engineers (ITE) or the Urban Land Institute (ULI) or a professionally prepared parking study.

(iv) The property owners involved in an approved shared parking request shall submit a written agreement approved by the Community Planning & Permitting Director requiring that the parking spaces be maintained as long as the uses requiring parking exist or unless and until the required parking is provided elsewhere in accordance with the provisions of this article. Prior to the issuance of a building permit or, for existing buildings, prior to the issuance of a Certificate of Occupancy, such written agreement shall be recorded by the property owners with the Boulder County Clerk and Recorder and a copy filed with the Community Planning & Permitting Department.

6. Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin; 1 space per 25 feet of frontage for parcels with curb-cuts on 2nd Avenue; and, 1 space per 15 feet of street frontage for parcels without curb-cuts on 2nd Avenue in the area east of Franklin Street.

7. Small car spaces may be used to meet on-site parking requirements provided they are designated for employee parking. In no case shall the designated small car spaces exceed 40% of the required on-site parking spaces.

8. No loading space is required unless determined to be necessary through the zoning review or site plan review process.

9. Parking must be located in rear or side of the lot. There must be no parking within the front building line of the property.

10. All parking must be adequately screened from views from 2nd Avenue. Where properties abut the alley, parking must be screened from the alley. Acceptable screening tools include, but are not limited to, fences and vegetation.

E. NRCD I Design Requirements. The following requirements apply to the entire NRCD I, including the Historic District.

1. Access and Mobility

a. Safety and pedestrian experience shall be considered during review. Additional curb cuts along 2nd Avenue should be discouraged and when possible reduced through shared access. Where alley access is available, curb cuts should not be permitted unless it utilizes an existing curb cut and by keeping and improving consolidates curb cuts providing a safer and more efficient access. Access permits are required per Article 2.3.3.2 of the Boulder County Multimodal Transportation Standards and the alley shall be designed per the following specifications:

(i) Definitions

(A) "Alley" shall refer to the platted alley east of Franklin Street between Second Avenue and Third Avenue as shown on the townsite plat of Niwot, CO, and as currently altered by County approved vacations and deeds.

(B) "Property owners" shall refer to all property owners of deed adjoining the alley.

(C) "Residential" shall refer to those property owners adjoining the north boundary of the alley.

(D) "Commercial" shall refer to all property owners adjoining the south boundary of the alley.

(E) "Curb Cuts" shall refer to vehicular access points and driveways which traverse across existing sidewalks along 2nd Avenue.

(ii) Study

(A) The County will conduct an initial traffic count within 3 months of the adoption of this amended Code section.

(B) Within one year after the first new commercial development in Block 5 receives a Certificate of Occupancy, the County will conduct a new traffic count and public input survey to determine if additional counts and surveys will be required in the future, and what, if any, additional improvements and safety mitigation measures must be incorporated into future alley design.

(iii) Physical Dimensions

(A) Width – based on directional use

(1) One-way – 9-12 feet

(2) Two-way – 15 feet

(B) Pedestrian features – a designated path will be incorporated into the design of the alley.

(C) Pullouts and turnarounds shall be incorporated into the alley design as stated by the study.

(1) Turnaround may take place on existing parking areas with associated easement granted to the County for the public's use.

(2) Pullouts may be aggregated for multiple properties.

(iv) Drainage

(A) Drainage shall be evaluated and designed to positively flow to Franklin Avenue, where storm flows would be intercepted and conveyed to existing storm drainage features to the extent feasible based on the drainage study and storm system capacity.

(B) Drainage shall not be allowed to flow off alley onto adjacent NRCDII or RR zoned properties except during a One Percent Chance (100-yr) storm event.

(C) Utilizing all or a portion of permeable pavement should be considered.

(v) Adjacent Properties

(A) Alley shall be constructed with features to buffer visibility to adjacent properties, including residential properties to the north of the alley (such as fences or plantings).

(B) Vehicular access to the alley shall be maintained for all properties north of the alley.

(C) Vehicular access to the alley shall only be allowed per approved access plans for properties south of the alley.

(D) Vehicular access to the alley off Franklin Avenue (and 2nd Avenue if one way) shall be designed to promote safety for pedestrians crossing perpendicular to the alley.

(E) Pedestrian access to the alley shall be promoted and maintained for all properties adjoining the alley.

(F) Pedestrian access between the alley and 2nd Avenue shall be promoted during development of Commercial properties.

(vi) Design and Construction

(A) The design and construction of all physical improvements to alley and associated areas shall be funded by Commercial property owners. Residents on 3rd Avenue wishing to obtain new vehicular access to their parcels will fund any additional costs for their share of pavement and access cut to their parcel.

(B) Design of improvements shall be approved by the County prior to construction.

(C) All construction work will be inspected and accepted by the County.

(vii) Interim use of the alley shall be limited to historic use except where final improvements are complete and accepted by the County.

(viii) Curb cuts across the sidewalk along 2nd Avenue shall be reduced in number as the approved study will indicate and at such time alley improvements are completed.

(ix) Should the use of the alley be limited to one-way direction of travel, additional access to 2nd Avenue

or Niwot Road shall be accommodated for all vehicular traffic, with pedestrian use also incorporated into the design.

(x) Maintenance of the alley shall be approved by the County.

(A) Scope and performance of maintenance shall be approved by the County via a Maintenance agreement

(B) Maintenance shall be the responsibility of those who use its services. The County will not maintain the alley.

Variations from this part of the code may be approved by the Director and County Engineer

b. Building design and scale should enhance the walkability and pedestrian experience.

c. Streetscapes and public areas, including alleys, shall be improved and landscaped to enhance the pedestrian experience and to help buffer residential areas.

2. Signs

a. Wall mounted signs per building face shall not exceed 32 square feet total.

b. Wall mounted perpendicular signs may not exceed 12 square feet per sign face.

c. One ground sign (not raised on a pole) per building lot of no more than 32 square feet or 16 square feet per sign face is permissible.

d. Items may be displayed outside of a structure provided they are displayed for no more than 48 hours and not more than once per week or have received the approval of the Niwot Design Review Committee. Such objects shall not obstruct pedestrian traffic on sidewalks.

3. Landscaping

a. In Blocks 5 and 6 - paving shall not be permitted in the front yard within 10 feet of the front property line with the exception of a driveway, patios, and walkways.

b. Deciduous trees are preferred in the front yards. Any type of shrub shall be allowed.

c. In Blocks 5 and 6, a minimum of 20% of the area within each parcel must consist of landscaping, which may include hardscaped plazas, outdoor seating/serving areas, walkways within on-site open space areas, and other similar hardscaped on-site amenities. Hardscaped elements shall account for no more than two-thirds of the minimum landscaped area requirement.

d. Low-water use landscaping approaches are encouraged, along with use of green roofs on non-historic structures.

4. Outdoor Lighting

a. Any lighting shall be low intensity to provide for safety and security where needed. Install recessed lights, footlights, lights on posts of human scale, or directional lights in unobtrusive locations.

b. Freestanding lighting not visible to adjacent to property zoned NRCD II or RR shall be no more than 12 feet in height with the exception of street lights.

c. Exterior lighting adjacent to property zoned NRCD II or RR shall be the minimum required by adopted Building Code and located no higher than 6 feet above grade when on a structure and no higher than 3 feet (such as bollard type lighting) when ground mounted.

d. Second floor entrances requiring lighting should be situated such that it is not visible to adjacent areas in the NRCD II or RR zones.

e. Lighting operation/hours may be further limited through applicable review process to assure neighborhood compatibility and safety.

f. The above conditions are in addition to the outdoor lighting requirements set forth in Article 7-1600; developments shall comply with both this section and Article 7-1600.

5. Building Materials in the Non-Historic area

a. Front facades shall be composed of brick, wood or a non-organic wood facsimile siding, stucco, or stone; or, a material approved by the Niwot Design Review Committee.

b. Preapproved paint colors listed in Appendix A may be used; if a color not listed in Appendix A is requested, approval by the Niwot Design Review Committee is required.

c. Fences shall be wood or wrought iron and shall be no higher than 4 feet in the front yard.

6. Building Form

a. Roofs should conform with the existing roof styles on 2nd Avenue within the same block.

b. Expanses of building façade on any side that are longer than 25 feet may, depending on site conditions and visibility, be required to incorporate design variations to break up the continuity of the wall in an attempt to reduce the possibility of a long monotonous wall.

c. Second-story windows, patios, and decks shall be designed to minimize adverse impacts on the privacy of adjacent properties zoned NRCD I and Rural Residential.

7. Mix of Uses

a. For properties supporting both commercial (any allowed nonresidential uses) and residential uses on the same lot; residential uses should be located on the second floor or behind any commercial units on the first floor.

8. NRCD I Colors

a. Bright, multi-hued color schemes are often associated with historic architecture. The Pearl Street mall in downtown Boulder, Colorado exemplifies the successful use of a variety of trim colors in combination with brick and painted board siding. The "Painted Ladies" of San Francisco, California is another example of successful color use. Both of these examples, however, are not representative of Niwot. Niwot's agricultural roots have led to a more conservative use of color. While a wide variety of colors may still be acceptable, bright hues used on large surfaces will stand out within the district, disrupting the continuity of the streetscape. The architecture of downtown Niwot is not Victorian, and as a result, complex Victorian color schemes should be avoided. A color that looks appropriate for the district on a small chip may not be appropriate when painted on a large surface. In addition, combining colors that are opposites on the color wheel may result in the appearance of an intensification of each individual hue. Using opposite colors (complementary colors) often has attractive results but is dependent on each individual situation.

b. NRCD I Pre-Approved Colors-

(i) The following pre-approved colors may be used within the NRCD I without the review of the NDRC or HPAB. Colors not included in this list may be acceptable but will require review and approval. Use of more than two trim colors shall also require review and approval by the NDRC (non-historic portion) or the HPAB (historic district).

(ii) Pre-approved colors:

(A) Repainting with the same color as the existing color

(B) White

(C) Off-white

(D) Other Base Colors (Relates to Uncoated Pantone Chart) (Note: The list of pre-approved base colors is very limited to pale, neutral hues. Applicants should not feel they have to stay within the pre-approved color range, as darker base colors would often be appropriate with the approval of the NDRC or HPAB.)

(1) Neutral Greys: 406, 407, 413, 420, 421, 427, 428, 454, 468, 726, 4685, 5455, 5527, 5655, Warm Grey 1, Warm Grey 2, Warm Grey 3, Cool Grey 1, Cool Grey 2, and Cool Grey 3

(E) Other Trim Colors (Relates to Uncoated Pantone Chart)

(1) Reds: 181, 1815, 1817, 194, 1945, 195, 1955, 201, 202, 209, 216, 229, 491, 492, 4985, 4995, 505, 506, 696, and 697

(2) Purples: 262, 2622, 2695, 276, 511, 5115, 5125, 5185, 5195, 5205, 668, and 669

(3) Blues: 282, 289, 534, 5405, 5415, 5425, 5435, 5445, 548, 646, 647, 648, 653, and 655

(4) Greens: 3292, 3298, 5477, 5487, 5497, 5507, 5517, 555, 5545, 5555, 5565, 5575, 5585, 5615, 5625, 5635, 5645, 625, and 626

(5) Blue Greens: 5473, 5483

(6) Browns: 437, 438, 439, 463, 4635, 464, 4645, 465, 4655, 466, 4665, 467, 469, 470, 477, 478, 728, 729,

(7) Greys: Warm Grey 1 through 11 , Cool Grey 1 through 11, 403, 404, 405, 408, 409, 410, 411, 414, 415, 416, 417, 418, 422, 423, 424, 429, 430, 431, 442, 443, 444, 445

F. Additional Design Requirements for Historic District. The following requirements apply only to the Historic District of the NRCD I.

1. Rhythm, Pattern, Alignment, Massing

a. Historical Precedent - The existing buildings within the historic district are varied. The underlying 25' lot width of the original townsite plat influences the pattern and scale of the buildings, many of which are 25' wide, or combinations thereof.

b. Intent - Patterns come in many different scales. The arrangement of building set-backs or facade elements, such as; windows, columns, porches, and the arrangement of bricks in a wall are all examples of patterns that occur at different scales. New construction and renovations shall contribute to the patterns that occur in the new construction's surroundings.

c. Guidelines:

(i) Contributing structures should not be demolished or moved off of the site, unless the owner of the structure is granted an economic hardship by the Historic Preservation Advisory Board or the Chief Building Official determines that the structure presents a hazard to the health and welfare of the general public. In cases where demolition is necessary, the facade of the building should be retained.

(ii) New additions or alterations to contributing structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. Additions to the rear of a structure are more appropriate than those made to the side. Additions to the front of a structure are not appropriate because of the importance of the facades in the historical architecture.

(iii) Break up the monotony of building facades longer than 25' by incorporating design variations along the facade. Variation may take the form of a change in building material, color, or the use of vertical elements such as columns or pilasters.

(iv) The appearance of a continuous pedestrian walkway along the fronts of the buildings should be maintained. The appearance of a continuous walkway may be achieved through zero lot line set-backs of the buildings themselves; or the placing a low open style of fence, planters, or some other decorative element at the edge of the walkway.

(v) Alleys should be retained to provide access to the rear of buildings and to provide a service area for the building that is not highly visible from 2nd Avenue.

(vi) The patterns created by second story windows should be maintained. The second story windows in the historic district are typically vertically oriented with a height approximately two times the width.

(vii) The distinction between upper and lower story floors should be maintained. Window style and size are important elements in separating the first and second floors. Columns that exceed one story in height would create an imbalance in the scale of the architecture in the district.

2. Architectural Details

a. Historical Precedent - The commercial buildings found along Niwot's Second Avenue during the early 1900s were simple styles that reflected the rural character of the community. Buildings often had false fronts with elements that were reminiscent of the neoclassical style, common in the United States between 1895 and the 1950s. Cornices were simple, such as the Livingston Hotel cornice, or may have had more detail, such as the pedimented cornice found on Nelson Hall. A wide band of trim beneath the cornice, representative of the classical entablature, was common. A one story, flat-roofed entry porch was also common in the Neoclassical style. This architectural detail was the most significant element of the Livingston Hotel. The windows in the commercial buildings were typically rectangular and vertically oriented. Upper story windows were double-hung and commonly had a height two times the width. First floor windows were also vertically oriented and rectangular. The building's entrance was typically centrally located between two first floor display windows and may have had a transom. The Frank Bader house is of the Folk Victorian style that was associated with the period of time when railroads were inspiring the creation of small western and mid-western towns. The house has simple Victorian detailing as found in cornice details and scallop forms. Vertically oriented double-hung windows were typical on the first and second stories of the Bader house. The Bader House is the only structure within the district with primarily Victorian characteristics. As such, Victorian elements such as arched windows, bay windows, scallops, and dormers do not define the character of the Old Town Niwot commercial area.

b. Intent - The facade elements that gave the historic buildings of Old Town Niwot their original character had a style and proportion that established the building's place in time. New buildings and renovations of existing buildings should allude to that historical place in time while identifying with their own time period.

c. Guidelines:

(i) The facade elements of the contributing structures, such as awnings, cornice details, pilasters, and columns are timeless elements of architectural detail and should not be removed or altered. Using these elements on new construction strengthens the historic character of the district.

(ii) Inappropriate roof forms in the commercial architecture of the district include; side gable, mansard, and hipped. Flat roofs and false fronts are not appropriate for residential architecture within the district. Front gabled roofs hidden behind a false front are most common for commercial architecture, and are encouraged.

(iii) The roof shape of the contributing buildings shall not be permanently altered.

(iv) Efforts shall be made to make solar panels, skylights, and rooftop mechanical equipment as unobtrusive as possible.

(v) Wall-mounted light fixtures are appropriate to provide lighting of signage or building entrances.

(vi) Typical window openings did not include circular, arched, or triangular windows.

3. Materials and Color

a. Historical Precedent - Horizontal wood siding and bricks in red hues are the two most common building materials used in Niwot. Both of these materials are similar in scale and pattern because each wood board is similar in width to a brick course. Wood and sandstone were used as accent materials around window and door frames, and sandstone was occasionally used at building corners (quoins) as an accent. Larger scale, rough-hewn blocks were used in the Niwot Mercantile. Glass was widely used for display windows on the first floor of the commercial buildings. Brightly painted buildings were not found in Old Town Niwot. The colors used for large building expanses were generally lighter colors, such as light grey or off-white; or the red color of brick. Accent colors may have been found in architectural details and awnings.

b. Intent - The main intent of these guidelines is to prevent the use of a material that stands out in the district because of characteristics that identify the material as modern. An example would be the use of mirrored glass. Mirrored glass was not typical of Niwot and is commonly associated with large, modern office buildings. The color schemes used on the commercial buildings of Old Town should be compatible with the district as a whole. The intent of these guidelines is to allow a variety of colors, providing they are used in a manner that contributes to the overall character of the district

c. Guidelines:

(i) Materials typical to or compatible with the district shall be used for renovations and new construction.

(ii) Whenever possible, replacement of existing roofing, siding, or masonry units in a contributing building shall be done with a material that matches the original material in scale, color, and texture.

(iii) Bright, intense colors shall be reserved for small areas, such as window and door trim, cornice details, kick plate, and clerestory details.

(iv) The following materials are suggested for CONTRIBUTING and NON-CONTRIBUTING structures. A variety of materials are acceptable and property owners are not limited to the following list, provided the HPAB approves the material through the Certificate of Appropriateness process.

(A) Brick

(B) Horizontally-oriented wood lapboard siding of a scale typical to the district

(C) Horizontally oriented siding (of a material other than wood) that replicates the scale and texture of the lapboard siding typical of the district (boards are typically four or five inches in width). A variety of materials are available that replicate wood siding. Examples include painted composite pressed board, vinyl, wood clad aluminum, and non-reflective aluminum siding.

(D) Sandstone

(E) Decorative detailing in wood or cast iron, or a facsimile material

(F) Fabric awnings

(G) Wood shingles

(H) 3-tab asphalt shingles

(I) Non-reflective metal roofing products

(J) Window and door frames made of wood, anodized aluminum, or other material provided it is non-reflective.

(v) Materials appropriate for NON-CONTRIBUTING structures only:

(A) Decorative concrete block

(B) Precast or poured concrete (if it is not the principal material)

(C) The following materials are inappropriate for use within the historic district:

(D) Vertically-oriented siding

(E) Stucco

(F) Shiny metallic window and door frames

(G) Tinted or mirrored glass

(H) Terra Cotta/Ceramic Tiles

4. Signs

a. Historical Precedent - Photos of Old Town Niwot show many of the commercial buildings having painted wooden signs just under the cornice line of the roof, just above the door and first floor windows (architrave), or incorporated into awnings.

b. Intent - The purpose of sign is to identify the location of a business, to promote the merchandise or service within, and to attract customers. When carefully done, the building and sign become part of the overall design, each supporting the other. These guidelines shall be used in conjunction with the sign regulations in the Boulder County Land Use Code.

c. Guidelines:

(i) Signs shall not be positioned so as to cover architectural details.

(ii) Flush mounted or projecting signs are preferable in the district. With the exception of the Bader House, freestanding signs should not be used.

(iii) Internally lit signs are inappropriate except for small neon signs in a store window.

G. Process and Review Requirements

1. Special Review will be necessary for any use which:

a. Generates traffic volumes in excess of 500 average daily trips; or

b. Has a total floor area greater than or equal to 35,000 square feet.

2. Site Plan Review is required when building on a vacant parcel or adding 1,000 square feet of floor area or more to a property. Site Plan Review is not required for a change of use. A Site Plan Review waiver process is required when demolishing any square footage or adding less than 1,000 square feet.

3. A Certificate of Appropriateness will be necessary for any alterations to the exteriors of structures or development within the Historic District with the following exceptions:

a. Pre-approved color changes as listed in Appendix A of these guidelines, or repainting of a structure with the identical color as the existing color.

b. Regular maintenance and repairs to structures that retain the existing materials. Examples include, repointing mortar joints; replacing damaged wood siding with new wood siding which is identical in scale, color, and pattern as the existing siding; replacing damaged roofing material with identical roofing material; and window pane replacement, provided the mullions and muntins of the existing window are being retained and the glass is not tinted or mirrored.

c. Landscaping

d. Interior alterations which do not affect the exterior appearance of the structure.

e. Although these alterations do not require Niwot Design Review Committee review or HPAB review, the owner proposing these changes must inform the Community Planning & Permitting Department prior to undertaking the change to insure that it does in fact fall within one of the above four categories.

4. Community Engagement

a. Boulder County requires applicants to schedule and hold a meeting with the local community, residents, and other stakeholders prior to submitting the application to the Community Planning & Permitting Department for development, which triggers Site Plan Review, Special Review, or other planning review process. The purpose of this engagement is to provide sufficient opportunity for public comment on development plans, and for the applicant to listen to and address, as reasonable, the community's concerns and recommendations related to the proposed development. Applicants shall:

(i) notify property owners within the NRCD I and NRCD II areas and Community Planning & Permitting staff of public meeting at least seven days prior to the meeting which shall be held at least 14- days and not more than six months prior to application;

(ii) hold meeting at a location readily accessible to those properties affected by the proposed development;

(iii) prepare a final report summarizing comments and information received and how any concerns are being addressed; and

(iv) submit the report with the application

5. Niwot Design Review Committee and Historic Preservation Advisory Board Engagement -Boulder County requires applicants to schedule and hold a meeting with the Niwot Design Review Committee and, if applicable, the Historic Preservation Advisory Board prior to submitting the application to the Community Planning & Permitting Department for any development that triggers Site Plan Review, Special Review, or another planning review process. These meetings may be combined or separate from the community engagement meeting.

6. Referral

a. As part of any development application in the NRCD I the following will be included as additional referral agencies:

(i) Niwot Design Review Committee

(ii) Property owners and residents within 1,500' of the proposed development

(iii) The Local Improvement District Advisory Board

(iv) Niwot Downtown Business Association

(v) Niwot Community Association

(vi) Niwot Historical Society

(vii) Historic Preservation Advisory Board if in the Historic District or if the property has structures 50 years of age or greater.

7. Amendments

a. Proposed amendments to the boundary of the Niwot Rural Community District shall be referred to all property owners within the NRCD I and NRCD II as well as the Niwot Design Review Committee. Referral comments from the NRCD I and NRCD II property owners and the Committee shall be considered by the Planning Commission and the Board of County Commissioners when reviewing rezoning requests in or adjacent to the current boundary of the NRCD I as shown in Figure 1 of 4-116.

H. Review Boards

1. Niwot Design Review Committee

a. Duties and Responsibilities. The committee's primary role is to act as a referral agency for proposals within the NRCD I. The committee does not have legal authority to grant Certificates of Appropriateness. However, the Historic Preservation Advisory Board (HPAB) shall consider the committee's recommendation as well as other public testimony in decisions pertaining to the historic district.

b. Selection. Niwot Design Review Committee will consist of 5 members. Members will be appointed by the Board of County Commissioners, and the selection process will be completed with the intent to include representatives of the Niwot Business Association, the Niwot Community Association, the Niwot Historical Society, at least one member of the HPAB, and members of the community who have lived or worked in the community for more than five years.

c. Term. Members shall serve three-year terms, and no member may serve more than three consecutive terms.

d. The Niwot Design Review Committee is authorized to hold meetings on an as needed basis and may adopt official bylaws for the conduct and procedures of its meetings.

e. Historic Preservation Advisory Board (HPAB)

f. The HPAB reviews proposals within the Historic District of the NRCD I and on parcels with structures 50 years of age or greater if staff finds there is any potential for landmark eligibility.

I. Historic Landmark Designation

1. Narrative Description:

a. The Niwot Historical District represents a significant collection of buildings dating from the early 1900s, typical of the County's early agricultural communities. Within the County, only two such communities (Hygiene and Niwot) remain today, basically unchanged since the turn of the century. Of the two, Niwot perhaps best represents the typical commercial aspects of an agricultural district linked to the railroad for distribution of its products. Niwot was platted along both sides of the Colorado Central Railroad track at the site of an existing section house lying halfway between Boulder and Longmont. When Porter T. Hinman helped to lay out the town in 1875, the surrounding region was being settled by men whose names are still associated with the area. Hinman himself had arrived in 1860 and his name is still affiliated with Hinman Ditch, which runs through the town.

Niwot's commercial district of the 1880s lay on the west side of the track near the depot, while most of the town's residents lived on the east side. By 1896, businesses included a blacksmith shop and mercantile. To the west stood the United Brethren Church, and beyond that was the Left Hand Grange Hall. The one-room Niwot schoolhouse had been built on Dan Burch's place at 81st and Oxford Road, and the Batchelder School at 63rd and Monarch Road served children living southwest of town. Railroad activity continued to revolve around the depot, but by the turn of the century, stores and services also began to appear across the track as well.

When the Hogsett family opened their lumberyard and hardware store just east of the track in 1911, the community seemed to experience renewed energy. There was even talk of laying concrete sidewalks along both sides of Main Street. A band shell was built across from the bank, where 18 local musicians held concerts on weekends and holidays. The bank was prospering and a weekly newspaper reported all of Niwot's social and business activities every Friday. In the lot next to the bank stood a shack housing the town's fire wagon. John Nelson's hall stood at the east end of the block, housing various businesses on the first floor and a meeting room upstairs for the Odd Fellows, Rebekahs, Royal Neighbors, and Modern Woodmen. The post office stood next to Nelson Hall, and across the street was a drugstore where the town doctor dispensed drugs and advice. Next to the drugstore was a pool hall and barber shop, favorite social gathering places after ballgames and band concerts. The Livingston Hotel stood in the middle of the block, its front porch extending all the way to the street. It catered to travelers as well as several local citizens and oilfield personnel working in the oil fields to the west of town. The United Brethren Church, recently hauled across the track from its original location west of town, now sat on the corner of Third and Franklin. Diagonally from the church was the new cooperative creamery. The Seventh Day Adventists worshipped in the only other church in town in the second block of Main Street (Second Avenue). The old one-room school was gone now and Niwot had just completed a two story schoolhouse at the north end of town. Along Murray Street, between Main Street and Third Avenue, stood the beet dump which drew farmers from great distances to town each October with beets to be shipped to Longmont for processing. A sidetrack had been laid next to the dump where Great Western cars could be parked to collect the loads of beets. Teams pulling beet wagons passed down Main Street continually during beet harvest, making deep ruts in the muddy street.

On the west side of the track, in 1912, stood an alfalfa mill and a grain elevator. The grangers were meeting closer to town now with a grange hall next to the elevator. The depot was still the hub of shipping activity with a stock pen to the north and feed mills to the south. Seven trains also stopped daily for passengers and mail on a line which was now owned by the Colorado and Southern Railroad.

2. Contributing Structures: Historic districts are important in part because of specific buildings within the district, but also because of how each building relates to all of the other buildings. For example, one or two great players on a sports team cannot guarantee a championship. It takes the whole team to make a winning combination. Historic districts are no different. Some buildings have had very little changes throughout history and were sites of important events, while others have qualities that contribute to the district without being individually significant. Within the Old Town Niwot Historic District, the majority of the buildings were constructed prior to 1925. The changes that have occurred to these buildings over the years show the natural progression of Niwot as an evolving community. Vacant lots in Old Town are also very important parts of the natural progression of the town, and any new construction should be sensitive to the surrounding environment. The district has several buildings constructed since 1970 that are part of the character of the district. However, these structures need not be protected for historical purposes. There is not sufficient justification to prevent an owner of a newer building from demolishing or changing their building, provided the end result does not detract from the district. The following structures have had the least alterations since their construction in the early 1900s:

a. Nelson Hall - 195 Second Avenue (Constructed 1907) - In 1993, Nelson Hall is occupied by the Left Hand Grange. The building is a two story vernacular style that was typical of mid-western and western towns in the early 1900s. The footprint of the building is a simple rectangle with a front gable roof. A false front hides the gable roof and gives the appearance of a flat roof with a triangular pediment as an accent at the center of the building. Two double hung windows are symmetrically oriented on the second floor facade. Vertically- oriented windows are irregularly placed along the sides and back of the building on the second and first floors. A smaller, rectangular attic window also is centered under the pediment, on the main facade. The door and horizontally-oriented first floor windows have been altered since the early 1900s. The building is wood frame with horizontal wood siding with drop joint construction.

b. Old Post Office - 165 Second Avenue (Constructed 1909) - The old post office building, located adjacent to Nelson Hall,is a one story vernacular building with several additions to the back. The roof of the original building is flat and the additions have a gently sloping shed roof. A simple cornice tops the main facade of the building, and a small overhang covered in wood shingles is located above the windows. The windows themselves are quite detailed, with muntins dividing the main portion of the window into 24 separate lights. A transom of three lights is directly above the main window. A single wood door with three lights is centered between the windows. There are very few windows located on the sides or back of the building. The building is a frame construction with horizontally oriented wood siding with drop joint construction.

c. The White House - 121 Second Avenue (Constructed 1914) - Like Nelson Hall, The White House is a simple rectangular plan with a front gable roof hidden behind a false front with a simple cornice. The structure is two stories and has had additions on the side and back that make the building more conducive to restaurant use. Two, double-hung second story windows are vertically aligned with elements from the first floor. The first floor windows are symmetrically located on either side of a double-door entrance. The windows are divided by muntins into smaller lights. Historic photos show that the original windows were not divided by muntins. An awning, which incorporates a sign, has been added onto the front of the building. This building is of frame construction with horizontally-oriented wood siding with drop joint construction.

d. Niwot State Bank - 102 Second Avenue (Constructed 1909) - This building is unique within the Niwot community. The building is basically a square plan with a corner entrance. The brick masonry construction is typical of a financial institution, in that it portrays permanence and solidness. Decorative corbelling along the cornice line tops a wall that has varied brick coursing to provide visual interest. Windowsills are made of sandstone. The roof of this building is flat and the building is one story. The windows of the building are tall and vertically oriented. Windows have been removed and a door has been added on the west side of the structure. There is evidence that the face brick has been replaced at some point, as the brick at the back of the building appears older and of a different quality.

e. Niwot Tribune Building - 198 Second Avenue (Constructed 1909) - The Niwot Tribune building is a one story wood frame building with a simple rectangular plan. The main facade has a false front with a very simple cornice line. Perhaps the most important element of the building is its covered porch. The roof of the porch is sloped and covered with wood shake shingles. The roof is held up by decorative columns that have some folk Victorian influences. Balustrades line the front of the porch. The entry to the building is centered between two display-type windows. The southeast side of the structure has an entrance and a window with a decorative canopy. The building is clad in horizontal wood siding with drop joint construction.

f. Frank Bader House - 210 Franklin Street (Ca. 1900) - The Frank Bader House has folk Victorian influences. Its roof is a medium pitched front gable. Side wings, with gable roofs of the same pitch have been added through the years. It appears as though a porch was enclosed along the front facade of the house at some point in time. The house is two stories with double-hung windows on both the first and second floors. A small covered porch emphasizes the entrance on the west side of the building. Scallop detailing under the gables gives the house its Victorian appearance. Once again, horizontal wood siding clads the wood frame building. In 1994, this wood siding was covered by vinyl siding. The roofing material is light grey asphalt shingles. The house is a light grey, with a darker shade accenting window frames.

g. 101 Second Avenue (Constructed 1911) - Originally constructed in 1910, this was the site of one of Niwot's mercantile stores. The building at 101 Second Avenue has been altered significantly since the early 1900s. However, portions of the original structure are still in existence and the alterations that have been made have been done in a scale and with materials that allude to the early 1900s. This corner lot is very visible in Old Town and contributes to the district.

h. 124 Second Avenue (Constructed 1921) - The structure at 124 Second Avenue was the site of Niwot's blacksmith shop. Throughout out the years, the structure has undergone renovations, however, the facade of the building is typical of the town in 1913.

i. 190 Second Avenue (Constructed 1907) - 190 Second Avenue was an important social spot in Niwot. A pool hall and barbershop were located on this site. Historical photographs show that most of the facade has not been significantly altered since the building's construction.

3. Non-Contributing Structures-The term "non-contributing structure" does not mean that a building is not an important part of the community. Non- contributing structures may have been newly constructed, or may be older buildings that have had major alterations that do not allude to Old Town Niwot's historical progression. The following structures are considered non-contributing.

a. 112 Second Avenue - The structure at this address was originally constructed in 1927. Major alterations were made to the structure in 1950. The building itself is of a scale that typical to the district. However, many of the facade details are modern in character. Because the building does not need protection for historical purposes, it is considered non-contributing within the district. The site itself is an important part of the visual quality of the district.

b. 136 Second Avenue - The structure at this site was constructed in 1974. Many of the facade elements of this structure do allude to Niwot's history. However, because of the building's age it is not important to protect the structure for historical purposes. As with all of the non-contributing structures, this site is an important part of the overall visual character of the district.

c. 210 Franklin - Although the Frank Bader House located on this property is a contributing structure, the remaining buildings on the site are newly constructed and non-contributing. The newer buildings (all but the Bader House) on this site do play a role in the visual character of the Frank Bader House but do not require the protected status of a contributing structure.

d. 195 Second Avenue -T he Left Hand Grange, a contributing structure, shares its site with a small fire station. The station is located southwest of the Grange, is of recent construction, and is non-contributing within the district.

e. 143 Second Avenue - At one time, this site was the location of a filling station. Since that time, the building has been converted into a residence. The residence does not have any architectural features or historical significance that would justify a contributing status in the district.

4-116B Niwot Rural Community District II (NRCD II)

A. The purpose of this district is to allow for more flexible setback requirements on the residential parts of the original Niwot Townsite while otherwise remaining consistent with the Rural Residential Zoning District requirements.

B. Setbacks Requirements:

1. Front: 15 feet from the original surveyed townsite lot line with the ability to reduce that setback to a lesser amount if the residences on either side are less, in which case the average of those front yards can be calculated and used.

2. Side: Can be reduced to 5 feet if adequate separation from neighboring structures exists according to the building code.

3. Rear: 15 feet

4. Supplementary requirements may apply, refer to Article 7-1400.

C. On a corner lot only one lot line will be considered a front lot line for setback purposes.

D. The supplemental setback from the centerline of Niwot Road will be 80 feet within the NRCD II District, unless the road classification in the future further reduces that requirement.

E. All other provisions of the Rural Residential (RR) District as amended remain consistent with that district.

4-117 Mountain Institutional (MI) District

A. Purpose: Areas established in the mountainous part of Boulder County for the purpose of permitting more intensive use of land than the surrounding Forestry (F) District, where such use' can be accomplished without harm to forest resources, natural environment, open areas and residential uses in the surrounding area.

B. Principal Uses Permitted

1. Agri-business Uses (see 4-501)
- **a.** Keeping of Nondomestic Animals (S)

2. Agricultural Uses (see 4-502)
- **a.** Open Agricultural Uses

3. Commercial/Business Service Uses (see 4-503)
- **a.** Kennel (S)

4. Community Uses (see 4-504)
- **a.** Adaptive Reuse of a Historic Landmark (I)
- **b.** Camp (I/S)
- **c.** Cemetery (S)
- **d.** Church
- **e.** Membership Club (S)
- **f.** Use of Community Significance (I)

5. Forestry Uses (see 4-505)
- **a.** Forestry
- **b.** Forestry Processing and Sort Yard (I)

6. Industrial Uses (see 4-506)
None Permitted

7. Lodging Uses (see 4-507)
- **a.** Bed and Breakfast (S)
- **b.** Campground (S)
- **c.** Resort Lodge, Conference Center, or Guest Ranch (S)
- **d.** Vacation Rental

8. Mining Uses (see 4-508)
- **a.** Limited Impact Open Mining (I)
- **b.** Oil and Gas Operations
- **c.** Open Mining (S)
- **d.** Subsurface Mining (I) (S)
- **e.** Subsurface Mining of Uranium (S)

9. Office Uses (see 4-509)
None Permitted

10. Recreation Uses (see 4-510)
- **a.** Livery or Horse Rental Operation (S)
- **b.** Outdoor Recreation, for day use (S)
- **c.** Outdoor Recreation, for night use (S)
- **d.** Park and/or Playfield, for day use
- **e.** Park and/or Playfield, for night use (S)
- **f.** Public Recreation Center (S)
- **g.** Ski Area (S)

11. Residential Uses (see 4-511)
- **a.** Group Care or Foster Home (S)
- **b.** Single Unit Dwelling

12. Retail and Personal Service Uses (see 4-512)
- **a.** Day Care Center (S)

13. Transportation Uses (see 4-513)
- **a.** Multimodal Parking Facility (S) (I)

14. Utility and Public Service Uses (see 4-514)
- **a.** Central Office Building of a Telecommunication Company (R)
- **b.** Community Cistern (I)
- **c.** Fire Barn (I)
- **d.** Fire Station (S)
- **e.** Major Facility of a Public Utility (R) (S) (L)
- **f.** Public or Quasi-public Facility other than Listed (S)
- **g.** Public Safety Telecommunication Facility (I)
- **h.** Sewage or Water Transmission Line (R) (L)
- **i.** Sewage Treatment Facility (R) (S) (L)
- **j.** Small Wind-Powered Energy System (see 4-514.K.)
- **k.** Solar Energy – Building-Mounted System
- **l.** Solar Energy – Ground-Mounted System (SPR)
- **m.** Solar Energy - Parking Canopy System (SPR)
- **n.** Telecommunications Facility, existing structure meeting height requirements
- **o.** Telecommunications Facility, new structure or not meeting height requirements (S)
- **p.** Utility Service Facility
- **q.** Water Reservoir (R) (S) (L)
- **r.** Water Tank or Treatment Facility (R) (S) (L)

15. Warehouse Uses (see 4-515)
None Permitted

C. Accessory Uses Permitted (see 4-516)

1. Accessory Agricultural Sales
2. Accessory Agricultural Structure
3. Accessory Beekeeping
4. Accessory Chicken Keeping
5. Accessory Dwelling (I)
6. Accessory Horse Keeping
7. Accessory Meat or Poultry Processing
8. Accessory Outside Storage
9. Accessory Solar Energy System
10. Accessory Structure
11. Grading of More than 500 Cubic Yards (I)
12. Home Events
13. Home Occupation
14. Household Pets
15. Noncommercial Telecommunication Site, one structure which meets setback and height requirements
16. Noncommercial Telecommunication Site, multiple structures and/or not meeting setback or height requirements (I)
17. Parking
18. Small Wind-Powered Energy System, Roof-Mounted
19. Short-Term Rental

D. Temporary Uses Permitted (see 4-517)

1. Emergency Noncommercial Telecommunication Site (A)

2. Garage Sales or Occasional Sales

3. Group Gathering / Special Events (A)

4. Temporary Batch Plant (A)

5. Temporary Construction or Sales Office (A)

6. Temporary Dwelling Unit (A)

7. Temporary Special Use (nonconforming use under Section 4-1004.A.2. (S)

8. Temporary Weather Device Tower

9. Educational Tour

E. Lot, Building, and Structure Requirements

1. Minimum lot size...35 acres

2. Minimum setbacks

a. Front yard...15 feet

b. Side yard...25 feet

c. Rear yard...15 feet

d. From an irrigation ditch...50 feet from the centerline of the ditch. This requirement only affects structures built after October 10, 1996. The setback may -with County concurrence- be reduced in accordance with a letter from the applicable ditch company establishing a different setback, but in any event shall not be less than 20 feet from the ditch centerline.

e. Supplementary requirements may apply, refer to Article 7-1400.

f. The Director may require a structure to be located farther from any minimum setback as a mitigation measure to meet one or more Site Plan Review standard(s).

3. Structure size

a. Maximum Residential Floor Area

(i) Unless otherwise specified in subsections (ii) through (vi), the maximum Residential Floor Area for a Parcel shall be the larger of either the median Residential Floor Area of the defined Neighborhood or:

(A) An additional 1,000 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with 1,500 square feet or less of Residential Floor Area;

(B) An additional 750 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 1,501 and 3,000 square feet; and

(C) An additional 675 square feet over the existing Residential Floor Area on the Parcel as of May 13, 2025, on a Parcel with Residential Floor Area between 3,001 square feet and 3,500 square feet.

(ii) For a Parcel within the mapped Townsite of Allenspark, the maximum Residential Floor Area shall be 1,500 square feet.

(iii) For a Parcel encumbered by a Boulder County conservation easement, recorded agreement, or other approval that specifies an allowable Residential Floor Area, the Residential Floor Area specified in that conservation easement, recorded agreement with the County, or other approval shall be the maximum.

(iv) For a Parcel with existing Residential Floor Area that exceeds the maximum Residential Floor Area limits set forth in subsection (i), the maximum Residential Floor Area is the existing Residential Floor Area as of May 13, 2025.

(A) A one-time 200-square-foot maximum of additional Residential Floor Area may be allowed, provided the Residential Floor Area has not been otherwise limited through a previous land use review process.

(B) Subsection (iv) will not apply if existing Residential Floor Area is deconstructed and a Site Plan Review determination or building permit to rebuild deconstructed Residential Floor Area is not issued within one year.

(v) A Parcel with a historic structure(s) that is designated as a Historic Landmark(s) or protected by a restrictive covenant or other recorded county agreement may be granted additional Residential Floor Area over the maximum provided:

(A) the proposed development does not conflict with the intent of the landmark designation, restrictive covenant, or recorded agreement; and

(B) the additional Residential Floor Area granted is related to the preservation of the protected structures.

(vi) The Director may approve a reasonable allowance of additional Residential Floor Area over the

maximum for the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or associated with the use of building materials or design intended to achieve heightened energy efficiency or the use of low-carbon materials, such as an incremental increase in wall thickness due to the use of straw-bale construction, or similar techniques.

b. Appeals of this subsection shall be decided by the Board of County Commissioners considering the provisions in 4-1202.A.

c. The Director may limit the Floor Area to an amount less than the maximum as a mitigation measure to meet one or more Site Plan Review standard(s).

d. The Boulder County's Assessor's Records will be used to determine the median Residential Floor Area within a defined Neighborhood and the existing Residential Floor Area on a Parcel, as verified by Community Planning & Permitting staff. The median Residential Floor Area calculation will include all Residential Floor Area on a subject Parcel.

4. Maximum building height

a. On subdivided land with a final plat approved by the County prior to August 29, 1994, 35 feet unless a lower height was approved through the platting process.

b. On any other land, 30 feet unless, through a subdivided land approval or Site Plan Review approval, a lower or higher height is permitted due to the unique characteristics of the particular site; in no event, however, shall any non-agricultural structure exceed 35 feet.

c. The Director may require a reduction in structure height as a mitigation measure to meet one or more Site Plan Review standard(s).

F. Additional Requirements

1. animal units...Two animal units per acre without going through Special Review

2. Special Review is required for any use which:

a. generates traffic volumes in excess of 150 average daily trips per lot, as defined by the Institute of Transportation Engineers;

b. has an occupant load greater than or equal to 100 persons per lot;

c. has a wastewater flow greater than or equal to 2,000 gallons per day per lot;

d. has a total floor area greater than 25,000 square feet; or

e. has a second Principal Use which does not increase density.

3. Limited Impact Special Review is required for any use which is:

a. a parking area associated with a trail of a governmental entity on publicly acquired open space land, which parking area is in accordance with an open space management plan approved by the Board of County Commissioners, and which generates traffic volumes in excess of 150 average daily trips per lot as defined by the Institute of Transportation Engineers;

b. grading involving the movement of more than 500 cubic yards of material as defined and provided in Section 4-516.

4. No parcel shall be used for more than one Principal Use, except for allowed Agricultural uses, Forestry uses, Mining uses, or any combination thereof; for multiple Principal Uses on properties that have been designated as historic landmarks by Boulder County where the Boulder County Commissioners and Historic Preservation Advisory Board determine that the multiple uses serve to better preserve the landmark; or for second Principal Uses approved though Special Review under 4-117.F.2.e, above.

5. Small Wind-Powered Energy Collectors Systems and Solar Energy Systems may be approved without Special Review approval on parcels with existing Principal Uses; however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

4-118 Neighborhood Conservation Overlay District

A. Purpose

1. To preserve and protect the character or valued features of established neighborhoods

2. To recognize the diversity of issues and character in individual neighborhoods in the unincorporated parts of Boulder County.

3. To reduce conflicts between new construction and existing development in established neighborhoods.

4. To provide knowledge and reliance about the parameters of neighborhood character.

5. To allow neighborhoods to work together with the County to formulate a plan that defines their community of common interest and that fosters a defined community character consistent with County zoning, the Land Use Code, and the Comprehensive Plan.

6. To complement the County's Site Plan Review process in neighborhoods that have defined their community character pursuant to these regulations.

B. General Provisions

1. Each Neighborhood Conservation Overlay District must be established by a separate resolution that shall include a map defining the overlay boundaries, and the Neighborhood Conservation Plan (as specified in this Article 4- 118(F)), and shall become a part of the Boulder County Land Use Code.

2. An approved Neighborhood Conservation Overlay District does not replace the underlying zoning of the area, which remains as the source of minimum, applicable restrictions on structures, uses, and development. Any approved Neighborhood Conservation Overlay District may further appropriately limit, but may not expand, the uses and development allowed in the zoning districts in which the subject parcels are mapped.

3. All new development, additions, changes, and expansions to existing structures must comply with the regulations associated with the neighborhood Conservation Overlay District.

4. Neighborhood Conservation Overlay Districts must be consistent the Boulder County Comprehensive Plan, applicable intergovernmental agreements, and the Boulder County Land Use Code.

5. Neighborhood Conservation Overlay Districts may contain requirements related to only the following issue areas: the location of proposed buildings or additions; uses; height; size; exterior materials; exterior color; exterior lighting; neighborhood character and compatibility; view preservation of or from specific locations, particularly from public lands and right of ways; visual impact on natural features or neighborhood character; compatibility with topography and vegetation; landscaping and screening; geologic hazards; wildfire mitigation; riparian areas, wetland areas, or drainage patterns; plant communities or wildlife habitat; migration corridors; geologic, geomorphic, paleontological, or pedologic features; agricultural lands; historic or archaeological resources; site disturbance; avoidance of development on visually exposed portions of the property; runoff, erosion, and sedimentation; and impact on Natural Landmarks or Natural Areas.

6. Site Plan Review will not be required in an approved Neighborhood Conservation Overlay District to the extent that the approved Neighborhood Conservation Plan covers the relevant Site Plan Review criteria of Article 4-806 of the Boulder County Land Use Code.

7. The area of each Neighborhood Conservation Overlay District:

a. shall include a minimum of 15 adjacent privately-owned parcels, unless the area proposed is an extension of the boundaries of an approved Neighborhood Conservation Overlay District.

b. shall include privately-owned parcels that are closely settled and of similar size, and which are associated by common characteristics of geography, development, services, and interests.

c. should consider other adjacent privately-owned parcels having shared distinguishing characteristics that could be found to comprise a logical neighborhood unit, when determining the boundaries of a Neighborhood Conservation Overlay District.

d. shall exempt privately-owned parcels of five acres or greater, unless the owner of the parcel agrees to inclusion of that parcel into the Neighborhood Conservation Overlay District.

8. Uses and structures legally existing at the time of adoption of a Neighborhood Conservation Overlay District under these regulations shall not become nonconforming solely by virtue of adoption of the district. Notwithstanding this provision, any changes or additions to uses or structures in the district that occur after the date of adoption of the district, shall comply with the provisions of the adopted district.

a. In Neighborhood Conservation Overlay Districts creating a size limitation or floor area restriction, the Board of County Commissioners, through adoption of the NCOD, may allow an additional 10% of floor area for parcels near or above the designated size limitation.

C. Initiation of Neighborhood Conservation Overlay District

1. The establishment of a Neighborhood Conservation Overlay District may be initiated by a group of 50% of the property owners within the proposed boundaries demonstrating interest in the Neighborhood Conservation Overlay District.

2. Neither the Board of County Commissioners nor the Planning Commission shall initiate the establishment of a Neighborhood Conservation Overlay District.

D. Pre-application Conference

A pre-application conference as defined in Article 3-201 of the Boulder County Land Use Code shall be held prior to the submission of an application for a Neighborhood Conservation Overlay District.

E. Application and Submittal Requirements

An application for a Neighborhood Conservation Overlay District must include the following:

1. Statement of Purpose that addresses the following issues:

a. what the proposed Neighborhood Conservation Overlay District wants to accomplish and why

b. description of neighborhood character and valued features to be protected in the neighborhood

c. why the proposed Neighborhood Conservation Overlay District boundaries make sense as a defined "neighborhood" (for example: consider utility and services providers in area; school attendance; transportation links)

2. Map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District, and identifies the parcels within it

3. Description of the neighborhood, detailing land use, development, and distinguishing characteristics of neighborhood

4. Description of the history and evolution of the neighborhood

5. A petition that is (i) affirmatively signed by at least 50% of the property owners of parcels within the proposed district, indicating those owners' support for the County to proceed with processing of the application, and (ii) signed by all of the other owners of parcels in the proposed district indicating whether the property owner is AGAINST, UNDECIDED, or HAS NO COMMENT on the application, except that if the signature of such an owner cannot be obtained, the applicant may substitute a signed affidavit stating that the applicant has attempted in good faith to obtain the signature of such owner but has been unable to do so. Owners of record will be based on currently available Assessor's information.

6. The name and phone number of a designated representative for the neighborhood, who has the power to withdraw the application at any time

7. A list of all homeowner associations or other parties with an interest in the proposed Neighborhood Conservation Overlay District. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers

F. Neighborhood Conservation Plan Formulation

The Neighborhood Conservation Plan shall detail the policies intended to protect the neighborhood character and valued features identified in the proposed Neighborhood Conservation Overlay District. The Neighborhood Conservation Plan shall be drafted in cooperation with the neighborhood and County staff, based on the neighborhood application, land use analysis of the neighborhood, and input from neighborhood meetings.

1. County staff will conduct a land use analysis of the neighborhood and will present it at the neighborhood meetings. The land use analysis should include at least the following elements:

- **a.** zoning of area
- **b.** lot sizes and configuration
- **c.** land uses in the neighborhood
- **d.** description of housing and other uses: size, height, etc.
- **e.** previous Community Planning & Permitting reviews completed in the neighborhood
- **f.** subject to availability, aerial maps of neighborhood showing structure locations or other applicable maps

2. Neighborhood Meetings

- **a.** At a minimum, two neighborhood meetings will be conducted in conjunction with County staff as part of the Neighborhood Conservation Plan formulation process:
  - **(i)** an initial meeting to discuss the land use analysis, the boundaries of the proposed overlay district, and what the neighborhood wants to accomplish with the Neighborhood Conservation Overlay District
  - **(ii)** a final meeting to present and discuss the final proposed Neighborhood Conservation Plan
- **b.** All property owners within the proposed Neighborhood Conservation Overlay District boundaries will be notified by the County of the meeting date and time, and will be sent information about the proposal.

3. Neighborhood Conservation Plan shall include:

- **a.** a map indicating the properties affected and the proposed boundaries of the Neighborhood Conservation Overlay District. These boundaries may change from those initially submitted or proposed, based on land use analysis and input from neighborhood meetings
- **b.** the proposed land use standards and requirements for the Neighborhood Conservation Overlay District
- **c.** other guidelines or background information related to the Neighborhood Conservation Overlay District
- **d.** any pertinent items in the Development Report (Article 3-203(F) of Boulder County Land Use Code) not otherwise addressed in the Neighborhood Conservation Plan
- **e.** a statement indicating the extent to which the proposed Neighborhood Conservation Plan includes exemption from Site Plan Review

G. Standards and Conditions for Approval of a Neighborhood Conservation Overlay District

The Neighborhood Conservation Overlay District shall be approved only if the Board of County Commissioners finds that:

1. the proposed Neighborhood Conservation Overlay District is an established area with shared distinguishing characteristics, which may include geography, development, services, and interests.

2. the proposed Neighborhood Conservation Overlay District is a logical neighborhood unit with a closely settled development pattern on similar sized parcels.

3. the Neighborhood Conservation Plan complies with the standards and conditions specified by Article 4-1102 and Article 16 of the Boulder County Land Use Code.

H. Agency and Public Review

Review of a Neighborhood Conservation Plan shall proceed through the following steps:

1. Referral Requirements and Agency Review as specified by Article 3-204 of the Boulder County Land Use Code

2. Planning Commission Review as specified by Article 3-205(B) of the Boulder County Land Use Code

3. The written consent of 60% of the owners of record of the parcels within the proposed Neighborhood Conservation Overlay District, with each property not allowed more than one vote, must be obtained prior to review of the Neighborhood Conservation Overlay District by the Board of County Commissioners. Owners of record will be based on currently available Assessor's information.

4. Board of County Commissioners Review as specified by Article 3-205(C) of the Boulder County Land Use Code

a. Resolution of Approval shall include the Neighborhood Conservation Plan, and the specific Site Plan Review criteria covered by the Neighborhood Conservation Plan that are exempt from future Site Plan Review.

I. Amendments to an Approved Neighborhood Conservation Overlay District

1. Any proposal to add or subtract 15 or fewer parcels (without change to the text of the Neighborhood Conservation Plan) to an approved Neighborhood Conservation Overlay District shall be subject to the requirements of this Article 4-118(D), (E)(1)(b), (E)(1)(c), (E)(1)(e), (E)(1)(f), (E)(1)(g), (F)(1), (F)(3)(a), (G), and (H) of the Boulder County Land Use Code.

2. Any proposal to add or subtract more than 15 parcels to an approved Neighborhood Conservation Overlay District, including the dissolution of the Neighborhood Conservation Overlay District, or any proposed modification to an approved Neighborhood Conservation Plan, is subject to the requirements of this Article 4-118.

J. Waivers From the Terms of an Approved Neighborhood Conservation Overlay District

Waivers from a specific term or terms of an approved Neighborhood Conservation Overlay District for a particular proposed development on a parcel included within the district, may be granted if 60% of the property owners of the parcels included within the district (excluding the owners of the parcel requesting the waiver) agree in accordance with the voting requirements of Section (H)(3) above, and if the BOCC subsequently decides at a public hearing that the waiver does not conflict with the stated conservation purposes of the district under the unique circumstances of the particular parcel in question (or reasonable mitigation measures can be imposed on the development such that a conflict does not result). The BOCC shall provide public notice of its hearing by mailing notice of the date, place, time, and subject of the hearing to all record owners of property within the district, and by publishing notice of the hearing in a newspaper of general circulation in the County, at least 14 days prior to the scheduled public hearing date.

4-118A Fairview Estates Neighborhood Conservation Overlay District

A. The purpose of this overlay district is to emphasize the importance to the residents of the district of their westerly views (of the Flatirons, mountains, Baseline Reservoir and the city of Boulder) and to provide for the protection of these views.

B. Appropriate measures to preserve westerly views from properties within the overlay district shall be taken when building or altering any structure in the district that is subject to a County building permit or Community Planning & Permitting review process on or after February 28, 2006. Attention should be given to height, location, or stepped rooflines to achieve view protection. A diversity of architectural styles is encouraged.

C. These criteria will be reviewed as part of any Community Planning & Permitting review process required. Where a building permit but no other Community Planning & Permitting Review is required, the Community Planning & Permitting staff will review these criteria before the building permit can be issued. The Community Planning & Permitting Director will have the ability to add conditions of approval to the project to meet the intent of this regulation.

D. Appeals from any decision made in the course of administering this regulation may be made in accordance with the applicable appeal provisions of this Code. Neighbors within the overlay district will be notified of appeals.

4-119 Airport Overlay Zone

1. No structure or use shall create any unreasonable electrical interference with navigational signals for radio communications between airports and aircraft, make it unreasonably difficult for pilots to distinguish airport lights from others, result in glare in the eyes of the pilots using airports, unreasonably impair visibility in the vicinity of airports or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use airports.
2. Except as otherwise provided in this article, no structure shall be erected, altered, or be maintained at a height which intrudes into the Airport Protection Surfaces, as defined by Article 18-107. The location and boundaries of the Airport Protection Surfaces are designated in the following official maps, as amended, which are hereby incorporated into this Resolution for purposes of this regulation:
   a. That map entitled F.A.R. Part 77 Surfaces - Vance Brand Airport prepared by Denver Regional Council of Governments and dated February 3, 1989.
   b. That map entitled F.A.R. Part 77 Surfaces - Boulder Municipal Airport prepared by Denver Regional Council of Governments and dated January 27, 1989.
   c. That map entitled F.A.R. Part 77 Surfaces - Jefferson County Airport prepared by Denver Regional Council of Governments and dated February 2, 1989.
   d. That map entitled Erie Airpark Tri-County Airport, Erie, Colorado - APPROACH PLAN prepared by Denver Regional Council of Governments and dated December 1, 1987. These maps shall be the official Boulder County Zoning Maps for the purpose of establishing height limits for structures hereunder and shall be kept on file and open to public inspection by the Zoning Administrator.
3. Any permit or variance granted may include conditions that require the owner of the subject structure to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

4-200 View Protection Overlay District

A. Purpose

To provide for reduced height in areas potentially affecting significant views.

B. Application

If a structure, lot, or other parcel of land lies partly within the View Protection Overlay District, that part of the structure, lot, or parcel shall meet all the requirements for this district as set forth in this Code.

C. Relationship to Underlying Zoning

With the exception of the maximum structure height requirement, the use, lot, building, and structure requirements of the underlying zoning district shall apply to all development within this district.

D. Maximum Structure Height Requirement

1. For building lots with a slope of less than 20 degrees, no portion of a structure, including additions to an existing structure, may exceed 35 feet in height as measured from the natural grade of the lot at the lowest elevation within 25 feet of the structure.
2. For building lots with a slope of 20 degrees or greater, no portion of a structure, including additions to an existing structure, may exceed 25 feet in height as measured from the natural grade of the lot at the lowest elevation of the structure.

4-300 Natural Resource Protection Overlay District

4-301 Purpose

To protect and conserve Environmental Resources by encouraging compatible proposed development on subdivided lands which have a sketch plan approved prior to March 22, 1978 which was not otherwise subject to a discretionary review for the purpose of protecting such resources.

4-302 Designation of Environmental Resources to be Protected

The Environmental Resources protected and preserved through the application of this Article 4-300 are those defined in Article 18 of this Code.

4-303 Applicability and Scope of the Natural Resource Overlay District

A. Application

1. This district shall cover subdivided lands which have sketch plan approval granted prior to March 22, 1978, have not been fully developed, and may affect significant wetlands, and wildlife and plant habitats.

2. Proposals for development under either a building, grading, access, or floodplain development permit on a vacant parcel are subject to this overlay district and require the applicant to go through an exemption plat process.

B. For purposes of this Section, 'vacant parcel' means a parcel upon which no structure for human habitation has been constructed and occupied.

C. No permit may be issued until the applicant for the permit obtains an exemption plat under this Section.

4-304 Pre-application Conference

A. The Director shall schedule a pre-application conference with the applicant.

1. This conference shall be between the applicant and appropriate members of the Community Planning & Permitting and Parks & Open Space Department staffs.

2. The purpose of the conference is to explain the exemption plat process to the applicant, answer any pertinent questions of the applicant, and specify for the applicant, in writing, what impact to the specific environmental resource must be mitigated.

B. The Director will determine which application materials and what standards for review of the proposal are applicable based on the nature and extent of the proposed development under the permit and the potential impact on the environmental resource.

C. As part of this pre-application conference, staff shall make available to the applicant all public information in the County's possession regarding the environmental resource.

D. Following the pre-application conference, County staff shall provide the applicant with application materials and a written copy of the relevant standards for approval pursuant to 4-305, and the required information to be submitted by the applicant.

4-305 Exemption Plat Standards for Approval

A. Review by the Board of County Commissioners

1. An exemption plat shall be approved only if the Board finds that the exemption plat will not have a significant adverse impact on any Environmental Resources.

2. This determination is to be based on the nature and extent of the proposed development, the potential impact on the environmental resource, and the adequacy of proposed mitigation measures, if any.

3. The Board shall not consider any aspect of the plat other than that directly related to the impact on the specific environmental resource.

4-306 Approval of an Exemption Plat

A. If the Board finds in reviewing an exemption plat application that the application meets the relevant standards set forth in 4-305, the Board shall approve the plat and the applicant may continue the processing of the building, grading, access, or floodplain development permit.

B. If the Board finds that the application does not meet a relevant standard or standards set forth in 4-305, the Board may still conditionally approve the application if reasonable conditions exist which can be imposed on the application to avoid or acceptably mitigate significant adverse impacts on the environmental resource. Such conditions may include, but are not necessarily limited to the relocation or modification of proposed structures, uses, activities, and materials, or any other measures necessary to mitigate any significant adverse impact caused by development.

C. While an exemption plat may not be denied, all reasonable measures must be taken to mitigate the significant adverse impact of the development on the environmental resource.

4-307 Contiguous Commonly-held Parcels

A. No permit shall be issued for any subdivided lot or combination of subdivided lots subject to this Article 4-300 until approval under this section is granted.

B. Notice of the provisions of these regulations has been recorded in the real estate records of the County Clerk and Recorder for each platted subdivision affected by this regulation. No permits shall be granted to any subdivided lots separately conveyed subsequent to the notice of adoption of these regulations unless the lots are a part of a unified approval under 4-306.

4-400 Floodplain Overlay District

4-401 Purpose

A. To provide land use controls necessary to qualify unincorporated areas of Boulder County for flood insurance under requirements of the National Flood Insurance Act of 1968, as amended; to protect life, property, and health; to ensure the best available data is used in making development decisions; to avoid increasing flood levels or flood hazards or creating new flood hazard areas; to minimize public and private losses due to flooding; to reduce the need for expenditures of public money for flood control projects; to reduce the need for rescue and relief efforts associated with flooding; to prevent or minimize damage to public infrastructure, facilities, and utilities; and to meet or exceed FEMA and CWCB minimum standards for floodplain regulation.

B. FEMA requires all communities that participate in the National Flood Insurance Program ("NFIP") regulate "Development" that occurs within the Special Flood Hazard Area. FEMA defines Development as "any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations."

4-402 Applicability and Administration

A. **Applicability**. The Article 4-400 applies to all lands in the Floodplain Overlay ("FO") District. If a lot or other parcel of land lies partly within the FO District, this Article 4-400 applies to the part of such lot or parcel lying within the district. If a building or structure lies partly within the FO District, then this Article 4-400 applies to the entire building or structure.

B. **County Engineer Role**. The County Engineer or his or her designee is responsible for the administration and implementation of the requirements of the FO District, including reviewing all development proposals to determine the applicability of this section, all Individual Floodplain Development Permit ("Individual FDP") applications, and all notifications submitted for General Floodplain Development Permit ("General FDP") consideration.

C. **No Liability**. The degree of flood protection provided by this section has been determined to be reasonable for regulatory purposes and is based on engineering and scientific methods of study of the 1%-annual-chance (100-year) flood event, also referred to as the base flood. Floods of greater magnitude may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge or culvert openings restricted by debris. This Article 4-400 does not imply that land areas outside of 100-year floodplain boundaries or land uses permitted within such areas will be free from flooding or flood damages, or that compliance with these regulations will prevent flood damage. Neither Boulder County nor any of its officers or employees shall be liable for any flood damages, including any damages that result from reliance on this article or any administrative decision.

D. **More Restrictive Prevails**.

1. The Federal Emergency Management Agency ("FEMA") and the Colorado Water Conservation Board ("CWCB") have established certain minimum standards for regulatory floodplains. To the extent a FEMA or CWCB requirement conflicts with a provision in 4-400, the most restrictive controls.

2. This Article 4-400 does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Article 4-400 and another ordinance, easement, covenant, or deed restriction conflict or overlap, the more restrictive applies.

E. **Permits Required**.

1. All development in the FO District requires an Individual FDP or must be covered by the General FDP. Development in the FO District not covered by a General FDP or an Individual FDP may result in enforcement action under Article 17.

2. In addition to the Floodplain Development Permits required by this section, all required local, state, and federal permits must be issued prior to development in the FO District.

F. **Referral from Other County Departments**.

1. All development that requires a planning review process through the Boulder County Community Planning & Permitting Department and may be susceptible to flooding will be forwarded to the County Engineer for review and comment. The County Engineer must determine if the work is covered under a General FDP, requires an Individual FDP, or does not require any type of Floodplain Development Permit. Where the County Engineer indicates that the development will need a Floodplain Development Permit, the Community Planning & Permitting Department should note the requirement on any planning approval.

2. All building permit applications shall be reviewed by the Building Division to determine whether the proposed development is potentially within the FO District and therefore may require a Floodplain Development Permit. If it appears to the Chief Building Official that any proposed development may be within the FO District, then the Chief Building Official shall refer the application to the County Engineer. The Chief Building Official shall not issue a building permit when floodplain issues have been raised unless the County Engineer has confirmed the development is approved under a General FDP or an Individual FDP or the County Engineer has determined that a Floodplain Development Permit is not required.

3. All Onsite Wastewater Treatment System ("OWTS") applications will be reviewed by Boulder County Public Health ("Public Health") to determine whether the work, including new OWTS or repair/replacement of an existing OWTS, may be within the FO District. If it appears to Public Health that the proposed work may be within the FO District, then Public Health must refer the application to the County Engineer. Public Health must not issue an OWTS permit when floodplain issues have been raised unless the County Engineer has issued an Individual FDP or has determined that no such permit is required.

4-403 FO District Defined; Official Map

A. FO District. The Boulder County FO District is defined as the FEMA Floodplain together with the Boulder County Floodplain, as those floodplains are defined below.

1. The December 18, 2012 Digital Flood Insurance Rate Map ("DFIRM") and Flood Insurance Study ("FIS") report published by FEMA, as amended, is incorporated by reference. The DFIRM and FIS in effect on the date of a property owner's complete application for any permit or process in this Code, in particular those portions of the DFIRM and FIS that define the 100-year floodplain, is the foundational floodplain for the FO District (the "FEMA Floodplain"). The term "DFIRM" includes all flood risk zone designations and technical information displayed on the maps, explanatory matter, technical addenda, modeling and calculations, water surface elevations, profiles, and cross sections, and other underlying detailed study data, such as information published in the FIS report and supporting documentation, as well as approved Letters of Map Revision ("LOMR"), Letters of Map Amendment ("LOMA"), and Letters of Map Revision based on Fill ("LOMR-F"). The FEMA Floodplain includes Zone AE, A, AH, and AO flood risk zone designations, including both Floodway and Flood Fringe areas.
2. To augment the FEMA Floodplain, the Board of County Commissioners may, after review and recommendation by the Planning Commission, adopt a "Boulder County Floodplain." The purpose of adopting a Boulder County Floodplain is to facilitate use of the best data available to the County to establish floodplain boundaries, Base Flood Elevations ("BFE"), and Flood Protection Elevations ("FPE") to better protect residents of the County from flood hazards.
   a. The Boulder County Floodplain must be comprised of the same flood risk zone designations as the FEMA Floodplain.
   b. In no instance may the Boulder County Floodplain remove from the FO District an area or property designated as within the FO District by the FEMA Floodplain.
   c. The following reports, maps, and related information constitute the location and boundaries of the current Boulder County Floodplain:
      (i) Any flood hazard or flood delineation report as adopted by the Board of County Commissioners in accordance with Article 4-1100 depicted on the Boulder County Floodplain official digital map.
   d. The maps in these reports depicting the floodplain for the base flood shall be considered the official maps for the purposes of locating the Boulder County Floodplain on the official zoning district maps. These maps and reports, together with all amendments, explanatory matter, technical addenda, water surface elevations, profiles and cross sections (where available) are incorporated by reference into this Code.
3. All records pertaining to floodplain development must be on file with the County and open to public inspection. These records include, but are not limited to, certified Lowest Floor Elevations, Elevation Certificates, commercial Floodproofing Certificates, LOMAs, LOMR-Fs, LOMRs, Floodplain Development Permits, boundary interpretations, and records of action on variance requests.

B. Official Map. The County Engineer shall maintain digital maps delineating the location and boundaries of the FEMA Floodplain and the Boulder County Floodplain. The FEMA Floodplain map shall depict in plan view the horizontal boundary of the flood hazards described in the underlying flood studies, as published by FEMA. The Boulder County Floodplain map shall depict in plan view the horizontal boundary of the flood hazards described in the underlying flood studies, as adopted by Boulder County. These maps of the FEMA Floodplain and the Boulder County Floodplain together establish the areas governed by the provisions of this Article 4-400 and constitute the Official Map of Boulder County's FO District ("Official Map").

1. The most current Official Map and supporting data shall be on file in the County Engineer's Office in electronic format, available for public inspection during normal business hours, with electronic and paper copies available upon request. The Official Map must also be available to the public on the County's website.
2. The County Engineer shall maintain records of superseded versions of the Official Map for historical reference.

C. Interpretation of Official Maps

1. The County Engineer shall determine which uses, parcels, structures, or other facilities are located in an adopted FEMA Floodplain or a Boulder County Floodplain, including in situations where a mapped boundary appears to conflict with actual field conditions. In making such interpretations, the County Engineer shall refer, as necessary, to the best available data at that time.

2. Sources of best available data for interpretations include the engineering study upon which the maps and elevations are based, the professional engineers who prepared the study, the most recent detailed terrain data certified by a P.E. or a P.L.S., survey data certified by a P.E. or a P.L.S., any BFE/water surface elevation, floodway, and other flood risk data available from state or federal agencies, and any other reliable source that the County Engineer finds meets an acceptable level of technical accuracy as determined through prevailing industry practices.
3. The use of aerial photography to interpret FO District boundaries, but without the consideration of local terrain data, shall be for informational purposes only, and not for making determinations as to the exact location of the boundaries of the FO District.
4. If the County Engineer makes a determination regarding the relationship of the Official Map to a use, parcel, structure, or other facility, the interpretation must be noted in the records associated with any related permit(s) and available for public inspection.
5. The County Engineer's determinations under this section are interpretations of precisely where the existing regulatory boundaries lie on the ground. A determination as to which uses, parcels, structures, or other facilities are located in or out of a previously adopted FEMA Floodplain or a Boulder County Floodplain does not itself contract or expand the boundaries of the FO District. Therefore, such determinations do not result in an amendment to the Official Map that requires review and approval by the Planning Commission and Board of County Commissioners.

D. Amendment of Official Map

1. The FEMA Floodplain within the FO District will be deemed updated when FEMA issues a Letter of Final Determination associated with any map action, or after the effective date of any Letter of Map Change ("LOMC"), without need for review or approval by the Planning Commission or the Board of County Commissioners, regardless of how many parcels are affected.
   a. If FEMA provides notice of final BFEs and sets an effective FIRM revision date (through issuance of a Letter of Final Determination) for studies that had previously been adopted as Boulder County Floodplain, the following rules apply:
      (i) If FEMA made no changes to the studies previously adopted by Boulder County, then from the effective date of FEMA's map action forward, Boulder County will continue to regulate using those studies to partially define the FO District, but will treat the studies as FEMA Floodplain rather than Boulder County Floodplain. In this circumstance, the County Engineer is not required to obtain review and approval of Planning Commission or the Board of County Commissioners.
      (ii) If prior to its official action FEMA makes changes to maps, data, or related documentation previously included only in the Boulder County Floodplain, the County Engineer must determine whether and how the Boulder County Floodplain should be amended.
2. Except for an automatically adopted DFIRM update, a change in the boundary of the FO District requires review by the Planning Commission and approval by the Board of County Commissioners of a Zoning Map Amendment in accordance with Section 4-1100. The County Engineer shall revise the Official Map upon approval of changes to the Official Map by the Board of County Commissioners.
3. The County Engineer may correct clerical errors in the Official Map as they are discovered, without need for approval by the Planning Commission or the Board of County Commissioners, regardless of how many parcels are affected.
4. The County Engineer may generate or receive draft and/or preliminary flood risk analyses and reports affecting the FO District. These analyses may be any flood risk analyses, including those designated by CWCB or distributed by FEMA, as well as any other water surface elevation and/or Floodway data available from state or federal agencies or any other reliable source. Upon notification of such new information, the County Engineer shall evaluate whether a change to the boundaries of the FO District is required. If so, the County Engineer will submit a proposed Zoning Map Amendment to Planning Commission and the Board of County Commissioners for review and approval.
5. In accordance with 44 C.F.R. § 65.3 and the Rules and Regulations for Regulatory Floodplains in Colorado (the "CO Floodplain Rules"), project proponents must submit technical data to FEMA in the form of a LOMR request within six months of the date of completion of a project if the project received a CLOMR from FEMA before construction or results in changes (either increases or decreases) in the 100-year water surface elevation greater than 0.3 foot.
   a. Map revision requests in existing Floodway areas shall use the Floodway surcharge criteria outlined in 4-404.2(E)(3).
6. The County Engineer will monitor large-scale natural physical changes as they occur. If the County Engineer deems it necessary to restudy a mapped floodplain or floodway as a result of such changes, the County Engineer shall coordinate with CWCB and FEMA and, as appropriate, submit a proposed Zoning Map Amendment to Planning Commission and the Board of County Commissioners for review and approval.

4-404 Floodplain Development Permits

A. Minimum Federal and State Standards. Development in the FO District must comply with the NFIP and State of Colorado minimum standards. These standards require applicants to demonstrate that those development projects allowed in the FEMA Floodway, when combined with all other existing and anticipated development, will not cause an increase in the modeled 1%-annual-chance water surface greater than 0.00 feet and, for projects in the Flood Fringe, will not cause an increase greater than 0.50 feet unless the applicant first receives an approved Conditional Letter of Map Revision (CLOMR) from FEMA prior to permitting, in compliance with the provisions of 4-404.2.E.4.

B. Uses Prohibited in Floodway. The floodway is the portion of the FO District that must be reserved for passage or conveyance of the 1%-annual-chance (100-year) flood without cumulatively increasing the water surface elevation more than a designated height (described in Section 4-404.2.E.3). The following activities and uses are prohibited within all Floodways:

1. Construction of new permanent buildings (either residential or non-residential) with the exception of relocated nonconforming uses otherwise permitted by this Article 4-400;
2. Construction of new temporary buildings (either residential or non-residential), unless the County Engineer reviews and approves a specific location in the Floodway in conjunction with a Special Event as defined in the Multimodal Transportation Standards, a Group Gathering / Special Event as defined in this Code, or another temporary activity permitted by county regulations;
3. Construction of additions to existing buildings that increase the building's square footage, footprint, or Habitable Space;
4. Conversion of existing accessory use space to living or primary use space;
5. Overnight campgrounds;
6. Dispersed camping, including the use of tents, makeshift structures, enclosures, and other temporary shelters used for habitation, except in locations approved through the issuance of a Group Gathering / Special Event Permit as defined in this Code that have adequate sanitation facilities and a flood evacuation plan;
7. Parking of Recreational Vehicles for the purposes of overnight habitation;
8. Storing or processing of materials that are buoyant, flammable, explosive, or otherwise potentially injurious to human, animal or plant life;
9. Solid waste disposal sites and central collection sewage treatment facilities;
10. New or expanded individual on-site wastewater systems, unless the expanded system is required to bring existing buildings up to code or is allowed per 4-405(G)(4);
11. Solid wood fences, chain link fences, or any fence that does not meet the Boulder County standards for fence installation;
12. Any activity or use that would create significant potential for downstream solid debris (including, but not limited to decks) waste, or rubbish;
13. New or expanded Critical Facilities located on land lower than 6,000 feet in elevation;
14. Any encroachment (including filling and grading) that would adversely affect the efficiency of the Floodway or change the direction of flow, unless it conforms with section 4-404(C);
15. Above-ground oil and gas operations, as defined in Article 12-1400.

C. Uses Allowed in Floodway under Certain Conditions.

1. The County Engineer may issue FDPs for the following development types and open uses within the Floodway unless the use (1) is prohibited in the underlying zoning district, (2) adversely affects the efficiency of the Floodway, (3) changes the direction of flow, or (4) poses a significant safety hazard:
   - **a.** Agricultural uses involving the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising and grazing of livestock and horses, as well as temporary buildings associated with such use, as detailed in 4-405(C)(3)(c);
   - **b.** Uses accessory to residential uses, including, but not limited to lawns, open areas, gardens, driveways, and play areas;
   - **c.** Industrial or commercial uses such as loading areas, parking areas, and airport landing strips;
   - **d.** Recreational uses not requiring permanent or temporary buildings designed as habitable space, unless a special event permit has been issued for a temporary building;
   - **e.** Utility facilities such as dams, power plants, spillways, transmission lines, pipelines, water monitoring devices, water supply ditches, irrigation ditches and laterals, and open mining;
   - **f.** Hydraulic structures such as bridges, culverts, weirs, diversions, drop structures, and fish ladders, for access and flood or stormwater control;
   - **g.** Critical Facilities above 6,000 feet in elevation, as described in 4-405(D); and;
   - **h.** Linear transportation infrastructure, including but not limited to roads, trails, and railroad rights-of-way (but not including freight yards or switching, storage, or industrial sidings).

2. In addition, the County Engineer may not issue FDPs for the allowed development types and uses listed in 4-404(C)(1) above that result in an encroachment within the Floodway unless the applicant has demonstrated through hydrologic and hydraulic analyses performed by a P.E. registered in the State of Colorado (in accordance with standard engineering practice and the requirements of 4-404.2(E) that the proposed encroachment is in compliance with the provisions of 4-404.2(E)(4).
3. For Floodway areas above 6,000 feet in elevation, uses other than those described in 4-404(C)(1) above may be allowed at the discretion of the County Engineer if the proposed use or development will occur within an area of ineffective flow.

D. **Uses Allowed in Flood Fringe under Certain Conditions**. Any use permitted by the underlying zoning regulations may be permitted in the Flood Fringe, provided the use meets the flood protection requirements of Section 4-405, and provided that:
1. New Critical Facilities are prohibited in the Flood Fringe below 6,000 feet (NAVD88) in elevation.
2. Wastewater treatment facilities serving more than two properties are prohibited in the Flood Fringe.
3. Individual OWTS, when allowed, must conform to the requirements of 4-405(G).
4. Fences in the Flood Fringe are subject to all Boulder County Building Code and other fence requirements.
5. Dispersed Camping, overnight campgrounds, tents, makeshift structures, enclosures, and other temporary shelters used for habitation in the Flood Fringe must be approved through the issuance of a Group Gathering / Special Event Permit as defined in this Code and must have adequate sanitation facilities and a flood evacuation plan.

E. **Emergency Work.** Emergency work necessary to prevent or mitigate an immediate threat to life or property is allowed. The property owner is responsible for notifying the County Engineer within 7 days of the initiation of all emergency work. A complete application for a Floodplain Development Permit shall be submitted within 30 days of commencement of work. Authorization to perform emergency work does not indicate approval of such work. If necessary, modifications to the work already performed may be required in accordance with this Code.

4-404.1 General Floodplain Development Permits

A. **Intent**. To minimize undue hardship to property owners within Boulder County yet remain in compliance with FEMA regulations regarding Floodplain permitting, the County Engineer is authorized to issue one or more General Floodplain Development Permits. The intent of the General FDP is to allow certain limited uses and activities in the FO District without the need for an approved Individual FDP because these specific uses and activities are unlikely to increase BFEs or have an adverse effect on neighboring properties, species, or ecosystems.

B. **Review Criteria**. The County Engineer may issue or amend a General FDP so long as the following criteria are met:
1. The uses or activities covered by the General FDP are likely to have little or no effect on the efficiency or capacity of the Floodway;
2. The uses or activities covered by the General FDP are likely to have little or no effect on lands upstream, downstream and in the immediate vicinity of the development covered under the General FDP including, without limitation, utility and transportation facilities;
3. The uses or activities covered by the General FDP will not result in an unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards;
4. The uses or activities covered by the General FDP are likely to have little or no effect on the flood profile and flood heights;
5. The uses or activities covered by the General FDP are likely to have little or no effect on any tributaries to the main stream, drainage ditches, water supply and irrigation ditches, storm drainage facilities, reservoirs, or any other drainage or irrigation facilities or systems;
6. The uses or activities covered by the General FDP are likely to have little or no effect on the flood management program for the area(s) in question and will not result in the need for additional public expenditures for flood protection or prevention;
7. The uses or activities covered by the General FDP shall not result in new human occupancy of structures;
8. The uses or activities covered by the General FDP are likely to have little or no effect on the safety of access to property in times of flood for ordinary and emergency vehicles;
9. The uses or activities covered by the General FDP are likely to have little or no effect on the watercourse, including streambanks and streamside trees and vegetation;
10. The alignment of the uses or activities covered by the General FDP is consistent with the Boulder County Comprehensive Plan and Watershed Master Plans;
11. The cumulative effect of the uses or activities covered by the General FDP along with other existing and anticipated uses is unlikely to increase flood heights more than the allowances specified in 4-404(A);
12. The heights and velocities of the floodwaters expected in the area where the uses or activities covered by the General FDP will not adversely affect the development of surrounding property;

13. The uses or activities covered by the General FDP are unlikely to require additional flood protection based on historical flood evidence, increased development upstream, or other flood-related hazards such as flash flooding, debris flows, rockfalls, mudslides, landslides, avalanches, channel avulsions, alluvial fan hazards, erosion and deposition of material, debris dams, ice jams, and high flood depths or velocities; and

14. The uses or activities covered by the General FDP are not contrary to federal, state, and local floodplain statutes, regulations, and guidance.

C. Rescission. The County Engineer may rescind a General FDP if uses or activities covered by the General FDP no longer meet the criteria for issuance of a General FDP as specified in section 4-404.1(B).

D. Content of a General FDP. If the County Engineer determines it appropriate to issue a General FDP after consideration of the factors in 4-404.1.B above, the County Engineer shall include the following information on the face of the permit:

1. A list of specific uses and activities deemed within the scope of the General FDP;

2. Conditions of approval, if any, for work approved under the General FDP; and

3. Whether or not property owners must notify the County Engineer prior to beginning work on an activity included within the General FDP.

a. The County Engineer shall require such notification for development activities for which it is necessary to evaluate individual and cumulative impacts, ensure minimum compliance with federal and state floodplain rules, and confirm that the uses or activities are unlikely to increase BFEs or have an adverse effect on neighboring properties, species, or ecosystems.

b. For projects where the County Engineer will receive notification through referral required by a separate Community Planning & Permitting Code review process (such as Site Plan Review or Special Use Review), the County Engineer need not require duplicative notification. For all other projects where the County Engineer decides to require notification, the applicant must submit the following information to the County Engineer a minimum of 21 days prior to commencing work:

(i) Project description, including materials description and a discussion on the expected impact to the channel and floodplain;

(ii) Location description (an accompanying location map is best); and

(iii) Site plan, if necessary to further describe the work.

c. If the work is within the scope of the General FDP, the County Engineer will respond to the owner with approval to proceed. If additional information is necessary or if the work requires issuance of an Individual FDP, the County Engineer will inform the owner within 14 days of notification submission, or through the Community Planning & Permitting Review referral process.

E. Process for Issuing, Amending, or Rescinding a General FDP.

1. If the County Engineer determines that a new General FDP, amended General FDP, or rescission of a General FDP is appropriate after consideration of the factors in 4-404.1.B above, the County Engineer shall first provide a 14-day public review and comment period by:

a. Posting the new General FDP, amended General FDP, or notice of General FDP recission on the County's website;

b. Providing public notice of the new General FDP, amended General FDP, or notice of General FDP recission in the manner described in Article 3 for comprehensive rezonings; and

c. Maintaining a record of all property owners who wish to opt in to receiving direct notice of all proposed actions by the Engineer regarding a General FDP. The County Engineer shall send the new General FDP, amended General FDP, or notice of General FDP rescission (via electronic means to the most recent electronic mail address on file) to all such owners, provided, however, that inadvertent failure to notify every such owner shall not affect the validity of any action by the Engineer on a General FDP.

2. If the County Engineer receives public comment on a proposed new, amended, or rescinded General FDP during the 14-day review and comment period, then prior to the effective date the County Engineer shall consider such comments to determine whether in their professional judgment as floodplain administrator any changes to the proposed action are merited. If no comments are received, or if no changes to the proposed action are merited, the proposed action shall be deemed effective 14 days after the date it was posted.

3. Subject to the 14-day review and comment period requirements described above, the County Engineer may issue, amend, or rescind a General FDP at any time, on their own initiative, without the need for public hearings before Planning Commission and Board of County Commissioners.

4. The County Engineer's decision to issue, amend, or rescind a General FDP shall be in writing and shall be a final action appealable pursuant to section 4-408.

5. All General FDPs in effect at a given point in time must comply with all applicable provisions of this section 4-404.1.

F. No Permit Fees. If the County Engineer determines a use or activity falls under the approval granted in a General FDP, no permit fee will be charged.

G. Work Not Approved under a General FDP. Any development within the FO District that does not meet the criteria of a General FDP requires either approval of an Individual FDP prior to beginning the work or a determination by the County Engineer that no FDP is required at all.

1. Should any work commence that is assumed by an applicant to be covered by a General FDP, and the County Engineer determines it is not covered by a General FDP, a Stop Work order will be issued. The unpermitted work will be treated as a zoning violation under Article 17 until an approved Individual FDP is issued or the violation is otherwise resolved.
2. Anyone considering a project in the FO District that varies from the projects described in an issued General FDP should contact the County Engineer to determine if an Individual FDP application is required. The County Engineer makes the final decision as to the applicability of a General FDP. Any project determined by the County Engineer to create a significant obstruction to flood flows will require an Individual FDP.

H. Other Permits. Eligibility for a General FDP does not eliminate the need for applicants to obtain all other required permits, including building, grading, access, construction, and/or stormwater permits from Boulder County, as well as other state and federal permits.

I. Records of Issued General FDPs. A copy of all issued General FDPs, including previous versions, will be kept on file at the Community Planning & Permitting Department at all times and available for public review.

4-404.2 Individual Floodplain Development Permits

A. Floodplain Pre-Application Conference. At the discretion of the County Engineer, or by applicant request, a Floodplain Pre-Application Conference (Floodplain Pre-App) may be required prior to submittal of a complete individual FDP application. The Floodplain Pre-App should include a discussion of conforming and nonconforming structures and uses of the subject property.

B. Submittal Requirements. Applications for Individual FDPs are to be submitted to the Boulder County Community Planning & Permitting Department and are subject to the following submittal requirements, unless the County Engineer determines that a particular requirement does not apply.

1. For all Individual FDP submittals:
   - **a.** A completed Individual FDP application form;
   - **b.** A narrative describing the work to be performed;
   - **c.** A location map, showing the specific areas and property(ies) where the work will be performed; and
   - **d.** Adequate evidence of either direct ownership of the subject property or legal authority to act on behalf of the owner(s) of record.
2. For Projects in the Floodway, an engineering analysis certified by a P.E. registered in the State of Colorado in accordance with 4-404.2(E).
3. For construction of new buildings or improvements to existing buildings, the County Engineer will obtain pertinent documents from the applicant's Building Permit submittal package. Building Permit/Individual FDP submittals should include and call out all elements for flood protection required per 4-405. In addition, the following items shall be included in the Building Permit/Individual FDP submittal:
   - **a.** Specifications for construction and building materials (including considerations for flood resistant materials when required, per FEMA *Technical Bulletin 2*);
   - **b.** Description and locations of any proposed site, filling, dredging, grading, and/or channel improvements;
   - **c.** Location of any and all proposed materials storage and staging areas, as applicable;
   - **d.** Location of the current regulatory FO District boundaries, including both FEMA and/or Boulder County Floodplain information;
   - **e.** Plans must include the elevation, in feet referenced to the North American Vertical Datum of 1988, to which the flood protection measures apply. See 4-405(A), Flood Protection Elevation.
   - **f.** Certification that the building or improvement is designed in accordance with the flood protection measures outlined in 4-405(C) for New Floodplain Construction and conforming existing buildings and 4-413 for improvements to nonconforming existing buildings.
   - **g.** For all new building proposals where a Floodway has not been mapped, a Floodway analysis, consistent with 4-404.2(E);
   - **h.** For all new subdivision proposals and other developments (including, but not limited to, manufactured home parks) greater than either 50 lots or 5 acres that are located in Zone A, a hydraulic analysis that conforms to the requirements of 4-404.2(E). This analysis must also depict the BFEs that Boulder County will use to determine FPEs for the proposed development.
4. For bridges, culverts, other hydraulic structures, work within the channel banks, and stream restoration projects, in addition to the items listed above, the following items are required:
   - **a.** A plan at a scale of 1" = 200' or larger, stamped by a P.E. registered in the State of Colorado, which includes:
     - **(i)** the site location;

(ii) existing and proposed base flood limits and water surface elevations, if applicable;
(iii) Floodway limits, if applicable;
(iv) channel, watercourse or flowpath;
(v) vertical and horizontal datum;
(vi) existing and proposed contours or elevations at 2' intervals;
(vii) existing buildings;
(viii) location and elevations of existing streets, water supply, and sanitation facilities, if applicable;
(ix) limits and total land area of all existing and proposed impervious surfaces, including buildings; and
(x) existing water supply ditches, irrigation ditches and laterals.

b. A typical valley cross-section showing:
(i) channel, watercourse, or flowpath;
(ii) limits of floodplain adjoining each side of channel;
(iii) cross-section area to be occupied by the proposed development;
(iv) existing and proposed base flood water surface elevations;

c. Documentation, including hydraulic modeling, that addresses scour (if required) and other design requirements in accordance with the Boulder County Storm Drainage Criteria Manual;

d. Evidence of compliance with 4-404.2(D) of this section.

e. Evidence of compliance with Section 404 of the Clean Water Act and the Endangered Species Act.

5. For OWTS, a Site Plan that includes items 4-404.2(B)(3)(a)(i-viii) above is required, in addition to the following:

a. A geotechnical report, certified by a P.E. registered in the State of Colorado, which includes specifications on the system type and layout, building connections, and the flood protection measures required under 4-405(G).

6. For underground utilities not covered by the General FDP, an analysis of the impacts of scour potential as well as design considerations to protect against scour must be provided.

7. For any proposed Alteration or relocation of a watercourse, including stream restoration projects and engineered channelization projects, the County Engineer requires a description of the extent to which any watercourse will be altered or relocated, and that conveyance is not decreased as a result of the project, and that the flood carrying capacity of the watercourse is maintained over time.

a. All proposals for watercourse Alteration or relocation must include, in addition to all other applicable materials, pre- and post-project conveyance calculations to demonstrate that the flood carrying capacity has not been decreased.

b. For engineered channelization projects, including those types outlined in the Boulder County Storm Drainage Criteria Manual, permit applicants are required to submit, along with all other applicable materials, a maintenance plan that outlines the maintenance activities to be performed, the timing/schedule for those activities, and the agency or representative responsible for maintenance in order to ensure the flood carrying capacity is maintained.

c. Prior to any Alteration or relocation of a watercourse, the County Engineer must notify adjacent communities, potentially affected property owners, and the CWCB in the following manner:
(i) Notification must be done through the publication of a notice of such proposed alteration or relocation once in a newspaper of general circulation in Boulder County.
(ii) The County Engineer must keep on-file evidence of such notification.

d. Watercourse Alteration/relocation/channelization projects in the FO District are subject to the county's modeling requirements covered in 4-404.2(E) prior to permitting. In addition, at the discretion of the County Engineer, any watercourse alteration/relocation/channelization project that shifts the stream horizontally in any direction more than one bankfull width will require submittal and approval of a CLOMR from FEMA prior to permitting.

8. Any additional information required by the County Engineer necessary to allow the review criteria in this Article 4-400 to be adequately evaluated.

C. Completeness Review by the County Engineer. Once an application for an FDP is filed, the County Engineer must review it for completeness.

1. The County Engineer may suspend processing an FDP application at any time at the request of the applicant or whenever the County Engineer determines that the application is not complete. The County Engineer may deem the application incomplete, based on the application submittal requirements, at the County Engineer's initiative or at the request of a referral agency. In the event that the County Engineer deems an application incomplete, the County Engineer will immediately notify the applicant of the shortcomings. Once the requested information has been provided, the application must be deemed filed as of that date and the County Engineer will proceed to process the application and render a decision. If an application is not deemed complete within six months of the date of suspension, the County Engineer may declare the application withdrawn. The six month time frame may be extended should the County Engineer determine that circumstances beyond the control of the applicant prevent a timely completion of the application.

D. Application Review Criteria. In reviewing an application for a Floodplain Development Permit, the County Engineer must first determine the specific flood hazard at the site in accordance with 4-403 and evaluate the suitability of the proposed use or development in relation to the flood hazard. The County Engineer must then consider the following factors in reviewing Individual FDP applications:

1. the effect of the proposal upon the efficiency or capacity of the Floodway;
2. the effect on lands upstream, downstream and in the immediate vicinity of the development including, without limitation, utility and transportation facilities;
3. the probability that the proposal will result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards;
4. the effect of the proposal on the flood profile and flood heights;
5. the effect of the proposal on any tributaries to the main stream, drainage ditches, water supply and irrigation ditches, storm drainage facilities, reservoirs, or any other drainage or irrigation facilities or systems;
6. the relationship of the proposed development to the flood management program for the area in question, including whether additional public expenditures for flood protection or prevention will be necessary;
7. whether the applicant would obtain an undue advantage compared to later applicants who might request a permit;
8. whether the proposed use is for human occupancy;
9. the susceptibility of the proposed facility and its contents to flood damage;
10. the safety of access to the property in times of flood for ordinary and emergency vehicles;
11. whether any proposed changes in a watercourse will have an environmental effect on the watercourse, including streambanks and streamside trees and vegetation;
12. the alignment of the proposed development with the Boulder County Comprehensive Plan, Watershed Master Plans, and any other planning-related documents pertaining to development in Boulder County;
13. whether the cumulative effect of the proposed development with other existing and anticipated uses will increase flood heights more than the allowances specified in 4-404(A);
14. whether the heights and velocities of the floodwaters expected at the site will adversely affect the development of surrounding property; and
15. whether additional flood protection is necessary based on historical flood evidence, increased development upstream, or other flood-related hazards such as flash flooding, debris flows, rockfalls, mudslides, landslides, avalanches, channel avulsions, alluvial fan hazards, erosion and deposition of material, debris dams, ice jams, and high flood depths or velocities.

E. Procedures for Modeling Proposed Development within the FO District.

1. Unless one or more requirements below are modified by the County Engineer for good cause shown by the applicant, for any project in the FO District that requires hydraulic modeling (including those projects confirmed to be wholly or partially within the Floodway) the applicant must submit an engineering report, (including a Floodplain and Floodway analysis, as applicable) certified by a P.E. registered in the State of Colorado using the same type of model that was used to establish the current regulatory flood hazards. Applicants may obtain a copy of the applicable floodplain model from Boulder County. Models that differ from the type used to establish the regulatory flood hazards must first be approved for use by the County Engineer.
2. Modeling submitted to Boulder County in support of an Individual FDP must include the following:
   a. Duplicate Effective (Regulatory) Model. This model is necessary to confirm that the regulatory water surface elevations can be reproduced to within 0.5 foot. When Boulder County regulates flood hazards that are more conservative than those identified by FEMA, it is the model that is associated with the Boulder County Floodplain.
   b. Corrected Effective Model. The model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections, updates the 100-year flood discharges, or incorporates more detailed topographic information than that used in the current effective model. Floodway limits should be manually set at the new cross-section locations. The cumulative reach lengths of the stream should also remain unchanged. The Corrected Effective model must not reflect any man-made physical changes since the date of the effective model.

c. Existing or Pre-Project Conditions Model. The applicant must revise the duplicate effective or corrected effective model to reflect any modifications (including man-made encroachments) that have occurred within the floodplain since the date of the effective model but prior to construction of the proposed project. If no modifications have occurred since the date of the effective model, then the model would be identical to the duplicate effective or corrected effective model, and only one of these models is required. The results of this existing conditions analysis will indicate the 100-year elevations to be used for comparison to proposed conditions at the project site.

d. Proposed or Post-Project Conditions Model. The applicant must then modify the existing conditions model (or duplicate effective, or corrected effective, as appropriate) to reflect the proposed project. The overbank roughness coefficients should remain the same unless a reasonable explanation of how the proposed project will impact roughness values is provided, with supporting data. The results of this analysis will indicate the 100-year elevation for proposed or post-project conditions at the project site.

3. For Floodway modeling, the following surcharge criteria apply:

a. In the plains areas and below 6,000 feet in elevation, both FEMA and Boulder County follow the Colorado statewide standard for Floodway calculation, which employs a six-inch (0.50 foot) model surcharge for all reaches studied by detailed methods (Zone AE) after January 14, 2011 (see Colorado DNR- CWCB Rules and Regulations for Regulatory Floodplains in Colorado, dated November 17, 2010).

b. In the foothill canyons and mountain areas above 6,000 feet in elevation, as a result of steep channel slopes, high flow velocities, and erosive forces, and to reserve areas of active flow such that those areas are free of development and other encroachments, a 0.00-foot surcharge shall be applied to all reaches studied by detailed and approximate methods (Zone AE and Zone A).

4. Results of the Existing Conditions Model must be compared to the results of the Proposed Conditions Model, and must demonstrate compliance with the following:

a. Under the provisions of 44 C.F.R. Chapter 1, § 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted FEMA regulatory Floodway that would result in an increase in BFEs (greater than 0.00) if the applicant first receives an approved CLOMR and/or Floodway revision from FEMA prior to permitting.

b. In FEMA floodplain areas where no FEMA Floodway exists:

(i) If Boulder County has designated a locally-regulated Floodway, any encroachment that results in water surface elevation increases between 0.0 and 0.5 foot in these areas must first receive an approved Boulder County floodway review (County Engineer review of proposed projects to ensure project impacts are minimized), and increases greater than 0.5 foot must first receive an approved CLOMR from FEMA prior to permitting.

(ii) If Boulder County has not designated a locally-regulated Floodway, then increases in water surface elevation up to 0.50 foot may be permitted before an approved CLOMR from FEMA is required without a Boulder County floodway review.

c. In Boulder County floodplain areas where no FEMA floodplain exists, encroachments resulting in water surface elevation increases up to 0.50 foot may be permitted, and those greater than 0.50 foot must receive an approved Boulder County floodway review from the County Engineer.

d. Any increase in water surface elevations that are a direct result of a man-made development project and that impact an insurable building will not be allowed.

5. Following project completion, the County Engineer may direct applicants to provide FEMA with all information required by 44 C.F.R. Part 65 relating to water surface elevation changes (and in accordance with 4-403(D)(5)) so that FEMA may determine whether a map revision is appropriate.

4-405 Flood Protection Measures

Flood Protection Measures apply to development within the FO District in Zones AE, A, AO, and AH.

A. Flood Protection Elevation ("FPE"). For the purposes of this section, the Boulder County FPE is equal to the following:

1. In areas depicted as Zone AE and AH in the FO District, the FPE is equal to the BFE plus 2 feet. The BFE is the elevation of the 1%-annual-chance (typically referred to as 100-year) flood. In other words, it is the flood that has a 1% chance of occurring in any given year.

2. In areas depicted as Zone A in the FO District, the following applies:

a. As required by 44 CFR 60.3(b)(4), Boulder County must obtain and reasonably utilize BFE and water surface elevation information from local, state, federal, or other reliable sources

b. In those Zone A areas where a BFE can be determined from the sources outlined in 4-405(A)(2)(a), the FPE will be 2 feet above the calculated BFE

c. In those Zone A areas where a BFE cannot be determined from the sources outlined in 4-405(A)(2)(a), the FPE will be 3 feet above the highest grade in the area of the proposed development.

(i) For buildings, the FPE will be 3 feet above the highest grade within the proposed building footprint,

or the highest grade adjacent to the exterior of the existing building, unless the applicant supplies information sufficient to determine a BFE and subsequent FPE for the building.

3. In shallow flooding areas (Zone AO), the FPE is equal to:
   a. Two feet above the specified flood depth; or
   b. If no flood depth is specified, 3 feet above the highest grade that exists within the proposed building footprint.

B. General Requirements

1. All development in the FO District must be adequately protected from flooding according to the requirements of this section.
2. Prior to submitting an application, applicants shall confirm with the County Engineer all conforming and nonconforming structures and uses on the subject property. Improvements to conforming structures and buildings must meet all applicable requirements in section 4-405. Improvements to nonconforming structures and buildings must meet all applicable requirements in section 4-413.
3. Materials that are buoyant, flammable, hazardous, toxic, or explosive, or that in times of flooding could be harmful to human, animal, or plant life, may not be stored or processed except at or above the FPE, unless the materials are stored in accordance with 4-405(H) governing storage tanks.
4. All construction (including New Floodplain Construction as well as improvements below the FPE) must be built with materials and utility equipment resistant to flood damage up to the FPE.
5. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.
6. Lateral additions to any residential building must be elevated to the FPE and adequately anchored to prevent flotation, collapse, or lateral movement of the addition resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
7. Lateral additions to any commercial or accessory building or structure must be adequately protected from flooding in accordance with 4-405(C)(3)(a) and 4-405(C)(3)(b), respectively.

C. New Floodplain Construction

1. General Requirements
   a. All New Floodplain Construction must be built using methods and practices that minimize flood damage.
   b. New Floodplain Construction in the Floodway is prohibited.
   c. New Basements in the Flood Fringe are prohibited.
   d. All New Floodplain Construction must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and must be certified by a P.E. registered in the State of Colorado that they have been constructed to withstand such forces and are adequately protected from flooding up to the FPE;
   e. New buildings or other structures must minimize obstruction to flood flows. Whenever practicable and to the extent consistent with other provisions of this Code, new buildings and other structures must be placed with their longitudinal axes parallel to the predicted direction of flow of flood waters or with the same orientation as neighboring structures.
   f. New service equipment, including, but not limited to, electrical, heating, ventilation, plumbing, and air conditioning equipment, must be located at or above the FPE.
   g. New Floodplain Construction in Zone AO or AH must be accompanied by site/property grading to accommodate drainage of floodwaters around the perimeter of the building in a controlled manner, without adversely impacting adjacent properties.
   h. New Floodplain Construction on a property removed from the floodplain by issuance of a LOMR-F from FEMA must have the Lowest Floor elevated to or above the FPE that existed prior to the placement of fill.
   i. New Floodplain Construction of any Below-Grade Crawlspace must have:
      (i) An interior grade elevation no lower than two feet below the Lowest Adjacent Grade;
      (ii) Height, as measured from the interior grade of the Crawlspace to the top of the foundation wall, not to exceed four feet at any point; and
      (iii) An adequate drainage system that allows floodwaters to drain from the interior area of the Crawlspace following a flood.
2. Residential Buildings
   a. All new residential buildings constructed in the Flood Fringe or within Zones A, AO, or AH must have their Lowest Floors (including porches and decks), as well as any and all service equipment (excepting the necessary connections to public utility), elevated to the FPE, either by the placement of fill or by construction on elevated foundation elements.

b. Fully enclosed areas below the lowest floor of a building in the FO District must be used solely for parking of vehicles, building access, or storage of materials. These areas must be designed to equalize the hydrostatic pressure flood forces on exterior walls by allowing for the entry and exit of floodwaters (known as "Wet Floodproofing"). Designs for meeting this requirement must either be certified by a registered Professional Engineer or must meet or exceed the following minimum criteria:

(i) A minimum of two openings on at least 2 walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided;

(ii) The bottom of all openings must be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Attached garages may be constructed at-grade but must comply with 4-405(C)(2)(b) above. Openings are permitted to be installed in garage doors; however, the garage door itself does not qualify as an opening for Wet Floodproofing purposes.

3. Non-residential Buildings. Non-residential buildings built in the Flood Fringe, or within Zones A, AO, or AH must conform with 4-405(C)(2) above, or must conform with the requirements below based on building type:

a. Commercial Buildings

(i) Commercial buildings, including attendant and sanitary facilities and attached garages, must conform with 4-405(C)(2), or must be designed to be water-tight with walls substantially impermeable to the passage of water below the FPE.

(ii) The building must be anchored to prevent flotation, collapse, or lateral movement.

(iii) The building must be constructed using structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(iv) All flood protection measures for commercial buildings must be certified by a Colorado Registered Professional Engineer that the methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the Base Flood. Such certification must also state the specific elevation (including vertical datum reference) to which the construction is protected from flooding.

(v) For commercial buildings designed to be watertight, the FEMA Floodproofing Certificate for Non-Residential buildings should be completed, and must be reviewed and approved by the County Engineer.

b. Accessory Buildings and Structures

(i) Accessory buildings and structures, including but not limited to detached garages, sheds, barns, and any other structure considered accessory to the primary use or primary building, must conform with 4-405(C)(2) above, or may be constructed at grade but must meet the requirements of 4-405(C)(2)(b) above for fully-enclosed areas below the FPE, and are subject to the following conditions:

(A) The building or structure must be used only for the parking of vehicles or storage of tools, materials, and equipment;

(B) The building or structure must not be designed for or used as Habitable Space;

(C) The accessory building or structure must represent a maximum investment of less than 10% of the value of the principal building on the property, or a maximum floor area of 600 square feet;

(D) The building or structure must have low flood damage potential with respect to both the building and its contents; and

(E) Permanently affixed appliances (such as furnaces, heaters, washers, dryers, etc.) are prohibited.

(F) Prior to issuance of Certificate of Occupancy or final inspection, whichever occurs last, the property owner must execute a Non-Conversion Agreement and the County must record the agreement in the real estate records. The agreement will be in the form of a restrictive covenant or other County approved binding instrument, where the benefits of the covenant run in favor of the County. The covenant must be drafted to run with the land and bind successors, in perpetuity. The purpose of the covenant is to document the current owner's understanding of the limitations on construction and use of the enclosed area in accordance with the provisions of this section 4-405(C)(3)(b) (Accessory Buildings and Structures), and to put prospective purchasers on notice of such restrictions. The covenant will also reference retrofitting criteria necessary to properly convert accessory buildings or structures to habitable space, should the owner choose to do so. In addition to any other enforcement mechanisms available, violation of the agreement will be considered a violation of this Article 4-400 and subject to all applicable zoning enforcement procedures.

(ii) Accessory structures that do not have at least two rigid walls, including but not limited to carports, gazebos, and picnic pavilions, may be constructed at grade and must use flood-resistant materials up to the FPE.

(iii) Accessory Dwelling Units (including detached garages designed with Habitable Space on the second

floor) must meet the above requirements of 4-405(C)(2) for residential buildings , which includes either elevation of the entire building above the FPE, or wet floodproofing of the lower level garage space.

c. Agricultural Buildings and Structures. Agricultural buildings and structures are those used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Buildings and structures used for human habitation and those that are places of employment or entertainment and structures with multiple or mixed purposes do not satisfy the "exclusive use" requirement and are not agricultural buildings and structures. Types of buildings and structures that qualify under this section include farm storage structures (used exclusively for the storage of farm machinery and equipment), silos, grain elevators, grain bins, corn cribs, and general purpose barns/loafing sheds.

(i) The building or structure must not be designed for or used as Habitable Space.

(ii) Service equipment must be elevated to the FPE, unless elevation of such equipment impedes its agricultural use.

(iii) Permanent agricultural buildings or structures are prohibited in the Floodway.

(iv) Temporary agricultural buildings or structures are allowed in the Floodway, but are required to be relocated outside of the FO District or deconstructed in the event of a flood warning. If relocation outside of the FO District is not possible, then relocation to the Flood Fringe will be allowed, so long as the temporary structure is properly anchored.

(v) Agricultural buildings or structures that do not have at least two rigid walls and a fully secured roof, including but not limited to pens, pole barns, shade structures, and some livestock shelters may be constructed at grade and must use flood-resistant materials up to the FPE.

(vi) Agricultural buildings or structures with at least two rigid walls and a fully secured roof must conform with 4-405.C.2, or must be designed to be water-tight with walls substantially impermeable to the passage of water below the FPE, unless an administrative variance is granted by the County Engineer to allow the building or structure to be either elevated to the BFE, or wet-floodproofed at-grade in accordance with 4-405.C.2.b.

(vii) Requests for an administrative variance described in (vi) above must be made in writing using an approved form and submitted with a complete Individual Floodplain Development Permit application. An administrative variance allowing an agricultural building or structure to be wet-floodproofed may be granted if the following criteria are met:

(A) The building or structure meets all flood protection requirements of 4-405.B, 4-405.C.1, and 4-405.C.2.b;

(B) The building or structure has low flood damage potential and cost of recovery with respect to construction materials, location within the floodplain, flood depths and velocities, potential for debris, building contents, and function;

(C) The building or structure does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials; and

(D) The variance would provide the minimum relief necessary to avoid exceptional hardship.

(viii) Prior to issuance of Certificate of Occupancy or final inspection, whichever occurs last, the property owner may be required to execute a Non-Conversion Agreement and the County must record the agreement in the real estate records. If required, the agreement will be in the form of a restrictive covenant or other County approved binding instrument, where the benefits of the covenant run in favor of the County. The covenant must be drafted to run with the land and bind successors, in perpetuity. The purpose of the covenant is to document the current owner's understanding of the limitations on construction and use of the building in accordance with the provisions of this section 4-405.C.3.c (Agricultural Buildings and Structures), and to put prospective purchasers on notice of such restrictions. The covenant will also reference retrofitting criteria necessary to properly convert the building to habitable space, should the owner choose to do so. In addition to any other enforcement mechanisms available, violation of the agreement will be considered a violation of this Article 4-400 and subject to all applicable zoning enforcement procedures.

D. Critical Facilities

1. New Critical Facilities are prohibited in the regulatory floodplain below 6,000 feet (NAVD88) in elevation.

2. In the mountain canyons above 6,000 feet (NAVD88), new Critical Facilities in the FO District will be considered on a case-by-case basis, and may require special design or flood protection considerations, including considerations of hydrodynamic flood forces and flood-induced erosion.

3. Improvements to existing Critical Facilities that are determined to be Substantial Improvements require that the entire facility (including attendant utility and sanitary facilities) be elevated to the Boulder County FPE or, if not prohibited elsewhere in this Code, be retrofitted such that the building is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads, including the effects of buoyancy.

E. Manufactured Homes

1. General Requirements. All manufactured homes must be installed using methods and practices which minimize flood damage. All requirements below are in addition to applicable state and local requirements, including those to address wind loads.

2. For manufactured homes to be newly placed or substantially improved on sites in a new manufactured home park, an existing park, or outside a manufactured home park:

a. Stands or lots must be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the FPE. For homes placed on pilings:

(i) lots must be large enough to permit steps;

(ii) piling foundations must be placed in a stable soil no more than ten feet apart; and

(iii) reinforcements must be provided for pilings more than six feet above the ground level.

b. Adequate surface drainage must be provided.

c. Manufactured homes and additions to manufactured homes must be anchored to resist flotation, collapse, or lateral movement. The foundation system must be certified by a P.E. registered in the State of Colorado to withstand the anticipated forces of the 1%-annual-chance (100-year) flood or use over-the-top and frame ties to ground anchors that meet the following requirements:

(i) over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, with the exception of manufactured homes less than 50 feet long which require only one additional tie per side;

(ii) frame ties at each corner with five additional ties per side at intermediate points, with the exception of manufactured homes less than 50 feet long which require only four additional ties per side; and

(iii) all components of a manufactured home anchoring system must be capable of carrying a force of 4800 pounds.

d. All mechanical equipment and outside appliances must be elevated to or above the FPE.

e. Fully enclosed areas below the lowest floor of the manufactured home must comply with 4-405.C.2.b.

F. Recreational Vehicles

1. At least one of the following provisions must be met:

a. The recreational vehicle must be on the site for fewer than 90 consecutive days;

b. The recreational vehicle must be fully licensed and ready for highway use; or

c. The recreational vehicle must meet the permit requirements and elevation and anchoring requirements for manufactured homes, in accordance with Section 4-405(E) of this section.

G. Onsite Wastewater Treatment Systems

1. For the purposes of this section, "New OWTS" is the first OWTS installed on a parcel.

2. The location of new and replacement OWTS must be done in such a manner as to avoid impairment to or contamination from the systems during flooding.

a. Placement of a new OWTS in the Floodway is prohibited. Placement of a new OWTS in the Flood Fringe or other Zone AE, A, AO, or AH areas is also prohibited, unless the County Engineer determines that placement in the Flood Fringe cannot be avoided, in which case priority must be given to those locations on the subject property where flood depths and/or velocities are the lowest, and to the optimal location of the water supply.

3. <u>New OWTS</u>

a. All Tanks, including Septic Tanks, for new OWTS in the FO District must be made of concrete.

b. Tanks must be adequately anchored to protect against buoyant forces associated with flooding and high groundwater, which is typical during flood conditions.

(i) Tanks that are installed within the Boulder County or FEMA 500-year floodplain should be anchored to protect against uplift from high groundwater.

(ii) Boulder County requires that the FEMA-recommended calculation for determining buoyant forces (contained in FEMA P-348, or the latest FEMA guidance document covering building utilities) be used to adequately design buoyancy countermeasures. The equation is as follows:

4- 4- 4-$F_b = 0.134V_t\gamma FS$

4- 4- 4-Where:4-F_b is the buoyancy force exerted on the tank, in pounds.

4- 4- 4- 4-V_t is the volume of the tank in gallons.

4- 4- 4- 4-0.134 is a factor to convert gallons to cubic feet.

4- 4- 4- 4-γ is the specific weight of flood water surrounding the tank (generally 62.4 lb/ft3 for
4- 4- 4- 4-fresh water and 64.1 lb/ft^3 for salt water.)

4- 4- 4- 4-FS is a factor of safety to be applied to the computation, typically 1.3 for tanks.

c. Inspection Ports and access covers must be sealed to prevent the entry of floodwaters or the exit of septic effluent.

d. Raised Soil Treatment Areas are required,. and must be designed such that the base of the distribution layer is a minimum of 2 feet above existing grade

e. Connections to the house must be fitted with backflow prevention, unless it is demonstrated in the permit application that the connection pipe rises above the calculated FPE for the site.

f. With the exception of the Soil Treatment Area, earthwork necessary for system installation must not exceed pre-construction grade.

g. While not required, backup generators are recommended for any system fitted with electric pumps or controls.

4. Repair/Replacement OWTS

a. For any OWTS or OWTS component in the Flood Fringe that requires replacement, the system or component must meet the requirements of 4-405.G.3.

b. In addition to the requirements of 4-405.G.4.a, for any repair or replacement of an existing OWTS or OWTS component in the Floodway the County Engineer must determine that the proposed repair/replacement is consistent with Subsections (i) through (iii), below.

(i) The property owner has demonstrated that connection to a central sewer system is not feasible by:

(A) Providing a letter of denial from the closest sewer provider; or

(B) Demonstrating other reasons why connection is not feasible, such as that there is no central sewer system reasonably close to the property or building to be served, or that easement restrictions exist that effectively prohibit connection. For properties within a Community Service Area, connection will be deemed not feasible if the cost of connection exceeds 25% of the most recent assessed value of the subject property.

(ii) The proposed repair or replacement design must be protective of groundwater and appropriate for a Floodway. In making a proposal to the County Engineer, the applicant must address the following factors, among other pertinent information:

(A) Whether it is practical to remove outbuildings or non-conforming additions to allow for increased soil availability so that the proposed repair or replacement can be located outside of the Floodway;

(B) Whether there is room for an at- or below grade recirculating sand filter, or similar treatment media, and the required absorption area;

(C) Whether placement in the hydraulic shadow of a legal, existing structure is possible.

(iii) In no event must a proposed repair or replacement increase the overall capacity of the existing OWTS, unless the expansion is necessary to meet the Boulder County OWTS Regulations, as administered by Boulder County Public Health. In addition, the County Engineer may approve a raised absorption system or installation of a vault only as a last option within the Floodway and provided that this option meets the provisions of Article 4-413 (Nonconforming Uses).

H. Liquid Propane Gas (LPG) or Other Similar Storage Tanks

1. Placement of a new or replacement LPG or other similar storage tanks in the FO District is prohibited, unless the County Engineer determines that placement in the FO District cannot be avoided, in which case location decisions must prioritize those portions of the subject property where flood depths and/or velocities are the lowest, including, but not limited to the conveyance shadows of existing buildings.

2. When allowed, above-ground tanks must be placed on a concrete pad that extends to or above the FPE and is sufficiently-anchored. If elevation of the tank conflicts with IBC requirements, the IBC requirements must prevail; however, in all cases, sufficient protection must be provided to the tank such that it resists the expected hydrostatic and hydrodynamic flood forces.

3. When allowed, underground tanks must be designed and installed to resist the effects of buoyancy during high groundwater or flooding conditions. Buoyancy calculations must assume an empty tank and must use the same calculation outlined for Septic Tanks in 4-405(G)(3) above. Anchoring of the tank is required if the empty tank alone will not counteract the calculated buoyant force.

4. All connections and components related to the tank or fuel system must be designed such that floodwaters cannot infiltrate or accumulate within any component of the system.
   a. Inspection Ports and access covers must be sealed to prevent the entry of floodwaters or the exit of tank contents, or must extend above the FPE.
   b. Tanks located inside of a building must also meet all of the requirements of this section.

I. **Historic Buildings and Structures Exempt**. The repair or rehabilitation of buildings or other structures designated as historic through either the Boulder County Historic Landmark process or through a State of Colorado or national historical registry process is exempt from Flood Protection Requirements under Section 4-405. Entitlement to such an exemption requires the applicant to show:
   1. Documentation that the building or structure is designated as a historic building or structure as defined by Article 18-203; and
   2. Documentation that confirms that the proposed work will not preclude the structure's continued historic designation.

J. **Elevation Certificate Requirements**
   1. As built Lowest Floor Elevations (referenced to the NAVD88 datum) for all New Floodplain Construction, Substantial Improvements, other improvements involving new floor area, and new manufactured home stands must be certified by a Colorado Registered Professional Engineer or Colorado Registered Professional Land Surveyor. For construction of new accessory structures built at grade in accordance with 4-405.C.2.b and lateral additions to buildings that are not Substantial Improvements, as-built Lowest Floor elevations may be submitted in a certified letter and must be submitted prior to the issuance of a Certificate of Occupancy or final inspection. For all other projects, including new and Substantially Improved permanent buildings with elevated Lowest Floors, FEMA Elevation Certificates are required. FEMA Elevation Certificates must be submitted to the Building Division Inspector and County Engineer twice over the duration of the project. Failure to submit an Elevation Certificate will result in a Stop Work Order until proper certification is provided. To ensure compliance with flood protection requirements during and after construction, completed Elevation Certificates must be submitted at the following times:
      a. For slab-on-grade foundations, a FEMA Elevation Certificate must be submitted prior to final pour of foundation when foundation forms are completed.
      b. For buildings on elevated foundations, such as extended foundation walls, stem walls, or piles, a FEMA Elevation Certificate must be submitted prior to rough framing when the foundation is completed.
      c. A final FEMA Elevation Certificate must be submitted prior to the issuance of Certificate of Occupancy or final inspection.
   2. To convert another elevation reference datum to NAVD88, applicants are directed to datum conversion factors within the current effective FEMA FIS report for Boulder County, or to an online datum conversion program. Assumptions used for the datum conversion must be explicitly described to Boulder County on all required Elevation Certificates and certified elevation letters. For datum requirements for permit submittals, see 4-404.2.B.

4-406 County Engineer's Determination

A. If the County Engineer finds in reviewing an Individual FDP application that the application meets the applicable standards set forth in Article 4-400, the County Engineer must approve the permit.

B. If the County Engineer finds that the application can only meet all applicable standards if the FDP approval is conditioned, then the County Engineer must include all necessary and reasonable conditions when issuing the permit. Such conditions may include, but are not limited to, periods of operation, operational controls, sureties, deed restriction, and adequate flood protection. The County Engineer must specify when the conditions must be met.

C. If the County Engineer finds that the application does not meet one or more applicable standards and that a reasonable basis for mitigation measures has not been demonstrated, the County Engineer must deny the application as proposed. The County Engineer's determination must specify the reasons for the denial based upon the FDP review criteria in Section 4-404.2(D).

D. Any determination by the County Engineer to approve, conditionally approve, or deny an FDP must be in writing and mailed or otherwise provided to the applicant.

E. For purposes of appeal to the Board of Adjustment, the County Engineer's determination will be deemed final as of the date the FDP is issued. The applicant may begin work under an issued permit as of the date the permit is issued. If an applicant begins work during the 30-day appeal period to Board of Adjustment, the applicant does so at their own risk, as some or all of the work may need to be modified or removed at the applicant's expense if the Board of Adjustment overturns the County Engineer's decision to issue the permit.

4-407 Review of Permits Approved in Floodway

A. In the event that the County Engineer determines that an Individual FDP application for any development in the Floodway meets the applicable standards for approval, within five business days of permit issuance the County Engineer must publish a notice of the proposed use and the permit issuance on the County's website and transmit a copy of the notice to property owners adjacent to the subject property as well as a description of the process for appealing the decision to the Board of Adjustment.

B. The County Engineer may waive or modify any requirement in 4-407(A) for the following Floodway development:

1. Emergency activities required for the immediate protection of life, safety, or property, or to restore essential public services,

2. Minor disaster recovery repair work that does not cause a rise in predicted 100-year water surface elevation as determined by a qualified engineer licensed in Colorado, and

3. Any development activities that take place entirely inside an existing building.

4-408 Appeal of County Engineer Determination

A. Right to Appeal. Any person aggrieved by a final written decision of the County Engineer based upon or made in the course of the administration or enforcement of the provisions of this Article 4-400 may appeal to the Board of Adjustment.

B. Appeal Application. The procedures and requirements for filing an appeal may be found in Article 3 and in particular section 3-202(A)(1).

C. Public Hearing. Upon receipt of a complete appeal application, the Board of Adjustment must hold a public hearing on the appeal application following the procedures specified in section 3-205(A).

D. Review Criteria. In deciding upon an appeal of a County Engineer administrative decision or interpretation made under this Article 4-400, the Board of Adjustment must consider the factors specified in Section 4-1200(A)(1) as well as the additional factors listed below:

1. the technical meaning of the provision being appealed;

2. evidence as to the past interpretation of the provision;

3. the principles of interpretation and rules of construction in Article 1 of this Code;

4. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and any floodplain management program for the subject area;

5. the danger that materials may be swept onto other lands to the injury of others;

6. the danger to life and property due to flooding or erosion damage;

7. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

8. the importance of the services provided by the proposed facility to the community;

9. the necessity to the use or structure of a waterfront location, where applicable;

10. the availability of alternative locations for the proposed use or structure which are not subject to flooding or erosion damage;

11. the compatibility of the proposed use or structure with the existing and anticipated development;

12. the safety of access to the property in times of flood for ordinary and emergency vehicles;

13. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

14. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges; and

15. the purposes of this Article 4-400.

E. Decision of the Board. The Board of Adjustment must make a record of its decision on the appeal in the same manner as other BOA appeals filed under Article 4-1200. The County Engineer must maintain records of the outcome of all appeals filed.

F. Effect of Decision.

1. In no instance can a decision on an appeal to the Board of Adjustment result in a modification to the DFIRM. In order to modify the regulatory boundaries established by FEMA, interested parties must use FEMA's LOMC process or consult FEMA on other options for modification.

2. In no instance can a decision on an appeal to the Board of Adjustment result in a modification to the lateral extent of the Boulder County Floodplain. In order to modify the regulatory boundaries established by the County, the owner must request a rezoning map amendment under the procedures of 4-1100.

4-409 Variances

A. Right to Request Variance. Any person may request the Board of Adjustment grant a variance from the requirements in this Article 4-400 subject to the terms and conditions in this section 4-409.

B. Variance Application. The procedures and requirements for filing a request for a variance may be found in Article 3 and in particular section 3-202(A)(19).

C. Public Hearing. Upon receipt of a complete variance application, the Board of Adjustment must hold a public hearing on the request following the procedures specified in section 3-205(A).

D. Limitation on Board's Authority.

1. In deciding upon a variance request made under this Article 4-400, the Board of Adjustment must comply with the limitations on its authority specified in section 4-1202(B)(1).

2. Variances may be issued for New Floodplain Construction of and Substantial Improvements to residential buildings on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing buildings constructed below the FPE, but only if the criteria in section 4-409(E) below are met and subject to the following:

a. a variance may not be issued within any designated Floodway.

b. For variances that allow construction of a building's Lowest Floor below the FPE, the County must notify the applicant in writing that the cost of flood insurance will be commensurate with the increased risk associated with the reduced Lowest Floor Elevation.

E. Review Criteria.

1. To grant a variance of a requirement imposed under this Article 4-400, the Board must find that all of the following criteria have been satisfied:

a. the strict application of this Code would create an exceptional or undue hardship upon the property owner;

b. the hardship is not self-imposed;

c. the variance, if granted, will not adversely affect the use of adjacent property as permitted under this Code;

d. the variance, if granted, will not change the character of the underlying zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan;

e. the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;

f. the variance is the minimum necessary, considering the flood hazard, to afford relief;

g. the variance, if granted, will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses; and

h. the variance, if granted, will not create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2. Prior to granting a variance of a requirement imposed under this Article 4-400, the Board must also consider the following factors:

a. the technical meaning of the provision being appealed;

b. evidence as to the past interpretation of the provision;

c. the principles of interpretation and rules of construction in Article 1 of this Code;

d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development, and any floodplain management program for the subject area;

e. the danger that materials may be swept onto other lands to the injury of others;

f. the danger to life and property due to flooding or erosion damage;

g. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

h. the importance of the services provided by the proposed facility to the community;

i. the necessity to the use or structure of a waterfront location, where applicable;

j. the availability of alternative locations for the proposed use or structure which are not subject to flooding or erosion damage;

k. the compatibility of the proposed use or structure with the existing and anticipated development;

l. the safety of access to the property in times of flood for ordinary and emergency vehicles;

m. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

n. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges; and

o. the purposes of this Article 4-400.

F. Decision of the Board. The Board must approve, conditionally approve, or deny the variance request. The Board may attach such reasonable conditions to the granting of variances as it deems necessary to further the purposes of this Article 4-400. The Board must make a record of its decision on the variance in the same manner as other BOA requests for variances filed under Article 4-1200. The County Engineer must report variances granted on an annual basis to FEMA.

G. Conflicts with 4-1200. If a conflict arises between the requirements of this Section and the provisions of Section 4-1200, Board of Adjustment, the requirements of this Section control.

4-410 Final Inspection

All approved Individual FDPs are subject to final inspection by the County Engineer or designee to verify that all conditions of approval have been satisfied.

4-411 Permit Expiration

An approved Individual FDP expires two years after the date of issuance if the permittee has not commenced construction under the permit.

4-412 Amendments to an Approved Individual FDP

Any proposal to change the nature or extent of work approved under an issued Individual FDP approved under this Article must require a request to the County Engineer to determine whether the proposed change constitutes a Substantial Modification to the approved plan. If the County Engineer determines that the change constitutes a Substantial Modification, no such change must be allowed to proceed until an application to amend the approved Individual FDP is filed with the County Engineer and approval granted in accordance with this Article. Any new application is subject to the Code in effect at the time of complete application. The applicant or its successor may appeal the County Engineer's decision to require an amended Individual FDP to the Board of Adjustment, provided that any such appeal must be in writing and must be filed with the County Engineer no later than 30 days following the date of the County Engineer's decision to require an FDP amendment.

4-413 Nonconforming Structures and Uses in the FO District

A. Principles of Construction. This Section is to be read in conjunction with Section 4-1000 (Nonconforming Structures and Uses). This section does not supersede 4-1000 in its entirety; rather, it establishes additional requirements for nonconforming structures and uses located in the FO District. If a conflict arises between the requirements of this Section 4-413 and the provisions of Section 4-1000, the requirements of this Section 4-413 control.

B. Nonconforming Structures, Generally.

1. Any building or structure within the FO District that was lawfully established before the adoption or amendment of this Article 4-400 but that does not conform to the requirements of this Article may be continued subject to the provisions of this Section 4-413 and Section 4-1002.

2. Owners of existing nonconforming insurable buildings must track major repairs, remodeling, additions, and other improvements to determine when such work would constitute a Substantial Improvement. FEMA's minimum requirements for the tracking of improvements and repairs within the Substantial Improvement/ Substantial Damage Desk Reference (FEMA P-758), dated May 2010, as amended, is incorporated herein by this reference. Estimates for repair of damage that include additional improvement costs must apply the pre-damaged market value of the building to the sum of the repair and improvement costs.

3. If an amendment to the Official Map or this Article results in a higher BFE/FPE such that a building becomes nonconforming, the higher BFE/FPE will apply to all subsequent permit applications. All work proposed subsequent to the higher BFE must be evaluated to confirm whether it will be a Substantial Improvement.

C. Nonconforming Structures in the Flood Fringe.

1. A nonconforming building or structure (whether residential or non-residential) in the Flood Fringe may not be expanded, improved, repaired, relocated, restored, or replaced unless the work complies with this section.

2. Where an owner of a nonconforming building or structure (whether residential or non-residential) in the Flood Fringe proposes a Substantial Improvement or repair of Substantial Damage, the owner shall complete the following steps in the following order:

a. Relocation Evaluation. The owner must first evaluate the feasibility of relocating the nonconforming building or structure to a less hazardous location on the property.

(i) Any relocation must be reviewed and approved by the County Engineer to ensure it reduces the risks associated with future flood events and other known natural hazard areas.

(ii) Relocation is subject to other provisions of this Code, including without limitation setback and zoning requirements.

(iii) Relocation to less hazardous locations is strongly encouraged, but not required.

(iv) If a nonconforming building or structure is relocated to a less hazardous location, the retrofitting requirements below may be reduced or eliminated at the discretion of the County Engineer.

b. Retrofitting Existing Buildings.

(i) The entire building or structure must be brought into compliance with the flood protection measures described in section 4-405.

(ii) All Flood Fringe retrofitting techniques will require the certification of a P.E. that demonstrates the technique and associated components will withstand the loads associated with a 1%-annual-chance flood event. Non-residential buildings require completion of a Floodproofing Certificate in accordance with 4-405(C)(3)(a)(v).

3. Work on a nonconforming building or structure (whether residential or non-residential) in the Flood Fringe that is not a Substantial Improvement or repair of Substantial Damage must comply with the flood protection measures described in section 4-405 and all other applicable requirements of this Article.

D. Nonconforming Structures in the Floodway. A nonconforming building or structure (whether residential or non-residential) in the Floodway may be improved or repaired only if it complies with all of the following:

1. A nonconforming building or structure (whether residential or non-residential) in the Floodway may not be expanded by addition of square footage, footprint, or Habitable Space.

2. If the work to improve or repair a nonconforming building in the Floodway is the result of Substantial Damage to the building through a flood or other natural hazard event, the applicant will have five years from the date of loss to begin the work. At the expiration of the five-year period, the applicant may petition the County Engineer for a single one-year extension.

3. Where an owner of a nonconforming building or structure (whether residential or non-residential) in the Floodway proposes a Substantial Improvement or repair of Substantial Damage, the owner shall complete the following steps in the following order:

a. Relocation Evaluation. The owner must first evaluate the feasibility of relocating the nonconforming building or structure to a less hazardous location on the property.

(i) Any relocation must be reviewed and approved by the County Engineer to ensure it reduces the risks associated with future flood events and other known natural hazard areas.

(ii) Relocation is subject to other provisions of this Code, including without limitation setback and zoning requirements.

(iii) Permanent removal of encroachments in the FEMA or Boulder County Floodway may qualify the owner for bonus Transferable Development Credits pursuant to section 4-1303.

(iv) Relocation to less hazardous locations is strongly encouraged, but not required.

(v) If a nonconforming building or structure is relocated to a less hazardous location, the retrofitting requirements below may be reduced or eliminated at the discretion of the County Engineer.

b. Retrofitting Existing Buildings.

(i) In addition to requiring conformance with the flood protection measures in section 4-405, the County Engineer shall require one or more of the following retrofitting techniques to protect the entire residential building or structure from flood inundation as well as scour and erosion, debris impact, and other potential hazards associated with floodways:

(A) Elevation using Posts, Columns, or Piles

(1) Posts or columns must be placed in drilled or excavated holes or piles must be driven into the ground.

(2) Posts or columns must be encased in concrete and include a footer.

(3) Posts, columns, and piles must be sufficiently anchored to resist the expected hydrodynamic and hydrostatic flood forces.

(4) Access may be allowed to extend below the FPE.

(B) Elevation using stem walls parallel to the direction of flow

(1) Water must be allowed to flow freely at high velocities between stem walls.

(2) Footers must be designed and installed to account for potential scour associated with flooding.

(C) Other techniques proposed by the applicant as determined by the County Engineer on a case-by-case basis.

(ii) In all cases, the bottom of lowest horizontal structural member (floor joists) as well as all service equipment must be above the FPE.

(iii) In all cases, a continuous load path from the retrofitted foundation to the elevated portion of the home is required.

(iv) For non-residential buildings, the applicant must first consider the retrofit requirements for residential buildings in this Subsection, but at a minimum, the requirements of 4-405.C. apply.

(v) All Floodway retrofitting techniques will require the certification of a P.E. that demonstrates the technique and associated components will withstand the loads associated with a 1%-annual-chance flood event. In addition to the Elevation Certificate requirements of 4-405.J., residential building retrofit projects require completion of the Boulder County Residential Floodway Retrofit Certificate. Non-residential buildings require completion of a Floodproofing Certificate in accordance with 4-405.C.3.a.v.

4. Work on a nonconforming building or structure (whether residential or non-residential) in the Floodway that is not a Substantial Improvement or repair of Substantial Damage must comply with the flood protection measures described in section 4-405 and all other applicable requirements of this Article.

E. Nonconforming Uses.

1. The use of any structure or property within the FO District that was lawfully established before the adoption or amendment of this Article 4-400, but that does not conform to the requirements of this Article may be continued subject to the provisions of this Section 4-413 and Section 4-1003.

2. A change in use (as uses are defined in Article 4-500) of a structure will require that the entire structure be flood-protected pursuant to Section 4-405; provided, however, that the County Engineer may modify or waive flood protection requirements for a change in use based on good cause shown by the applicant that all of the following conditions are met:

a. The entirety of the existing structure is located outside of the Floodway;

b. The existing structure is determined to be structurally sound by a qualified engineer licensed in Colorado;

c. The value of any work associated with the change of use is less than 50% of the current value of the structure;

d. The proposed change in use is to a use that is permitted in the zone district applicable to the property;

e. The proposed change in use is to a use that reduces, minimizes, or otherwise creates a less intensive use or decreases human occupation; and

f. There is no other potential for any significant conflict with this Article 4-400.

4-414 Definitions

Accessory Building or Structure. A building or structure which is on the same parcel of property as a principal or primary building and the use of which is incidental to the use of the principal or primary building. Examples include, but are not limited to, detached garages (but NOT ADUs), storage sheds, barns, boathouses, and pavilions.

Alteration of a Watercourse. Through man-made work, changing the bankfull channel such that the post-project location, orientation, or flow direction of said channel extends three or more bankfull channel widths from the pre-project channel location, or outside of the pre-project regulatory floodplain.

Article 4-400. Sections 4-400 through 4-416 of the Boulder County Land Use Code.

Basement. Any area of a building having a floor subgrade on all sides, where the floor is greater than four feet below the top of the foundation walls or greater than 2 feet below the Lowest Adjacent Grade.

Below-Grade Crawlspace. The interior space between the elevated finished floor of a building and the finished interior grade, where the finished grade is no greater than 4 feet below the top of the foundation walls and no greater than 2 feet below the Lowest Adjacent Grade.

Crawlspace. The interior space between the elevated finished floor of a building and the interior finished grade.

Critical Facilities. A structure or related infrastructure, but not the land on which it is situated, as specified in CWCB's Rules and Regulations for Regulatory Floodplains in Colorado at 2 CCR 408-1:6, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Habitable Space. An enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access or storage.

Flood Fringe. The portions of the Floodplain Overlay District that are not in the Floodway.

Floodway. Those portions of the FO District including the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 1% annual-chance (100- year) flood without cumulatively increasing the water surface elevation more than a designated height (also called 'surcharge' and described in Section 4-404.2.E.3.

Letter of Final Determination. A letter FEMA sends to the Chief Executive Officer of a community stating that a new or updated FIRM or DFIRM will become effective in 6 months. The letter also notifies each affected floodprone community participating in the NFIP that it must adopt a compliant floodplain management ordinance by the map effective date to remain participants in good standing in the NFIP.

Letter of Map Amendment ("LOMA"). FEMA term meaning an amendment to the currently effective FEMA map, issued only by FEMA, which establishes that a property is not located in a Special Flood Hazard Area.

Letter of Map Revision ("LOMR"). FEMA term meaning an official amendment to the currently effective FEMA map, issued by FEMA, which changes flood zones, delineations and elevations.

Lowest Adjacent Grade. The lowest point of the ground level immediately next to a building.

Permanent. Any change or alteration expected to remain for a substantial period of time, but at a minimum will remain after permitted work is complete.

Soil Treatment Area. See Boulder County OWTS Regulations (April 2015), as amended.

4-415 Interpretation

Certain terms used in this Article 4-400 are derived from FEMA and/or CWCB regulations. The federal and state definitions of these terms may not correspond precisely to county definitions of the same or similar terms as used elsewhere in this Code and related local regulations such as the Building Code. To the extent a term is not defined in this Article 4-400, and a conflict or inconsistency in the meaning of the term cannot be resolved by the principles listed in sections 1-900 and 1-1000, the County Engineer must determine the meaning of the term by examining the following sources in the following order of priority:

1. The meaning of the term as defined in Article 4-400.
2. The meaning of the term as defined in Article 18 of this Code.
3. The meaning of the term as defined by FEMA. See 44 C.F.R. § 59.1, as amended.
4. The meaning of the term as defined by CWCB. See 2 C.C.R. 408-1:4, as amended.
5. The meaning of the term as defined elsewhere in this Code, or in another adopted Boulder County publication such as the Multimodal Transportation Standards, the Storm Drainage Criteria Manual, or the Stormwater Quality Management Permit Requirements.
6. The meaning of the term as defined in any other official document deemed a reliable source of authority given the context.

4-416 Enforcement

Upon receiving a complaint that a violation of the requirements of this Article 4-400 has occurred, the County Engineer is authorized to enforce compliance with these floodplain regulations in the same manner as other violations of the Land Use Code are enforced, as detailed in Article 17.

Use Tables

Note: Use Tables show review processes that commonly apply to a use within a particular zone district. Additional processes may apply, as noted in 4-400, 4-500, and 4-800.

Use Tables • 4-501 Agri-Business Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Agricultural Products Processing and Storage		S									✔	✔	
B	Commercial Feed Yard		S											
C	Commercial Nursery		✔	S+								✔	✔	
D	Custom Meat or Poultry Processing Facility		S/I										S	
E	Keeping of Non-Domestic Animals	S	S	S	S	S	S	S	S	S	S	S	S	S

Use Table 4-501 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-502 Agricultural Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Equestrian Center	S	✔	S										
B	Farm Store		I	I+						✔	✔		✔	
C	Intensive Agricultural Uses	S	✔	S								✔	✔	
D	Open Agricultural Uses	✔	✔	✔	✔				✔	✔	✔	✔	✔	✔

Use Table 4-502 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-503 Commercial/Business Service Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Building Contracting Shop										✔		✔	
B	Carpentry, Woodworking, or Furniture Making Facility										✔		✔	
C	Car Wash										✔		✔	
D	Commercial Bakery										✔	✔	✔	
E	Commercial Laundry & Dry Cleaning										✔		✔	
F	Kennel	S	S/I											S
G	Machine Shop										✔		✔	
H	Printing or Publishing Establishment									✔	✔		✔	
I	Vehicle Sales/Rental Lots									S	S		✔	

Use Table 4-503 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-504 Community Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Adaptive Reuse of a Historic Landmark	I	I	I	I	I	I	I	I	I	I	I	I	I
B	Camp	✔/I/S	✔/I/S											✔/I/S
C	Cemetery		S	S		S	S							S
D	Church		✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
E	Educational Facility		S	S	S	S	S	S	S	S	S	S	S	S
F	Membership Club	S	S						✔	✔	✔	✔	✔	S
G	Reception Halls and Community Meeting Facilities	S	S						✔	✔	✔	✔	✔	
H	Use of Community Significance	I	I	I	I	I	I	I	I	I	I	I	I	I

Use Table 4-504 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-505 Forestry Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Forestry	✔	✔											✔
B	Forestry Processing and Sort Yard	I	I											I

Use Table 4-505 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-506 Industrial Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Composting Facility		S										S	
B	General Industrial												S	
C	Light Industrial											✔	✔	
D	Outside Storage												✔	
E	Recycling Collection Center, Large										S		✔	
F	Recycling Processing Facility											S	S	
G	Saw Mill	S	S										✔	
H	Solid Waste Disposal Site & Facility		S										S	
I	Solid Waste Transfer Facility	S	S										S	

Use Table 4-506 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-507 Lodging Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Bed and Breakfast	S/I**	S/I**	S/I**	S/I**	S/I**				✔	✔	✔	✔	S/I**
B	Campground	S	S											S
C	Overnight Lodging								✔	✔	✔	✔	✔	
D	Resort Lodge, Conference Center or Guest Ranch	S	S*						✔	✔	✔	✔	✔	S
E	Vacation Rental	✔+												✔+

* Special Review for legally existing uses as of April 20, 2004.

** By Limited Impact Special Review (I) provided there are no more than three guest rooms or no more than six guests served per night.

** By Special Review (S) provided there are more than three guest rooms or more than six guests served per night.

Use Table 4-507 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land or Subdivided Land in the Upper St. Vrain Census County Division
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-508 Mining Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Limited Impact Open Mining	I	I	I	I	I	I	I	I	I	I	I	I	I
B	Oil & Gas Operations	S++	S++	S++	S++	S++	S++	S++	S++	S++	S++	S++	S++	S++
C	Open Mining	S	S										S	S
D	Subsurface Mining	S/I/ ✔	S										S	S/I/ ✔
E	Subsurface Mining of Uranium	S	S										S	S

Use Table 4-508 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
S++	Uses Permitted by Article 12 - Special Review for Oil and Gas Development
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
D	Uses Permitted by Development Plan Review

Use Tables • 4-509 Office Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Professional Office								✔	✔	✔	✔	✔	

Use Table 4-509 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-510 Recreation Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Firing Range, Outdoor	S	S									S	S	
B	Golf Course		S	S			S*							
C	Indoor Recreation								✔	✔	✔	✔	✔	
D	Livery or Horse Rental Operation	S	S											S
E	Outdoor Recreation, Day Use	S	S						✔	✔	✔	✔	✔	S
F	Outdoor Recreation, Night Use	S	S						S	S	S	S	S	S
G	Park or Playfield, Day Use	✔	✔	✔	✔	✔	✔	✔	✔	✔				✔
H	Park or Playfield, Night Use	S	S	S		S	S	S	S	S				S
I	Public Recreation Center	S	S	S		S	S	S						S
J	Ski Area	S												S

* Special Review for legally existing uses as of April 20, 2004.

Use Table 4-510 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-511 Residential Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Boarding House						✔		✔	✔	✔		✔	
B	Group Care or Foster Home	S	S	S	S	S	S	S	S	S				S
C	Manufactured Home Park							✔						
D	Multi-Unit Dwelling						✔		✔					
E	Single Unit Dwelling	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔

Use Table 4-511 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-512 Retail and Personal Service Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Bank									✔	✔		✔	
B	Building Material or Garden Store								S		✔		✔	
C	Convenience Store									✔	✔		✔	
D	Day Care Center		S	S	S	S	S	S	S	✔	✔	✔	✔	S
E	Eating or Drinking Place, With Drive-thru Service								S	S	S		S	
F	Eating or Drinking Place, Without Drive-thru Service								S	✔	✔		✔	
G	Emergency Care Facility									✔	✔	✔	✔	
H	Indoor Theatre									✔	✔		✔	
I	Marijuana Establishment								✔	✔	✔	✔	✔	
J	Mortuary								✔	✔	✔	✔	✔	
K	Outdoor Theatre										✔		✔	
L	Recycling Collection Center, Small	I	I						I	I	✔	✔	✔	
M	Retail or Personal Service Facility									✔	✔		✔	
N	Vehicle Service Center									✔	✔		✔	
O	Veterinary Clinic, With Outdoor Holding Facilities		✔							✔	✔		✔	
P	Veterinary Clinic, Without Outdoor Holding Facilities	S	✔	S	S				✔	✔	✔	✔	✔	

Use Table 4-512 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-513 Transportation Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Airport		S						S	S	S	S	S	
B	Heliport	S	S						S	S	S	S	S	
C	Helistop	S	S				S		S	S	S	S	S	
D	Multimodal Parking Facility	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I	S/I

Use Table 4-513 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest

Use Tables • 4-514 Utility and Public Service Uses*

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Central Office of a Telecommunications Company	R	R	R	R	R	R	R	R	R	R	R	R	R
B	Community Cistern	I	I	I	I	I	I	I	I	I	I	I	I	I
C	Fire Barn	I	I	I	I	I	I	I	I	I	I	I	I	I
D	Fire Station	S	S	S	S	S	S	S	S	S	S	S	S	S
E	Gas and/or Hazardous Liquid Pipelines	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R	I/R
F	Major Facility of a Public Utility	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L
G	Public or Quasi-Public Facility Other than Listed	S	S	S	S	S	S	S	S	S	S	S	S	S
H	Public Safety Telecommunications Facility	I	I	I	I	I	I	I	I	I	I	I	I	I
I	Sewage or Water Transmission Lines	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L	R/L
J	Sewage Treatment Facility	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L
K	Small Wind-Powered Energy System	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^
L	Solar Energy – Building-Mounted	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
M	Solar Energy – Ground-Mounted Small	SPR/S	SPR/S	SPR/S	SPR/S	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Solar Energy – Ground-Mounted Medium	I/S	I/S	I+/S+	I+/S+				SPR	SPR	SPR	SPR	SPR	
	Solar Energy – Ground-Mounted Large	S	S	S+	S+				I	I	I	I	I	
N	Solar Energy - Parking Canopy	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I	SPR/I
O	Telecommunication Facility, Existing Structure and Meeting Height Limits	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
P	Telecommunications Facility, new structure, or exceeding height limit, or exceeding the building size limitations.	S	S	S	S	S	S	S	S	S	S	S	S	S
Q	Utility Service Facility	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
R	Water Reservoir	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L
S	Water Tank or Treatment Facility	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L	S/R/L

* See Use Table Legend for this table on the following page.

Use Tables • 4-515 Warehouse Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Personal Storage Facility										✔	✔	✔	
B	Warehouse & Distribution Center											✔	✔	

Use Table 4-514 & 4-515 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
SPR	Uses Permitted by Site Plan Review
✔^	Uses Permitted by Site Plan Review or Site Plan Review Waiver, See 4-514

Use Tables • 4-516 Accessory Use*

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Accessory Agricultural Composting	✔	✔	✔	✔				✔	✔	✔	✔	✔	✔
B	Accessory Agricultural Sales	✔	✔	✔+	✔				✔	✔	✔	✔	✔	✔
C	Accessory Agricultural Structure	✔	✔	✔	✔				✔	✔	✔	✔	✔	✔
D	Accessory Beekeeping	✔	✔	✔	✔	✔						✔	✔	✔
E	Accessory Chicken Keeping	✔	✔	✔	✔	✔						✔	✔	✔
F	Temporary Accessory Community Meeting Facility		S	S	S	S	S	S	S	S	S	S	S	S
G	Accessory Concrete or Asphalt Batch Plant		S									S	S	
H	Accessory Dwelling	I	I	I	I	I	I	I	I	I	I	I	I	I
I	Accessory Horse Keeping	✔	✔	✔	✔	✔	✔							✔
J	Accessory Meat or Poultry Processing	✔+	✔	✔+	✔+							✔	✔	✔
K	Accessory Outside Storage	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
L	Accessory Solar Energy System	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^
M	Accessory Structure	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
N	Backyard Composting	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
O	Demonstration Farm or Farm Camp		✔/I	✔+/I+										
P	Farm Events		✔/I	✔/I+										
Q	Grading of More than 500 Cubic Yards	I	I	I	I	I	I	I	I	I	I	I	I	I
R	Home Events	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
S	Home Occupation	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
T	Personal Marijuana Cultivation and Marijuana Product Manufacturing	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
U	Household Pets	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
V	Noncommercial Telecommunications Site, One Structure Meeting District Regulations	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
W	Noncommercial Telecommunications Site, All Others	I	I	I	I	I	I	I	I	I	I	I	I	I
X	Small Wind-Powered Energy System	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^	✔^
Y	Parking	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Z	Short-Term Rental	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔

* See Use Table Legend for this table on the following page. Accessory Parking is a Use by Right in all Districts subject to provisions.

Use Tables • 4-517 Temporary Uses

		Forestry	Agricultural	Rural Residential	Estate Residential	Suburban Residential	Multifamily	Manufactured Home	Transitional	Business	Commercial	Light Industrial	General Industrial	Mountain Institutional
A	Educational Tour	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
B	Emergency Noncommercial Telecommunications Facility	A	A	A	A	A	A	A	A	A	A	A	A	A
C	Garage Sales or Occasional Sales	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
D	Group Gatherings/ Special Events	A	A	A	A	A	A	A	A	A	A	A	A	A
E	Temporary Batch Plant	A	A	A	A	A	A	A	A	A	A	A	A	A
F	Temporary Construction or Sales Office	A	A	A	A	A	A	A	A	A	A	A	A	A
G	Temporary Dwelling Unit	A	A	A	A	A	A	A	A	A	A	A	A	A
H	Temporary Christmas Tree Sales	I	I	I+					I	I	I	I	I	
I	Temporary Special Use	S	S	S	S	S	S	S	S	S	S	S	S	S
J	Temporary Weather Device Tower	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔

Use Table 4-516 & 4-517 Legend:	
✔	Uses Permitted by Right
✔+	Uses Permitted by Right on Unsubdivided Land
S	Uses Permitted by Special Review
S+	Uses Permitted by Special Review on Unsubdivided Land
L	Uses Permitted by Location & Extent Review
A	Uses Permitted by Special Authorization of the Building Official or Zoning Administrator
I	Uses Permitted by Limited Impact Special Review
I+	Uses Permitted by Limited Impact Special Review on Unsubdivided Land
R	Uses Permitted by Review of Areas and Activities of State Interest
✔^	Uses Permitted by Site Plan Review or Site Plan Review Waiver, See 4-514

4-500 Use Regulations

A. Unless otherwise indicated, all uses require a building lot.

B. Additional information regarding process requirements is available within 4-100, Zoning District Regulations, and 4-802, Applicability and Scope of the Site Plan Review Process for Development. Additional processes may depend on the extent of development and intensity of use, including but not limited to location in the Floodplain Overlay District.

4-501 Agri-Business Uses

A. Agricultural Products Processing and Storage

1. Definition: The processing and storage of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging milling, or storing of products which are intended for direct human or animal consumption or use.

2. Districts Permitted: By right in LI and GI; by special review in A

3. Parking Requirements: One space per 500 square feet of floor or storage area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor or storage area

a. Additional Provisions: None

B. Commercial Feed Yard

1. Definition: A place of confinement (whether by structures, fences, pens, corals, or other enclosures) for cattle, swine, sheep, poultry, fur bearing animals, or other livestock, where the density of animal units on the parcel exceeds that allowed in the zoning district within which the use is located. The primary purpose of such confinement is to provide for the ultimate sale of products from such animals or the animals themselves. Educational agricultural projects are excepted from this use.

2. Districts Permitted: By Special Review in A

3. Parking Requirements: To be determined through the Special Review

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. One Single Unit Dwelling, occupied by the owner, operator, or manager of the feed yard will be considered customary and incidental as a part of this use

C. Commercial Nursery

1. Definition: A use, which may be wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold. The dominant characteristic of this use includes sales of products not necessarily grown on-site.

2. Districts Permitted: By right in A, LI, and GI; by Special Review in RR on unsubdivided land

3. Parking Requirements: One space per 1,000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:

a. No more than ten percent of sales may be from nonagricultural or nonhorticultural products.

b. One Single Unit Dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.

D. Custom Meat or Poultry Processing Facility

1. Definition: A facility for the processing of meat and poultry for individuals, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products.

2. Districts Permitted: By Special Review in A and GI; by limited impact in A as outlined in 4-501(D)(5)(a), below

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. This use is allowed by Limited Impact Special Review in the A district if the facility:

(i) has five or fewer employees on-site at one time;

(ii) processes no more than 200 poultry or rabbits per day or 60 larger meat animals per week; or

(iii) does not include retail sales.

E. Keeping of Nondomestic Animals

1. Definition: The location for commercial dealers, breeders, exhibitors, transporters, or researchers, or wildlife rehabilitators of any and all species not listed by the Colorado Division of Wildlife as domestic. Species listed as prohibited by the Colorado Division of Wildlife are not allowed.

2. Districts Permitted: By Special Review in all districts Except MF and MH; specific licensed wildlife rehabilitation permitted by right or Special Review in all districts except MF and MH as outlined in section 5 below.

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: To be determined through Special Review

5. Additional Provisions:

a. This use shall also be granted, maintain, and act in compliance with all applicable local, state and federal licenses or permits.

b. One Single Unit Dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.

c. Wildlife rehabilitation licensed by the Colorado Division of Wildlife that includes 20 or fewer animals at any time for small mammal species (such as rabbits, squirrels, raccoons, fox and bats), bird species (except raptors), reptiles or amphibians (except venomous reptiles or amphibians), or wildlife rehabilitation with indoor caging is permitted by right. (The change in use provision in Article 4-802(A) of the Site Plan Review regulations will not apply to this activity.)

d. Wildlife rehabilitation licensed by the Colorado Division of Wildlife of more than 20 animals at any time for small mammal species (such as rabbits, squirrels, raccoons, fox and bats), bird species (except raptors), reptiles or amphibians (except venomous reptiles or amphibians), or wildlife rehabilitation with outdoor caging is permitted by Site Plan Review.

e. Wildlife rehabilitation of any number of large animal species (such as coyote, bobcat, mountain lion, bear, deer and elk), birds of prey species (all raptors), or venomous reptiles or amphibians is permitted by Special Review.

4-502 Agricultural Uses

A. Equestrian Center

1. Definition: An establishment where 15 or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

2. Districts Permitted: By right in A; by Special Review in F and RR

3. Parking Requirements: Sufficient to accommodate the use on-site

4. Loading Requirements: Sufficient to accommodate the use on-site

5. Additional Provisions:

a. Setback Requirements: Unlighted outdoor equestrian arenas shall be set back 300 feet from existing schools, churches and dwelling on other lots, unless reduced through Special Review or Site Plan Review.

b. Limited Impact Special Review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses.

c. Special Review is required for competitive events open to participants outside of those who board or train at the facility.

d. Existing establishments will be considered conforming at their present levels of use provided a site plan and description of the operation, including number and types of competitive events, is submitted to the Community Planning & Permitting Department by December 31, 1999. Increasing the number of competitive events or lighting for night time riding activities will require Special Review or Limited Impact Special Review as required in (b) above (Section 4-600).

e. One Single Unit Dwelling, occupied by the owner or manager of the equestrian center, will be considered customary and incidental as a part of this use.

f. This use requires a building lot. Activities related to the use may occur on agricultural outlots which do not prohibit the activity, however no structures related to the use are allowed on the outlot.

g. Boarding of horses is permitted.

B. Farm Store

1. Definition: A location for the sale of agricultural and horticultural products.

2. Districts Permitted: By right in B, C, and GI; by Limited Impact Special Review in A, and in RR on unsubdivided land.

3. Parking Requirements: One space per 200 square feet of floor area.

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.

5. Additional Provisions:

a. One Single Unit Dwelling, occupied by the owner, operator, or manager of the business may be considered customary and incidental as a part of this use.

b. The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of products sold, based on floor area used for sales, must be Agricultural Products (as defined in Article 18). The remainder (up to 30 percent of all products sold based on floor area used for sales) may be craft, artisan, or prepared food products, and may include a nominal amount of other products (e.g., promotional items). Food items sold must meet Boulder County Public Health and any applicable state and federal requirements.

c. This use requires a building lot.

C. Intensive Agricultural Uses

1. Definition: Agricultural uses where the use predominantly occurs inside one or more structures, including but not limited to agricultural storage facilities, greenhouses, indoor riding facilities, and storage for accessory sales of agricultural or horticultural products.

2. Districts Permitted: By right in A, LI, and GI; by Special Review in F and RR

3. Parking Requirements: Sufficient to accommodate the use

4. Loading Requirements: Sufficient to accommodate the use

5. Additional Provisions:

a. One Single Unit Dwelling dwelling may be considered customary and incidental as a part of this use.

D. Open Agricultural Uses

1. Definition: Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage. Accessory structures such as Season-Extending Agricultural Structures, or structures for storage or maintenance of items that support the agricultural use are allowed as part of this use.

2. Districts Permitted: By right in F, A, RR, ER, LI, GI, T, B, C, and MI

3. Parking Requirements: Sufficient to accommodate the use

4. Loading Requirements: Sufficient to accommodate the use

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated principal or accessory dwelling.

b. Accessory Sales associated with Open Agricultural Uses shall conform to the requirements of Accessory Agricultural Sales.

c. One Single Unit Dwelling, occupied by the owner or manager of the farm, may be considered customary and incidental as a part of this use. Single Unit Dwellings must be located on building lots.

d. Boarding of horses is permitted. Improved riding facilities may be provided in connection with boarding and made available to fewer than 15 different individual people per month, in addition to the owner or manager of the property.

(i) Limited Impact Special Review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses. Special Review is required for competitive events open to participants outside of those who board or train at the facility.

e. Any accessory structures must be accessory to the use of the property on which the structure is located except for storage of associated agricultural equipment and agricultural and horticultural products grown on-site. On-site means agricultural and horticultural products that are grown on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.

f. Structures that support the residential use on the property shall be considered Residential Floor Area.

g. Structures that support the agricultural use shall not be considered Residential Floor Area.

4-503 Commercial/Business Service Uses

A. Building Contracting Shop

1. Definition: A facility providing for general building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, heating, and landscaping.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

B. Carpentry, Woodworking, or Furniture Making Facility

1. Definition: A facility for the making, repairing, or refinishing of furniture or wood products for sale.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One Space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

C. Car Wash

1. Definition: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. A facility of this type may be able to accommodate more than one vehicle at the same time.

2. Districts Permitted: By right in C and GI

3. Parking Requirements:

a. One space per washing bay

b. Five stacking spaces per washing bay

4. Loading Requirements: None

5. Additional Provisions: None

D. Commercial Bakery

1. Definition: A commercial establishment for the production of baked goods, primarily for sale to other commercial establishments.

2. Districts Permitted: By right in C, LI, NRCD, and GI

3. Parking Requirements: One space per 5000 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

E. Commercial Laundry and Dry Cleaning

1. Definition: A facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

F. Kennel

1. Definition: Any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the purpose of keeping eight or more weaned dogs or cats in any combination whether the animals are boarded or household pets.

2. Districts Permitted: By Special Review or Limited Impact Special Review in A; by Special Review in F and MI

3. Parking Requirements: One space per 300 square feet of floor area, with a minimum of two spaces.

4. Loading Requirements: None

5. Additional Provisions:

a. For kennels with eight to 12 dogs or cats:

(i) the animals shall be kept a minimum of 100 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect; and

(ii) kennels of this size require Limited Impact Special Review in the Agricultural zoning district, and Special Review in the Forestry and Mountain Institutional zoning districts.

b. For kennels with more than 12 dogs or cats:

(i) the animals shall be kept a minimum of 300 feet from any property line or other mitigating circumstance exists or may be created which has the same or better mitigating effect.

(ii) kennels of this size require Special Review in all permitted zoning districts.

c. If a Single Unit Dwelling is used as the holding facility for boarded animals, the use shall be limited to no more than 12 boarded animals but in no case shall there be more than 15 dogs including household pets or no more than 15 total cats including household pets, and the requirements of 5 (a) above shall apply.

d. One Single Unit Dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.

e. Kennels which legally existed on April 1, 2000 will be considered conforming at their present levels of use provided a site plan and description of the operation is submitted to the Community Planning & Permitting Department by December 31, 2000.

f. A facility which provides services including: day care, agility or other training, or grooming, where the services are being provided for animals that are not concurrently boarded at the Kennel, is considered a Retail/Personal Service Facility (4-512).

G. Machine Shop

1. Definition: A facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

H. Printing and/or Publishing Establishment

1. Definition: A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements: One space per 500 square feet

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

I. Vehicle Sales/Rental Lot

1. Definition: A parcel designated for the sale or rent of three or more motor vehicles per year. Vehicles include but are not limited to cars, trucks, boats, recreation vehicles, and trailers.

2. Districts permitted: By right in GI; by Special Review in B and C for operations entirely contained inside a structure.

3. Parking Requirements: one space for every 500 square feet of floor area and 1000 square feet of outside display area.

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area.

5. Additional Provisions:

a. A vehicle service center to maintain vehicles displayed on the premises shall be considered customary and incidental to this use.

b. A vehicle sales/rental lot may not be considered accessory to another Principal Use.

4-504 Community Uses

A. Adaptive Reuse of a Historic Landmark

1. Definition: A community oriented use that is compatible with the historic aspects of an existing designated Historic Landmark.

2. Districts Permitted: By Limited Impact Special Review in all districts.

3. Parking Requirements: To be determined through Limited Impact Special Review.

4. Loading Requirements: To be determined through Limited Impact Special Review.

5. Additional Provisions:

a. This use must occupy a designated Historic Landmark.

b. The use must be found to be beneficial to the preservation of the Historic Landmark.

B. Camp

1. Definition: A facility for registered participants to engage in organized group activities oriented toward nature and the outdoors. This use includes the provision of meals and lodging for participants but not for the general public. If customarily incidental to the use, camps may also be used for temporary meeting, recreation, education, or social facilities for associations or groups.

2. Districts Permitted: By right for camps existing as of 11/4/10 in A, F, and MI; by Limited Impact Special Review for camps existing as of 11/4/10 that exceed the zoning district special use review triggers; for all other camps by special use review in A, F, MI

3. Parking Requirements: Sufficient to accommodate the use on-site

4. Loading Requirements: Sufficient to accommodate the use on-site

5. Additional Provisions:

a. Accessory on-site housing may be permitted for caretakers or staff members.

C. Cemetery

1. Definition: A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

2. Districts Permitted: By Special Review in A, RR, SR, MF, and MI

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: To be determined through Special Review

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

D. Church

1. Definition: A facility principally used for people to gather together for public worship, religious training, or other religious activities.

2. Districts Permitted: By right in all districts except F

3. Parking Requirements: One space per 30 square feet of the worship area, plus any parking required for incidental uses

4. Loading Requirements: None

5. Additional Provisions:

a. The structure height limitations of this Code shall not apply to church spires, belfries, or cupolas.

b. One Single Unit Dwelling for the housing of the pastor or similar leader of the church and their Household will be considered customary and incidental as a part of this use.

E. Educational Facility

1. Definition: Buildings and uses for educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

2. Districts Permitted: By Special Review all districts, except F

3. Parking Requirements:

a. For kindergarten, elementary, and middle school facilities...three spaces per classroom

b. For all other facilities...10 spaces per classroom

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

F. Membership Club

1. Definition: A facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws. This use does not include establishments that require a license under Colorado State Statutes related to marijuana.

2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F, A, and MI

3. Parking Requirements: One space per 75 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

G. Reception Halls and Community Meeting Facilities

1. Definition: A facility for the holding of events including but not limited to weddings, wedding receptions, community meetings, and group gatherings.

2. Districts Permitted: By right in T, B, C, LI and GI; by Special Review in F and A, and T

3. Parking Requirements: One space per 30 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

H. Use of Community Significance

1. Definition: An existing nonconforming use that the Board of County Commissioners determines to have at least two of the following characteristics: historic, cultural, economic, social, or environmental value.

2. Districts Permitted: By Limited Impact Special Review in all districts.

3. Parking Requirements: To be determined through Limited Impact Special Review based on the specific nature of the use and community context.

4. Loading Requirements: To be determined through Limited Impact Special Review.

5. Additional Provisions:

a. This use must meet the criteria outlined in 4-602.E. Special Provisions of this Code.

4-505 Forestry Uses

A. Forestry

1. Definition: Cultivating and maintaining forests and managing forest land, including the selling of firewood produced on the parcel.

2. Districts Permitted: By right in F, A, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located unless it has an associated dwelling.

b. One Single Unit Dwelling, occupied by the owner, operator, or manager will be considered customary and incidental as a part of this use.

B. Forestry Processing and Sort Yard

1. Definition: A facility designed to accept wood, slash, or other woody biomass material removed from another property in order to facilitate forest health management and promote recycling of woody biomass material. Materials may be processed and recycled on-site and/or may be transferred to an approved offsite location for processing.

2. Districts Permitted: By Limited Impact Special Review in F, A, MI.

3. Parking Requirements: To be determined through Limited Impact Special Review.

4. Loading Requirement: To be determined through Limited Impact Special Review.

5. Additional Provisions:

a. The minimum parcel size shall be 3 acres.

b. All activities, except driveways, shall be setback a minimum of 50 feet from any adjacent right-of-way or private property.

c. This use is not required to be located on a building lot, or comply with the minimum lot size requirements for the district in which it is located.

d. Times and frequencies of operation shall be determined through Limited Impact Special Review.

e. All approved facilities shall be reviewed by the Board of County Commissioners every three years to ensure continued compliance with the special use criteria.

f. Access to the site shall be secured so that unauthorized persons may not use the facility when it is closed.

g. Upon permanent cessation of this use, the disturbed area must be reclaimed and revegetated.

h. These facilities shall not be the final disposal place for woody biomass materials and shall promote the recycling of all received materials to the maximum extent possible.

4-506 Industrial Uses

A. Composting Facility

1. Definition: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition.

2. Districts Permitted: By special review in A and GI

3. Parking Requirements: One space per 1,000 square feet of floor area.

4. Loading Requirements: One space per 10,000 square feet of floor area.

5. Additional Provisions:

a. In the General Industrial District, composting and composting incidental to operations are exempt from special use when:

(i) Materials to be composted are limited to organic materials;

(ii) The location of the composting is at least 300 feet from any property line if more than 50 cubic yards of material is being composted at any one time; and

(iii) The total amount of active composting material does not exceed 1,000 cubic yards at any one time; and

(iv) Organic materials include but are not limited to leaves, tree trimmings, untreated wood, and shrubbery cuttings.

B. General Industrial

1. Definition: Any manufacturing operation or industrial use, including but not limited to milling and processing of ore, junkyards, slaughter houses, and batch plants, which is not specifically listed in this Code.

2. Districts Permitted: By Special Review in GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

b. Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use.

C. Light Industrial

1. Definition: Places for the conduct of any light industrial activity, which is not specifically listed in this Code, including but not limited to assembling; compounding; food or beverage processing; inside storage, processing or treatment of products; scientific research; plant extraction; and sign manufacturing.

2. Districts Permitted: By right in LI and GI

3. Parking Requirements: One space per 500 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. All required local, state, and federal licenses and permits, including those related to marijuana must be obtained from the appropriate regulatory agencies.

b. Accessory inside retail sales may occupy up to 10 percent of the total floor area of the main use. Any marijuana retail sales will be considered a Marijuana Establishment as described in Section 4-512.I. of this Code.

D. Major Oil and Gas Operations

1. Definition: Centralized water transfer stations, centralized water pump stations, storage yards and construction staging yards in place for longer than six months, and any other oil and gas operation the location of which is not dependent upon development of the mineral resource or subject to Article 12.

2. Districts Permitted: By Special Review in GI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: Water injection wells and facilities are prohibited in all districts. Disposal of produced waters, water-based bentonitic drilling fluids, or flowback fluids by roadspreading on public or private roads is prohibited in all districts.

E. Outside Storage

1. Definition: The outside placement of items for a period of more than twenty-four hours.

2. Districts Permitted: By right in GI; by Special Review in LI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:
   a. The items being stored must be screened from the view of adjacent roadways and properties.
   b. Any vehicles or trailers shall be licensed and operable and may not be used for storage.

F. Recycling Collection Center, Large

1. Definition: A center for the acceptance and temporary storage of either recyclable or organic materials to be transferred to a processing or composting facility.
2. Districts Permitted: By right in GI; by Special Review in C
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
   a. This use shall be considered customary and incidental to a Solid Waste Transfer Facility.
   b. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.
   c. Organic materials are limited to plant matter including but not limited to tree limbs, leaves, and grass clippings.

G. Recycling Processing Facility

1. Definition: A facility where recyclable and organic materials are collected and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning.
2. Districts Permitted: By Special Review in GI; by Special Review in LI when operations are contained entirely inside a structure.
3. Parking Requirements: to be determined through Special Review
4. Loading Requirements: to be determined through Special Review
5. Additional Provisions:
   a. Facilities where the sole purpose is to utilize recyclable materials in manufacturing an end product which does not require further processing shall be considered a General Industrial and not a recycling use.
   b. Organic materials include but are not limited to tree limbs, food wastes, leaves, and grass clippings.

H. Saw Mill

1. Definition: A facility for the storage, sales, and milling of forest products, not including the cutting of firewood.
2. Districts Permitted: By right in GI; by Special Review in F and A
3. Parking Requirements: One space per 500 square feet of floor area or area of operation
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area
5. Additional Provisions: None

I. Solid Waste Disposal Site and Facility

1. Definition: The location and facility at which the collection, storage, treatment, utilization, processing, or final disposal of wastes occur.
2. Districts Permitted: By Special Review in A, GI
3. Parking Requirements: none
4. Loading Requirements: none
5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.
   b. This use is not required to be located on a building lot, or comply with the minimum lot size requirements for the district in which it is located.

J. Solid Waste Transfer Facility

1. Definition: A facility at which wastes, awaiting transportation to a disposal site and facility, are transferred from one collection vehicle to another.
2. Districts Permitted: By Special Review in F, A and GI
3. Parking Requirements: To be determined through Special Review
4. Loading Requirements: To be determined through Special Review
5. Additional Provisions:
   a. This use shall also be granted and maintain all applicable local, state, and federal permits.
   b. This use is not required to be located on a building lot, or comply with the minimum lot size requirements for the district in which it is located.

4-507 Lodging Uses

A. Bed and Breakfast

1. Definition: A Facility offering transient lodging accommodations to one or more booking parties at a time for a rental duration fewer than 30 days where:

a. At least one meal per day is provided; and

b. A manager or owner resides on the premises; and

c. A manager or owner is present during all rental periods.

2. Districts Permitted:

a. By Limited Impact Special Review in F, A, RR, SR, ER, H, and MI provided there are no more than three guest rooms or no more than six guests served per night.

b. By Special Review in F, A, RR, SR, H, and MI if there are more than three guest rooms or more than six guests served per night.

c. By right in B, C, LI, and GI

3. Parking Requirements: One space per guest room in addition to one space for the residing manager or owner. All parking must be on-site.

4. Loading Requirements: None

5. Additional Provisions:

a. A Bed and Breakfast may not be marketed or used for weddings, receptions, or similar private or public events.

b. Historic Accessory Dwelling Units are eligible for this use.

B. Campground

1. Definition: An area of land on which accommodations for temporary occupation are located or may be placed. This includes, but is not limited to, tents and recreational vehicles.

2. Districts Permitted: By Special Review in F, A, and MI

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: None

5. Additional Provisions:

a. Actual density will be set in the Special Review; however, in no case shall a campground contain more than 8 camp sites per acre.

b. A minimum 250 foot landscaped buffer is required adjacent to private lands.

c. Camping, on a parcel, by the property owner, may occur no more than 14 days a year as a temporary allowed use.

C. Overnight Lodging

1. Definition: A facility offering transient lodging accommodations on a daily basis to the general public, and in which no provision is made for cooking in any individual room or suite. The Overnight Lodging facility may also include incidental business uses commonly associated with the main lodging use.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per room plus one space per 50 rooms, and any parking required for incidental uses

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

D. Resort Lodge, Conference Center, or Guest Ranch

1. Definition: A facility, including a lodge and/or resort cabins with or without food service, which that serves as a destination point for visitors, and relies on its rural location and the natural environment to provide recreational facilities and activities for the use of guests such as horse riding, hiking, fishing, and boating. If customarily incidental to the use, these facilities may also be used for temporary meeting, recreation, education, or reception facilities.

2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F and MI, and by Special Review in A for legally existing uses as of April 20, 2004.

3. Parking Requirements: One and one-half spaces per room or cabin

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional provisions:

a. Guest residency is limited to no more than 90 days.

b. Accessory on-site housing may be allowed for caretakers or staff members.

E. Vacation Rental

1. Definition: A Single Unit Dwelling offering transient lodging accommodations to a single booking party at a time within that dwelling unit for a rental duration of fewer than 30 days where the entire dwelling unit is solely occupied by the rental party during the duration of the rental period.

2. Districts Permitted:

a. By right in F and MI, provided the parcel is unsubdivided land or is located within a platted subdivision either wholly or partially within the Upper St. Vrain Census County Division (CCD) identified in Figure 2.

3. Parking Requirements: Two spaces, or one space per every four approved occupants, whichever is fewer. All parking must be on-site.

4. Loading Requirements: None

5. Additional Provisions:

a. All Vacation Rentals must maintain a valid Boulder County Vacation Rental License

b. A Vacation Rental may not be marketed or used for weddings, receptions, or similar private or public events.

c. Accessory Dwellings are not eligible for this use.

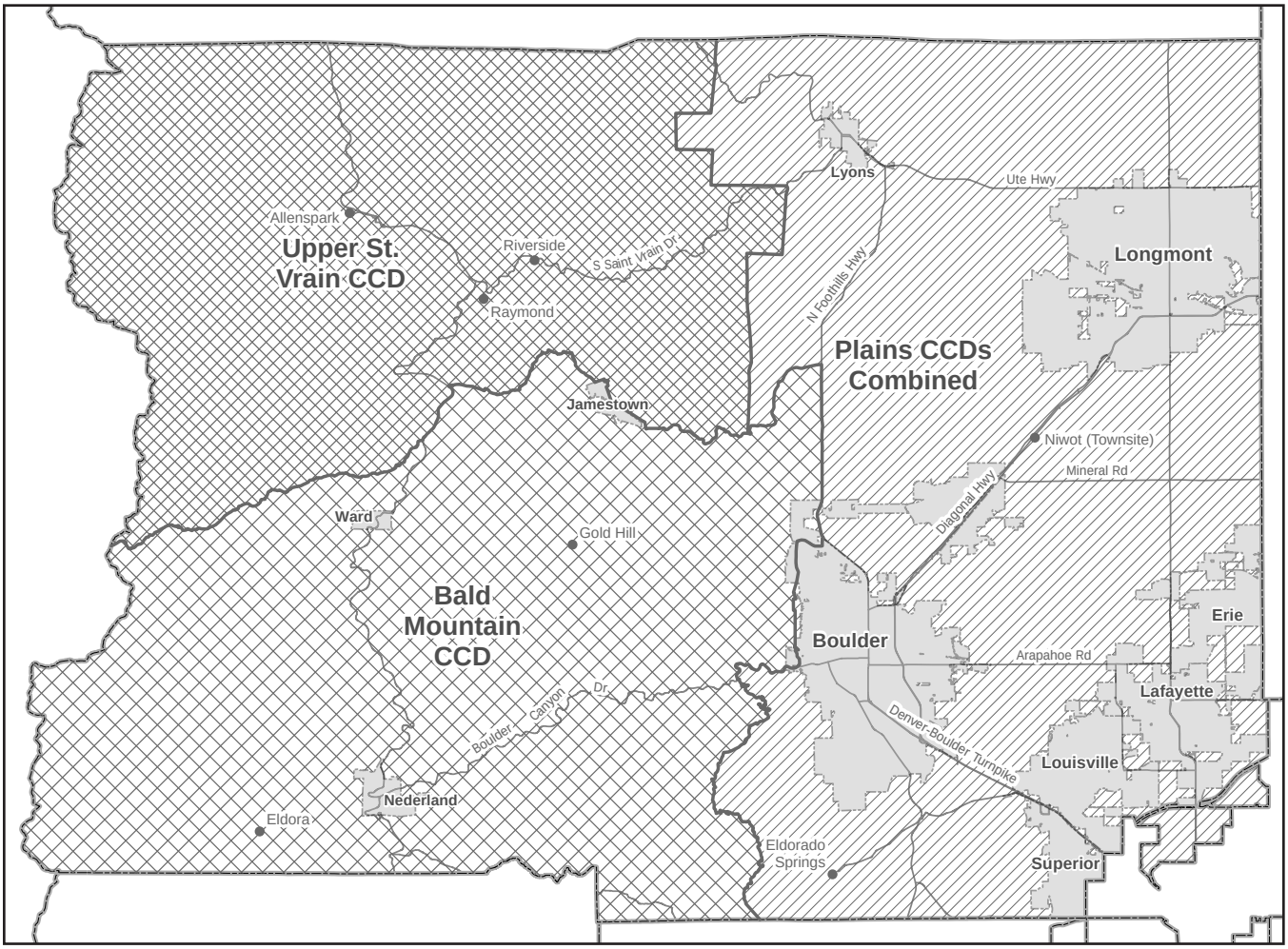

Figure 2: Map of Census County Divisions

4-508 Mining Uses

A. Limited Impact Open Mining

1. Definition: The extraction of earth materials by mining directly from the exposed deposits or other materials where mining operations affect less than ten acres of land within a parcel and extract less than 70,000 tons of earth materials, and which (a) proposes to export material in excess of 500 cubic yards off the parcel on which the mining occurs, (b) has operations that exceed five consecutive days or 14 days total, and/or (c) utilizes blasting.

2. Districts Permitted: By Limited Impact Special Review in all districts.

3. Parking Requirements: To be decided through Special Review.

4. Loading Requirements: To be decided through Special Review.

5. Additional Provisions:

a. Exceptions to this use include:

(i) The removal of decorative building materials naturally exposed at the surface of the earth.

(ii) The extraction of sandstone where such extraction does not exceed a total of 3600 tons in any 12 month period. For the purposes of this provision, sandstone is defined to be a hard, well-bedded sedimentary rock known locally as the Lyons sandstone. This material is principally used as a building stone; however, included in the definition of sandstone are waste materials, removed in the process of exposing/extracting usable building stone.

(iii) Excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit, or authorized by a grading permit.

b. The term limited impact open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.

c. This use shall also be granted and maintain all applicable local, state, and federal permits.

B. Oil and Gas Operations

1. Definition: See Article 12-1400

2. Districts Permitted: By special review for oil and gas operations in all districts (Article 12)

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

C. Open Mining

1. Definition: The extraction of earth materials by mining directly from the exposed deposits or other materials. Exceptions to this use include those operations which fit the definition of limited impact open mining and excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit. The term open mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying and dredging.

2. Districts Permitted: By Special Review in F, A, GI, and MI

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: To be determined through Special Review

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. This use shall also be granted and maintain all applicable local, state, and federal permits.

c. Processing of the mined material (to the extent approved through the special use process) may occur on the parcel where the mining is situated, or on a parcel owned or leased by the mining parcel owner, lessee, or operator provided the parcel is located within 1,000 feet of the mining parcel.

D. Subsurface Mining

1. Definition: The extraction of natural mineral deposits, except uranium, by underground methods, including the milling and processing of the ore produced and the reprocessing of tailings.

2. Districts Permitted: By Development Plan Review, Limited Impact Special Review or Special Review in F and MI; by Special Review in A, and GI.

3. Parking Requirements: None.

4. Loading Requirements: None.

5. Additional Provisions:

a. The following review is required in F:

(i) Development Plan Review is required in F and MI when:

(A) the use has a total production level of less than 20,000 tons per year and generates less than 7 average daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight);

(B) the use is on federal land, regardless of whether it triggers a higher level of review under Subsections (ii) and (iii), immediately below.

(ii) Limited Impact Special Review is required in F and MI when the use:

(A) has a total production level of between 20,000 and up to, but not including, 70,000 tons per year; or

(B) generates between 7 and up to, but not including, 20 average daily truck trips, as defined by the Institute of Transportation Engineers (with trucks defined as vehicles of greater than 26,000 pounds gross vehicle weight).

(iii) Special use review is required in F and MI when the use:

(A) has a total production level of 70,000 tons per year or more; or, generates 20 or more average truck daily trips, as defined by the Institute of Transportation Engineers (with truck trips defined as in (i) above); or,

(B) has associated milling to occur above-ground or creates surface tailings; or

(C) falls within the threshold limits for Development Plan Review as defined in (i) (A) above, or falls within the threshold limits for Limited Impact Special Review as defined in (ii) (A) and (B) above but the area to be disturbed is located within or within 500 feet of a platted subdivision or substantially developed townsite.

(iv) In any of the applicable review processes required under Subsections (i)-(iii), immediately above, the Director, Planning Commission and Board of County Commissioners, as applicable, shall consider the cumulative impacts of the proposed subsurface mining use with reference to prior or contemplated subsurface mining in the vicinity of the proposed use when applying the applicable review criteria to the use.

b. Any existing subsurface mining operation may continue at its current level, or the mining activity may expand up to the levels approved in its existing state mining permit issued on or before June 10, 1997, or must have been lawfully established prior to state mining permit requirements and have operated since January 1, 1987.

c. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

d. This use shall also be granted and maintain all applicable local, state, and federal permits.

E. Subsurface Mining of Uranium

1. Definition: The extraction of natural uranium deposits by underground methods.

2. Districts Permitted: By Special Review in F, A, GI, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. This use shall also be granted and maintain all applicable local, state, and federal permits.

4-509 Office Uses

A. Professional Office

1. Definition: An office for professions including but not limited to government, physicians, dentists, lawyers, realtors, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per 330 square feet of floor area for general office; one space per 200 square feet for medical and dental offices

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

4-510 Recreation Uses

A. Firing Range, Outdoor

1. Definition: A facility inclusive of its component shooting ranges, Surface Danger Zone or Shotfall Zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, for which the use is to provide a place for the discharge of various types of firearms. The definition excludes hunting and shooting activity occurring outside of identified and approved firing ranges, and occasional target practice by individuals on property owned or leased by the individuals.

2. Districts Permitted: By Special Use Review in F, A , LI, GI

3. Parking Requirements: 1.5 parking places for each firing position

4. Loading requirements: None

5. Additional Provisions:

a. Shooting and target area setbacks

(i) In the direction of fire and shotfall zone, at least the maximum distance of projectile travel from designated firing positions estimated to occur at the facility based on the ballistics of the type of ammunition and firearms permitted for use on the range. This distance can be reduced based on an engineered study and proper mitigation which reduces the Surface Danger Zone (see Article 18-207A for a diagram and definition of Surface Danger Zone), but except where noted below shall not be closer than 1,320 feet from residential structures (whether permanent or seasonal), lodging or other occupiable or occupied structures not on the subject property, a County platted subdivision, County townsites, designated recreational trails, open space areas where off-trail use is allowed, designated campgrounds whether public or private, and/or any other potential hazards as identified through Special Use Review. The 1,320 foot setback may be reduced with a signed agreement with neighboring property owners within 1,320 feet. In all other directions, the boundary of any outdoor shooting area shall be no closer than 400 feet from residential structures (whether permanent or seasonal), lodging or other occupiable or occupied structures not on the subject property, a County platted subdivision, County townsites, recreational trails, open space areas where off-trail use is allowed, designated campgrounds whether public or private, and/or any other potential hazards as identified through special use review. During the review process, a proposed decrease or increase in spatial requirements may be considered based on range design, operational plans, topographic features, noise studies, and/or manmade improvements, including but not limited to backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which provide sufficient safety measures to protect adjacent properties.

(ii) Default zoning district setbacks are applicable to office, restrooms, classroom space, or other related range facilities where weapons are not being fired.

Table 4-510-A-5-a-i Setback Summary

Setbacks	Minimum Distance
Direction of fire and/or shotfall zone	Maximum distance of projectile travel unless mitigated. No closer than 1,320 feet from the list defined in 4-510(A)(5)(a)(i)
All other directions	No closer than 400 feet from the list defined in 4-510(A)(5)(a)(i)
Office, restrooms, classroom space, or other related range areas where weapons are not being fired	Default zoning district setbacks

B. Golf Course

1. Definition: A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.

2. Districts Permitted: By Special Review in A and RR, and in MF for legally existing uses as of April 20, 2004.

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: To be determined through Special Review

5. Additional Provisions: None

C. Indoor Recreation

1. Definition: An entirely enclosed facility which offers entertainment or games of skill for a fee, including but not limited to a bowling alley, billiard parlor, or a video game arcade. This use may include associated eating and drinking areas, retail sales areas, and staff offices.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

D. Livery or Horse Rental Operation

1. Definition: A facility which offers horses, mules, donkeys or other animals for hire, or organizes and/or supervises groups, for riding off the property.
2. Districts Permitted: By Special Review in F, A, and MI
3. Parking Requirements: Sufficient to accommodate the use on-site
4. Loading Requirements: Sufficient to accommodate the use on-site
5. Additional Provisions: None

E. Outdoor Recreation, for day use

1. Definition: An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside only during daylight hours. This includes but is not limited to a golf driving range, boating facility, tennis facility, or a miniature golf course.
2. Districts Permitted: By right in T, B, C, LI, and GI; by Special Review in F, A, and MI
3. Parking Requirements: One space per 200 square feet of active area
4. Loading Requirements: None
5. Additional Provisions: None

F. Outdoor Recreation, for night use

1. Definition: An area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and may include lighted areas for use after dusk. This includes but is not limited to a golf driving range, boating facility, tennis facility, or a miniature golf course.
2. Districts Permitted: By Special Review in F, A, T, B, C, LI, GI, and MI
3. Parking Requirements: One space per 200 square feet of active area
4. Loading Requirements: None
5. Additional Provisions: None

G. Park or Playfield, for day use

1. Definition: A recreational area providing parks and playfields for use during daylight hours only.
2. Districts Permitted: By right in F, A, RR, ER, SR, MF, MH, T, B, and MI
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

H. Park or Playfield, for night use

1. Definition: A recreational area providing parks and playfields which may include lighted areas for use after dusk.
2. Districts Permitted: By Special Review F, A, RR, SR, MF, MH, T, B, and MI
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

I. Public Recreation Center

1. Definition: A publicly owned recreational area providing recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.
2. Districts Permitted: By Special Review in F, A, RR, SR, MF, MH, and MI
3. Parking Requirements: One space per 200 square feet of active area
4. Loading Requirements: None
5. Additional Provisions: None

J. Ski Area

1. Definition: A recreational facility for alpine and Nordic skiing, including associated lodge buildings, ski school, eating and drinking areas, and retail sales.
2. Districts Permitted: By Special Review in F and MI
3. Parking Requirements: To be determined through Special Review
4. Loading Requirements: To be determined through Special Review
5. Additional Provisions: None

4-511 Residential Uses

A. Boarding House

1. Definition: A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such a building.

2. Districts Permitted: By right in MF, T, B, C, and GI

3. Parking Requirements: One space per bedroom

4. Loading Requirements: None

5. Additional Provisions: None

B. Group Care or Foster Home

1. Definition: A facility which provides 24-hour care or supervision of persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager thereof, and who do not meet the definition of family under this Code. A Group Care or Foster Home may be operated by a public, nonprofit, or private agency.

2. Districts Permitted: By Special Review F, A, RR, ER, SR, MF, MH, MI, T, and B

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: None

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

C. Manufactured Home Park

1. Definition: A parcel of land upon which two or more manufactured homes, occupied or intended to be occupied for dwelling purposes, are located.

2. Districts Permitted: By right in MH

3. Parking Requirements: Two off-street parking spaces must be provided for each manufactured home space involved in a substantial modification to an existing manufactured home park.

4. Loading Requirements: None

5. Additional Provisions:

a. Required Park Inventory Report

(i) Any manufactured home park which has received Special Review approval for the park is not required to submit a park inventory report. Any such manufactured home park shall be considered to be a use by right at the level of development and on the conditions set forth through Special Review. The Special Review approval shall become the governing park inventory report for the park.

(ii) The park inventory report shall include the following information:

(A) A site plan at a scale of 1' to 100 feet showing the acreage covered by the existing manufactured home park; the number, location, and size of all manufactured home spaces; the location and width of roadways and sidewalks or other pedestrian ways; the location and size of vehicular parking lots and recreation areas and amenities; and the location of service buildings and any accessory structures.

(B) An inventory of the existing manufactured homes located in the park, including serial and/or VIN number; model type and description; date of manufacture; and identification of space on which each home is located.

(C) Documentation showing source of water supply, and methods used for sanitation, garbage disposal, and fire protection, including but not necessarily limited to evidence of all required governmental or quasi-governmental approvals, licenses, and conditions of service.

(D) Additional information as may be reasonably requested by the Director to enable him to determine and document the existing level and type of development within the park.

b. Substantial Modifications to Existing Manufactured Home Parks

(i) The substantial modification of a manufactured home park from the level of use defined in the park inventory report requires an amendment to that report. A substantial modification includes (1) any increase in the number of manufactured homes or home spaces within the park; (2) any change in the location or configuration of manufactured homes or home spaces within the park; (3) any addition of structures to service the park residents; (4) any change in the type or level of public services servicing the park; and (5) any other change which alters the basic character, layout, or the intensity of use of or in the park.

(ii) Process for Approving Substantial Modification through Amendment of park inventory report

(A) No substantial modification of an existing manufactured home park may occur unless the owner of the park submits a complete application to the Director for administrative approval of an amendment to the park inventory report. This application shall sufficiently describe the requested amendment, and shall attach all information required for the park inventory report under 4-511.5.a.ii., above, and any additional information necessary to address the applicable criteria set forth below.

(B) The Director shall refer the application to all appropriate referral agencies and all interest holders in the subject property, as identified in the title report supplied by the applicant for this purpose.

(C) The Director shall have the discretion to approve, conditionally approve, or disapprove the application, in a written decision mailed to the applicant, subject to the approval standards listed below, and based upon an entire review of the materials submitted by the applicant and the referral responses.

(D) Any final written decision of the Director may be appealed by any interested party to the Planning Commission for a de novo public hearing, provided that such an appeal is filed in writing with the Director no later than 30 days after the date of his decision. Any interested party may appeal from the Planning Commission decision for a de novo public hearing before the Board of County Commissioners, provided that such as appeal is filed in writing with the Director no later than 30 days after the date of the Planning Commission's decision.

(iii) No application to amend a park inventory report shall be approved unless the Director determines that the following standards have been met for the proposed amendment:

(A) Any increase in the number of manufactured homes or home spaces shall not result in more than eight manufactured homes per gross acre being located on the subject parcel.

(B) Any development or activity proposed by the amendment shall be capable of being serviced by the park's existing services.

(C) A minimum of 14 feet shall be provided between any manufactured homes involved in the proposed amendment, and all such homes must be located on a designated manufactured home space.

(D) Existing streams, other water bodies or wetland areas, and plant and wildlife habitat, shall be preserved to the maximum extent possible.

(E) The proposed change shall not cause any fire or other safety hazard.

(F) At least two off-street parking spaces per manufactured home involved in the proposed amendment shall be provided.

(G) Adequate open space or developed recreation areas shall be provided to serve the residents of the manufactured home park affected by the proposed amendment. At least 12 per cent of the area involved in the amendment shall be dedicated to private park or resident recreational use.

(H) A landscaping plan shall be approved to ensure that adequate screening, shade, and vegetation are provided.

(iv) The applicant must provide a satisfactory financial guarantee to the County to insure that all necessary public improvements are provided.

c. No new, additional, or replacement manufactured home, or any other form of manufactured housing or structure, including but not limited to camper trailers, shall be brought into or located within any manufactured home park for dwelling purposes, unless it meets the definition of manufactured home as set forth in Article 18 of this Code.

D. Multi-Unit Dwelling

1. Definition: A building or buildings that are occupied or are arranged, designed, and intended to be occupied, by two or more Households, and contains more than one dwelling unit, but not including hotels, motels, or boarding houses.

2. Districts Permitted: By right in NRCD as part of Mixed Use, MF and T

3. Parking Requirements: Two spaces per unit; units dedicated to elderly, 0.5 spaces per unit.

4. Loading Requirements: None

5. Additional Provisions:

a. Approval under the Subdivision Regulations is required prior to the development of Multi-Unit Dwellings unless part of a mixed-use project that receives approval under another Community Planning & Permitting review process.

E. Single Unit Dwelling

1. Definition: A detached building which is occupied or which is arranged, designed, and intended to be occupied, by not more than one Household, and which contains not more than one dwelling unit.

2. Districts Permitted: By right in all districts

3. Parking Requirements: Two spaces

4. Loading Requirements: None

5. Additional Provisions: None

4-512 Retail and Personal Service Uses

A. Bank

1. Definition: A financial institution for the extension of credit, and the custody, loan, or exchange of money which may have drive through service.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:

a. One space per 333 square feet of floor area

b. Five stacking spaces per drive up window or station

4. Loading Requirements: None

5. Additional Provisions: None

B. Building Material or Garden Store

1. Definition: A facility for the sale of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include the outside storage of materials.

2. Districts Permitted: By right in C and GI; by Special Review in T

3. Parking Requirements: One space per 200 square feet of sales area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

C. Convenience Store

1. Definition: Any retail establishment selling consumer products including primarily prepackaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products.

2. Districts Permitted: By right in B, C, and GI

3. Parking Requirements:

a. One space per 200 square feet of floor area

b. One stacking space per gas pump

4. Loading Requirements: None

5. Additional Provisions: None

D. Day Care Center

1. Definition: A facility which provides less than 24-hour care or supervision for nine or more persons who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

2. Districts Permitted: By right in B, C, LI, and GI; by Special Review A, RR, ER, SR, MF, MH, MI, and T

3. Parking Requirements: One space per employee plus one space per 200 feet of floor area, or as determined through Special Review

4. Loading Requirements: None

5. Additional Provisions:

a. This use shall also be granted and maintain all applicable local, state, and federal permits.

E. Eating or Drinking Place, with drive through service

1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which includes drive through service, and does not include establishments that require a license under Colorado State Statutes related to marijuana.

2. Districts Permitted: By Special Review in T, B, C, and GI

3. Parking Requirements:

a. One space per 75 square feet of floor area

b. Eight stacking spaces per drive up window or station

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

F. Eating or Drinking Place, without drive through service

1. Definition: An establishment for the sale and consumption of food and beverages on the premises, which does not include drive through service, and does not include establishments that require a license under Colorado State Statutes related to marijuana. This may include small scale accessory beverage processing such as wineries, nanobreweries and microdistilleries.
2. Districts Permitted: By right in B, C, and GI; by Special Review in T
3. Parking Requirements: One space per 75 square feet of public seating area
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area
5. Additional Provisions:
   a. Small scale food and beverage processing means less than 3,000 square feet of processing or manufacturing area.

G. Emergency Care Facility

1. Definition: A health-care facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals.
2. Districts Permitted: By right in B, C, LI, and GI
3. Parking Requirements: One space per 330 square feet of floor area
4. Loading Requirements: None
5. Additional Provisions: None

H. Indoor Theater

1. Definition: A facility for showing motion pictures, video, or staging theatrical performances to an audience, inside an enclosed structure.
2. Districts Permitted: By right in B, C, and GI
3. Parking Requirements: One space per 30 square feet of floor area or one space per three fixed seats, whichever is greater
4. Loading Requirements: None
5. Additional Provisions: None

I. Marijuana Establishment

1. Definition: Any location where more than six (6) plants are cultivated, produced, tested or distributed as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law. This use includes the following:
   a. Marijuana store (a location for retail purchase of marijuana and marijuana products by the general public)
   b. Marijuana-infused products manufacturing;
   c. Optional premises cultivation or retail marijuana cultivation facility;
   d. Marijuana testing and/or research facility.
   e. Primary caregiver;
   f. Personal cultivation.
2. Districts Permitted: By right in T, B, C, LI, and GI.
3. Parking Requirements:
   a. One space per 200 square feet of floor area used for office, sales, or personal service operations.
   b. One space per 1,000 square feet of floor area used for used for cultivating and research and/or testing facilities.
4. Loading requirements: One loading space for 10,000 or more square feet of floor area.
5. Additional Provisions:
   a. This use must obtain and maintain all necessary state and local permits and licenses. Regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of marijuana or marijuana-infused products, as defined in the Colorado Marijuana Code, C.R.S. §44-10-101, et. seq. ("the CMC"), are and will be subject to the provisions and limitations stated in the CMC. These provisions and limitations include those in the legislation, and any state and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section 4-512.I. or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate pursuant to the Codes.
   b. This use may include the accessory sale of products containing marijuana to the extent authorized by applicable state law.

c. Except in the LI and GI Zoning Districts, this use shall not be located within 500 feet of another Marijuana Establishment (including a Marijuana Establishment in the unincorporated County or a substantially similar facility in an adjacent municipality or county), as measured from the closest point of the subject parcel lines. This prohibition shall not prevent a marijuana store, marijuana-infused products manufacturing, optional premises cultivation, retail marijuana cultivation facility, or marijuana testing and/or research facility from locating with 500 feet of a primary caregiver or personal cultivation.

d. A Marijuana Store shall not be located within 1,000 feet of an alcohol or drug treatment facility, a licensed child care facility, or an educational facility with students below the college grade level and ancillary properties owned by the educational facility, including but not limited to sport fields, play grounds, community gardens, or where for other reasons school children congregate (including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality or county), as measured from the closest point of the subject parcel lines. An alcohol or drug treatment facility shall be defined as a facility wherein treatment and 24-hour on-site supervision are provided for substance abuse with the goal of enabling residents to live independently when treatment is completed.

e. Marijuana-infused products manufacturing, optional premises cultivation, and marijuana testing and/or research facilities, are not subject to the above setback requirement in Subsection 4-512.I.5.c., provided there is not an associated marijuana store on the same parcel.

f. Marijuana establishments shall not have a drive-through service.

g. Personal cultivation and Primary Caregiver cultivation facilities are limited to no more than 99 plants.

h. For marijuana warehouse regulations, refer to section 4-515.b. of this Code

J. Mortuary

1. Definition: A facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.

2. Districts Permitted: By right in T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

K. Outdoor Theater

1. Definition: A facility for outdoor performances where the audience views the production from automobiles or while seated outside.

2. Districts Permitted: By right in C and GI

3. Parking Requirements: If the theater has fixed seats, one space per three fixed seats; otherwise one space per 30 square feet of floor area

4. Loading Requirements: None

5. Additional Provisions: None

L. Recycling Collection Center, Small

1. Definition: A center for the acceptance and temporary storage of recyclable materials to be transferred to a processing facility. Small Recycling Collection Centers involve no more than 3 collection containers up to 40 total cubic yards in size.

2. Districts Permitted: By right in C, LI, and GI; by limited impact special use in F, A, T and B

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Requirements:

a. This shall be considered customary and incidental to Solid Waste Transfer Facilities and commercial or retail uses that are 20,000 square feet or larger.

b. Collection centers located in parking lots, may not occupy required parking spaces. A collection center must be arranged so as to not impede traffic flow.

c. Such a center does not include power driven processing equipment.

d. The owner of the property and the operator of the collection center shall remove products stored at the site at least once a week.

e. The owner of the property and the operator of the collection center shall keep the collection center in proper repair and the exterior must have a neat and clean appearance.

f. Automated can recycling machines are limited to three per site.

M. Retail or Personal Service Facility

1. Definition: An establishment for the retail sale of merchandise or the provision of personal services, including drive through service. A retail facility includes but is not limited to antique or art shops, clothing, department, drug, dry good, florist, furniture, gift, grocery, hardware, hobby, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service facility includes but is not limited to barber or beauty shop, dry cleaners, optometrist shop, photographic studio, or travel bureau.
2. Districts Permitted: By right in B, C, and GI
3. Parking Requirements:
   a. One Space per 200 square feet of floor area
   b. Five stacking spaces per drive up window or station
4. Loading Requirements: One loading space for 10,000 or more square feet of floor area
5. Additional Provisions: none

N. Vehicle Service Center

1. Definition: A facility for the retail sale of fuel for vehicles and/or where light maintenance or vehicle service activities such as engine tune-ups, lubrication, minor repairs, recharge of electrical vehicles, and carburetor cleaning are conducted.
2. Districts Permitted: By right in B, C, and GI
3. Parking Requirements:
   a. One Space per gas pump, plus two spaces per service bay
   b. One stacking space per service bay and car wash bay
4. Loading Requirements: none
5. Additional Provisions:.
   a. A one bay car wash may be accessory to the vehicle service center.
   b. Electric vehicle recharge stations built in conjunction with and accessory to homes or businesses that are for use by the owners, employees, or customers of the homes or businesses shall not be considered Vehicle Service Centers.

O. Veterinary Clinic, with outdoor holding facilities

1. Definition: A facility for the diagnosis, treatment, hospitalization, and harboring of animals, which includes outdoor holding facilities.
2. Districts Permitted: By right in A, B, C, and GI
3. Parking Requirements: One space per 330 square feet of floor area
4. Loading Requirements: None
5. Additional Provisions:
   a. Setback Requirements...300 feet from all lot lines

P. Veterinary Clinic, without outdoor holding facilities

1. Definition: A facility for the diagnosis, treatment, hospitalization, and harboring of animals, which does not include outdoor holding facilities.
2. Districts Permitted: By right in A, T, B, C, LI, and GI; by Special Review in F, RR and ER
3. Parking Requirements: One space per 330 square feet of floor area
4. Loading Requirements: None
5. Additional Provisions: None

4-513 Transportation Uses

A. Airport

1. Definition: Areas used for the landing and take off of aircraft, and any appurtenant areas which are intended for use as airport buildings or other airport facilities. Such facilities may include land and buildings necessary or convenient for the accommodation of the public, including but not limited to parking, retail, dining, hotel, and training facilities.

2. Districts Permitted: By Special Review in A, T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of terminal building floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

B. Heliport

1. Definition: Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

2. Districts Permitted: By Special Review in F, A, T, B, C, LI, and GI

3. Parking Requirements: One space per 200 square feet of terminal building floor area, with a minimum of 5 spaces

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions: None

C. Helistop

1. Definition: Any designated area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo. This use does not include fueling, refueling, or service facilities.

2. Districts Permitted: By Special Review in F, A, MF, T, B, C, LI, and GI

3. Parking Requirements: Five spaces

4. Loading Requirements: None

5. Additional Provisions: None

D. Multimodal Parking Facility

1. Definitions: A public parking area and transit facility to allow the parking of motor automotive and non-automotive modes to connect with transit, shuttle services, or rideshare programs; or a public parking area to allow the parking of automotive and non-automotive modes to service an area of public significance such as existing townsites, open space, and areas which have cultural, environmental, or historical value, where provision of on-site parking is constrained and allowing off-site parking facilities would help maintain the character and function of the area or district served.

2. Districts Permitted: In all districts, by Limited Impact Special Review for lots with less than 15 automotive parking spaces or by Special Review for lots with 15 or more automotive parking spaces.

3. Loading requirements: To be determined through Special Review or Limited Impact Special Review

4. Additional Provisions:

a. This use is not required to be located on a building lot or comply with the minimum lot size requirement for the district in which it is located.

b. Parking for uses on open space parcels controlled by a government entity shall not require review under this section if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.

c. The parking facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.

d. Electric vehicle service equipment or electric vehicle supply equipment ("EVSE"), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.

(i) On-site installation may not be required if a more suitable location is appropriate. Factors to be considered in determining suitability are land use impacts, proximity to employment areas, townsites or historical areas, existing or planned EVSE infrastructure in the area, electric infrastructure on-site and nearby, and location in relation to arterial roadways. For cases in which on-site installation is not required, the applicant shall be subject to the Electric Vehicle Charging Fund standards, as adopted by the Board of County Commissioners.

(ii) A Level 2 or Level 3 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required for the first 15 automotive parking spaces. If no Level 3 EVSE is installed then for each additional 25 automotive parking spaces, one additional Level 2 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required. If Level 3 EVSE is installed, then no additional EVSE is required.

(iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are required to register with an electric vehicle charging information network.

e. Internal traffic circulation systems shall be designed to mitigate conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks will connect to transit or shuttle stops, and the public area served. When an area of public significance is served, pedestrian walkways or sidewalks on the parcel will connect to existing or planned walkways to the area being served.

f. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least 5% of the parking area.

g. Lighting shall comply with Article 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation, and lighting locations may be determined through the applicable review process.

h. A stormwater management plan or drainage plan is required for final design and construction.

i. Rideshare requirements will be determined during review. Depending on the location and use of the multimodal parking facility, designated parking spots for rideshare vehicles may be required.

4-514 Utility and Public Service Uses

A. Central Office Building of a Telecommunication Company

1. Definition: An above ground structure which is in excess of eight feet in height which shelters telecommunications facilities required as an operating unit, including but not limited to the switch or other facilities used to establish connections between customer lines or between lines and trunk or toll lines to other central offices.

2. Districts Permitted: By review through areas and activities of state interest in all districts

3. Parking Requirements: To be determined through review

4. Loading Requirements: None

5. Additional Provisions: None

B. Community Cistern

1. Definition: An underground water storage container with a capacity of over 5,000 gallons, operated by a municipality or fire district or department, which contains water utilized exclusively for fire protection.

2. Districts Permitted: By Limited Impact Special Review in all districts unless waived by the Director.

3. Parking Requirements: To be determined through Limited Impact Special Review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. Any above ground water storage facility with a capacity over 5,000 gallons is required to meet the requirements of Article 4-514(R) or 4-514(S), as applicable.

c. The requirement for Limited Impact Special Review may be waived if the Director determines the community cistern will not have an impact on significant environmental or cultural resources identified in the Comprehensive Plan and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

C. Fire Barn

1. Definition: A facility operated by a municipality, fire district, or department which houses fire equipment.

2. Districts Permitted: By Limited Impact Special Review in all districts

3. Parking Requirements: To be determined through Limited Impact Special Review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

D. Fire Station

1. Definition: A facility operated by a municipality, fire district, or department which houses fire equipment and may be used for the housing of personnel and associated meetings.

2. Districts Permitted: By Special Review in all districts

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: None

5. Additional Provisions: None

E. Gas and/or Hazardous Liquid Pipelines

1. Definition: Pipelines for the collection and transmission of crude oil, natural gas or other hazardous liquids, including:

a. flowlines: segments of pipe from the wellhead downstream through the production facilities ending at: (i) in the case of gas lines, the gas metering equipment, or (ii) in the case of oil lines, the oil loading point or lease automated custody transfer unit;

b. gathering lines: pipelines and equipment that transports gas from a production facility, ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter, to a natural gas processing plan or transmission line or main, including valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmissions lines, or main lines); and

c. intra-state transmission lines: pipelines within the State of Colorado and defined as transmission lines by the Colorado Public Utilities Commission in 4 C.C.R. 723-4:4901(ee) as amended6).

2. Districts Permitted: In all districts by Special Review under Article 4, Article 8 (areas and activities of state interest), or Article 12 as applicable. Gathering lines, intra-state transmission lines and flowlines that are part of new oil and gas development and are located on the same parcel as a well head, pumping units, tanks and treaters will be subject to Special Review under Article 12 of this Code. Gathering lines and intra-state transmission lines that are not associated with new oil and gas development or are not located on the same parcel as a well head, pumping units, tanks and treaters and are not subject to Article 8 are subject to special review under this Article 4.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. The Applicant must provide written notice of the application to all property owners within 500 feet of the centerline of the proposed pipeline.

c. The Applicant must submit copies of all necessary surface use agreements and proof of legal access to the site prior to the commencement of any construction activities.

d. Siting.

(i) Gathering lines, flowlines and intra-state transmission lines subject to Article 4 review shall, to the maximum extent practicable, be sited to avoid areas containing existing or proposed residential, commercial, or industrial buildings; places of public assembly; the high mark of any surface waterbody; and sensitive environmental features.

(ii) Such lines shall, to the maximum extent practicable, be sited to avoid areas that will impact county open space or impede road rights-of-way. Surface impacts and habitat fragmentation and disturbance must be minimized where such pipelines are permitted.

(iii) To the maximum extent practicable, without compromising pipeline integrity and safety, Applicants shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts.

(iv) Setbacks from residential, commercial, or industrial buildings, places of public assembly and the high-water mark of any surface water body will be determined on a case-by-case basis in consideration of the size and type of the proposed line and features of the proposed site, but a Gas and/or Hazardous Liquid Pipeline subject to Article 4 Special Review must not be located closer than one hundred and fifty (150) feet from a residential, commercial, or industrial buildings; a place of public assembly; or a the high-water mark of any surface water body except in extraordinary circumstances. All setback distances shall be measured from the nearest edge of the pipeline.

(v) To minimize negative impacts to the channel, bank, and riparian areas, when crossing streams, rivers or irrigation ditches, operators must use boring technology or alternative Director-approved most effective performance techniques and practices.

e. Construction.

(i) Flowlines, gathering lines, and intra-state transmission lines subject to this Article 4 shall be buried below the level of cultivation, and must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom is at least three (3) feet deep.

(ii) The Department may require an Applicant for a pipeline to provide a risk-based engineering study for all or part of its proposed pipeline right of way that may require the implementation of more stringent construction or operation standards or space between the pipeline and other structures.

(iii) During pipeline construction for trenches that are left open for more than five (5) days and are greater than five (5) feet in width, install wildlife crossovers and escape ramps where the trench crosses well-defined game trails and at a minimum of one-quarter (1/4) mile intervals where the trench parallels well-defined game trails.

(iv) All pipe installed in a ditch must be installed in a manner that minimizes the introduction of secondary stresses and the possibility of damage to the pipe.

(v) Gathering lines, flowlines and intra-state transmission lines installed underground must have at least twelve (12) inches of clearance between the outside of the pipe and the extremity of any other underground structure, except that for drainage tile the minimum clearance may be less than twelve (12) inches but not less than two (2) inches. Where twelve (12) inches of clearance is impracticable, the Director may approve a request by the operator to reduce the minimum clearance if adequate provisions are made for corrosion control.

f. Records. A complete record that shows the following must be maintained by the operator for the life of each pipeline facility and provided to the Director in electronic format compatible with the County's geographic information system for reference in case of emergency:

(i) The total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

(ii) The amount, location, and cover of each size of pipe installed.

(iii) The location of each crossing of another pipeline.

(iv) The location of each buried utility crossing.

(v) The location of each overhead crossing.

(vi) The location of each valve and corrosion test station.

(vii) Copies of all monitoring results and pipeline integrity test results for the past five years.

g. Inspection, Monitoring, Testing and Maintenance.

(i) Gathering lines, flowlines and intra-state transmission lines must include a leak detection system that includes pressure flow meters, flow balancing, and a computer alarm and communication system in the event of a suspected leak, unless, upon Applicant's request, the Director determines that an equivalent or better, commercially available technology appropriate to the line and the site may be used instead. The leak detection system for gas pipelines must include pressure sensor equipment. The accuracy of the system must be defined once the system is established and tested in a manner approved by the Director. The Director may approve change in these requirements to address specific system operating requirements.

(ii) Flowlines subject to Article 4 special review and operating at fifteen (15) psig or higher must either be pressure tested at least each calendar year unless risk factors suggest more frequent testing, or use a continuous monitoring program including a continuous leak detection system as described above.

(iii) If a leak is detected, the operator must report the leak to the Director immediately, at a minimum within twenty-four (24) hours. The operator must notify the Director of any pipeline taken out of service due to a test failure immediately, at a minimum within twenty-four (24) hours.

(iv) Pipe clamps, wooden plugs, or screw-in plugs must not be used for any permanent repair.

(v) Operators must visually inspect all aboveground pipelines for leaks and corrosion on a monthly basis.

h. Abandonment. If an Operator plans to abandon a gathering line or transmission line, the Operator must submit proposed pipeline abandonment procedures to the Director for review and approval. Flowlines must be abandoned consistent with COGCC Rule 1103 as amended.

i. Where appropriate given the context of the application, in reviewing an application or formulating a condition of approval the Director may consult the pipeline guidelines published by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration for acceptable separation distances between residential, institutional, recreational, commercial, or industrial uses and hazardous operations, available at 24 C.F.R. Part 51.

F. Major Facility of a Public Utility

1. Definition: Any electric transmission lines, power plants, or substations of electric utilities; major gas regulator stations, transmission and gathering pipelines, and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts. Power plants by review under the regulation of areas and activities of state interest in GI, LI, C, A, F

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:

a. With the exception of power plants, this use is not required to be located on a building lot, nor comply with the minimum lot size requirement for the district in which it is located.

b. Power plants are required to be located on a building lot.

c. Power plants in the Agricultural or Forestry zone districts will be permitted only if the area used has been contaminated or damaged making it unsuitable for agricultural, forestry, or residential uses. These areas may include former landfills, brownfields, Superfund sites, and the like.

d. Power plants cannot be located on areas with the following Boulder County Comprehensive Plan designations: Agricultural Lands of National Importance, Agricultural Lands of Statewide Importance, Agricultural Lands of Local Importance, Natural Landmarks and Natural Areas, or Critical Wildlife Habitats.

e. Applications for power plants shall be reviewed with special consideration given to the View Protection Corridors, as identified in the Boulder County Comprehensive Plan.

G. Public or Quasi-public Facility Other Than Listed

1. Definition: A public or quasi-public facility other than those specified in this Section 4-514.

2. Districts Permitted: By Special Review in all districts

3. Parking Requirements: To be determined through Special Review

4. Loading Requirements: To be determined through Special Review

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. Electric transmission lines are not required to comply with the height requirement for the district in which it is located.

H. Public Safety Telecommunication Facility

1. Definition: A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses.

2. Districts Permitted: By Limited Impact Special Review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

I. Sewage or Water Transmission Lines

1. Definition: Pipelines used for the transport of water or sewage.

2. Districts Permitted: By review under the regulation of areas and activities of state interest or location and extent review in all districts, unless the line is serving an oil and gas facility, in which case special review under Article 12 in all districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

J. Sewage Treatment Facility

1. Definition: A facility for the collection, treatment, and disposal of sewage, which has a designed capacity to receive more than 2000 gallons of sewage per day.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

K. Small Wind-Powered Energy System

1. Definition: A wind energy conversion system which may include a wind turbine and blades, a tower, and associated control or conversion electronics.

2. Districts Permitted: By Site Plan Review Waiver in all districts if the height does not exceed the maximum height of the zone district. By Site Plan Review in all districts if the height is greater than the maximum height of the zone district and does not exceed 80 feet.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. As a Principal Use, this use must be located on a building lot or an outlot platted for this purpose. As an accessory use, this use must be located on a building lot if the Principal Use requires a building lot.

b. This use may be considered accessory, that is, customary and incidental to a Principal Use when its primary purpose is to reduce consumption of utility power on the parcel on which it is located.

c. The minimum setback from any property line, right-of-way, roadway easement, or public trail shall be a distance no less than 1 times the system's highest point unless the adjacent property owner(s) grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zone district.

d. The maximum height of a wind energy system shall not exceed 80 feet in height, and no variance may be granted to exceed this maximum height limit. Structure height is the vertical distance from any part of the structure (including blades) to the existing or natural grade. A system that exceeds the applicable height limit of the zone district in which it is located will not be approved, unless the applicant demonstrates through competent information, such as anemometer data or National Renewable Energy Laboratory mapping, that the proposed site provides sufficient wind potential to justify a taller system, and that the other requirements for this use and review criteria can be met.

e. Applications shall be reviewed according to the required review criteria based on the height of the structure with special consideration to:

(i) Comprehensive Plan designations. This use shall not have a significant adverse visual impact on the natural features or neighborhood character of the surrounding area. Particular consideration to view protection shall be given to proposals that would be visible from areas designated Peak-to-Peak Scenic Corridor, View Protection Corridor, and areas within the Natural Landmarks and Natural Areas and buffers as designated in the Boulder County Comprehensive Plan.

(ii) Visual impacts. Colors and surface treatment of the installation shall be as neutral and non-reflective as possible with muted colors on all surfaces. Graphics, signs and other decoration are prohibited.

f. Tower structure lighting is prohibited.

g. If this use ceases to perform its originally intended function for more than 18 consecutive months, the system shall be removed and adequate site restoration performed no later than 90 days after the end of the 18-month period.

h. Prior to approving an application for a small wind-powered energy system, staff may require the applicant to show that no other less obtrusive form of renewable energy device is feasible under the circumstances.

L. Solar Energy – Building-Mounted System

1. Definition: A solar energy system mounted on or integrated into the construction of a structure, such as, but not limited to, a roof-mounted solar energy system.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Building-mounted systems may be mounted on an existing or new legal structure, subject to review through the building permit process.

b. Building-mounted systems are allowed without Special Review approval as a secondary Principal Use on parcels with existing Principal Uses.

c. A building-mounted solar energy system added to a non-conforming structure, or a structure containing a non-conforming use, will not be considered an enlargement, repair, or alteration of a nonconforming structure or use that increases the degree of nonconformity under Article 4-1002 or that is impermissible under 4-1003.

(i) Building-mounted solar energy systems on a structure that is non-conforming because it does not meet or is currently at the minimum setback may project into the setback up to an additional one foot.

(ii) Additional restrictions or requirements in Article 4-400 may apply to nonconforming structures and uses in the floodplain.

d. Roof-mounted systems must be mounted as flush as possible to the roof. In order to achieve proper solar orientation, panels may exceed the height of the roofline and, consequently, the maximum height permitted in the zoning district by no more than five feet.

M. Solar Energy – Ground-Mounted System

1. Definition: A solar energy system mounted on a rack or poles that rests on or is attached to the ground, not including a solar energy system mounted on parking canopies.

2. Districts Permitted:

Zoning District	Small < 2.5 acres disturbed area	Medium 2.5 to 10 acres disturbed area	Large 10+ acres disturbed area
MF, MH, MI, SR, H	SPR	Not allowed	Not allowed
A, ER, RR, F	SPR/SU*	LU/ SU*	SU*
LI, GI, C, B, T	SPR	SPR	LU

*Note: Special Review is required for Significant Agricultural Lands in A, RR, ER, as listed in the additional provisions, below. Medium and Large systems are not permitted in platted subdivisions in ER and RR.

3. Parking Requirements: To be determined through review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is required to be located on a building lot, or an outlot platted for this purpose.

b. The use may be allowed on right-of-way, as permitted by the right-of-way owner and if compatible with the use of the right-of-way. For right-of-way systems, further requirements may be stipulated by the Boulder County Public Works Department or the Colorado Department of Transportation to ensure compatibility with transportation-related uses of the right-of-way.

c. The appropriateness of a site, the specific location on the site, and the extent of site disturbance will be determined through the applicable review process.

d. Ground-mounted systems with disturbed area greater than 0.5 acre cannot be located on areas designated by the Boulder County Comprehensive Plan as Natural Landmarks, Natural Areas, Critical Wildlife Habitats, or Wildlife Migration Corridors.

e. Ground-mounted systems are allowed as a second Principal Use on parcels subject to the review process applicable for the proposed new ground-mounted system.

f. Ground-mounted systems shall not exceed 15 feet in height, except to accommodate site specific needs and as approved through review. Systems exceeding 15 feet in height require an increased setback of 75 feet from all property lines, unless it is demonstrated that a lesser setback or topographical or vegetative screening adequately mitigates visual impacts. In no case shall a system exceed 25 feet in height.

g. Ground-mounted systems with disturbed area greater than 2.5 acre are not permitted in the Forestry Zoning District unless the site has been previously contaminated or the soil otherwise damaged, making it unsuitable for agricultural or forestry uses. Qualifying areas may include properties that have previously undergone intensive development and where it is determined, through the review process, that installation of a ground-mounted system will not have additional significant impacts.

h. Ground-mounted systems with a disturbed area greater than 0.5 acre on lands designated as Significant Agricultural Lands under the Boulder County Comprehensive Plan, and located in the Agricultural, Estate Residential, or Rural Residential zone districts , require Special Review and are subject to the following additional requirements intended to preserve and maintain soil and agricultural integrity:

(i) The total disturbed area associated with the ground-mounted system cannot exceed 7 acres on parcels smaller than 70 acres in size, or 14 acres on parcels larger than 70 acres in size.

(ii) Application for the ground-mounted system must contain a solar energy system development report as set forth in Article 3-203.

N. Solar Energy - Parking Canopy System

1. Definition: A solar energy system mounted on or integrated into the construction of a vehicle parking shade structure which covers vehicle or other multimodal parking areas.

2. Districts Permitted: By Site Plan Review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot.

b. This use is required to be located on an existing or approved parking area and the vehicle shade structure for this use must meet building code requirements.

c. Unobstructed separation of not less than 16 feet, between canopy structures, must be maintained over dedicated parking aisles. Parking space striping and other applicable requirements as described in the Multimodal Transportation Standards must be met.

d. A parking canopy system and all of its component parts must not obstruct or encroach into a fire lane.

e. Where possible, parking canopy systems should be designed to minimize the increase in overall massing on the site, for example, by having larger systems consist of multiple smaller canopy structures.

f. Parking canopy system design must minimize drainage impacts.

g. Parking canopy solar energy systems must not exceed a maximum height of 30 feet, unless otherwise approved through Site Plan Review to accommodate site specific needs.

O. Telecommunications Facility

1. Definition: A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or Smart City, Internet of Things, wireless utility monitoring and control services. A Telecommunication Facility does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A Telecommunication Facility includes an Antenna or Antennas, including without limitation, direction, omni-directional and parabolic antennas, support equipment, Alternative Tower Structures, and Towers. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

a. Small Cell Wireless Facility - is defined as a facility that is mounted on structures 50 feet or less in height including their antennas, and where each antenna is located inside an enclosure no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch and meets the height requirements of the district in which it is located.

b. Macro-Cell Facility is defined as a facility used for the transmission or reception of electromagnetic or electro optic information for the purposes of providing coverage over large areas, greater than 50 feet in height, and primary equipment enclosures are greater than seventeen cubic feet in volume.

c. Eligible Facility Request is defined as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

2. Districts Permitted:

a. For Small Cell Wireless and Eligible Facility requests, an Administrative Review as set forth in Article 4-700.

b. For Macro-cell Facility placed on an existing structure that may require accessory structures and meets the height requirements of the district in which it is located, by Site Plan Review, subject to the requirements outlined in Section 4-800 through 4-806 of this Code.

c. For Macro-cell facility placed on a new structure or that exceeds the height requirements for the district in which it is located, by Special Review. In addition to the general requirements for Special Review, telecommunication facilities shall also be subject to the requirements outlined in Section 4-600 and Section 4-602.D of this Code.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a Building Lot or comply with the minimum lot size requirement for the district in which it is located.

b. All Telecommunication facilities shall comply with federal standards for radio frequency standards.

c. Applicant must comply with the Boulder County Community Planning & Permitting Department Small Cell Wireless Facility Design Requirements and Guidelines publication available at the Community Planning & Permitting Department.

d. Small cell facilities must meet the height requirements of the district in which it is located. Upon petition by the applicant, the Community Planning & Permitting Director may allow up to an additional 8 feet above the height limit of the zoning district based upon consideration of the context of the location, technological feasibility, density of other equipment in the area, and visual impacts.

e. Any small cell facility in the public right of way that is not used for a period of six months or more shall be deemed to be abandoned. The small cell facility owner or applicant shall remove a small cell wireless facility that is considered abandoned and if they fail to remove the abandoned facility the County may remove the small cell facility and charge the costs to the small cell facility owner.

f. For Macro-cell facilities a separate accessory equipment building is allowed as long as it is no more than 10% of the gross floor area of all existing permitted structures on the parcel or 450 square feet, whichever is less unless waived by the Community Planning & Permitting Director.

g. Any approval of a small cell wireless facility is not subject to any appeal process under the Land Use Code.

h. For small cell wireless facility applications, property owners within 1,500 feet of the subject property shall be notified. Applications for other telecommunications facilities shall be noticed consistent with Article 3-204 or 4-805 as applicable.

P. Telecommunications Facility, requiring a new structure or accessory structure exceeding the height limitation of the district in which the facility is located, or exceeding the accessory building size limitations set forth in Subsection 4-516.O. immediately above.

1. Definition: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any other use listed in this Code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

2. Districts Permitted: By Special Review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. In addition to the general requirements for approval of a special use permit, telecommunication facilities shall also be subject to the requirements outlined in Section 4-600 of this Code.

b. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

Q. Utility Service Facility

1. Definition: Any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, or other minor service facilities.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. No buildings shall be associated with this use.

c. This use is limited to the following sizes:

(i) gas lines less than 12 inches; and

(ii) electric lines of less than 115,000 volts.

R. Water Reservoir

1. Definition: An area of land where water rights are retained or an area intended for water storage.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. This use does not include reservoirs used primarily for agricultural purposes. Agricultural purposes include but are not limited to stock watering ponds, irrigation reservoirs, and fish farms. Any reservoir used primarily for agricultural purposes may also be used for incidental noncommercial recreational, piscatorial and wildlife purposes by the owners of the reservoir.

S. Water Tank or Treatment Facility

1. Definition: A facility, excluding community cisterns, with a capacity of 5,000 gallons or more for purifying, supplying, and holding water.

2. Districts Permitted: By review under the regulation of areas and activities of state interest, or Special Review and location and extent review in all districts

3. Parking Requirements: To be determined through the review

4. Loading Requirements: None

5. Additional Provisions:

a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

b. This use shall also be granted and maintain all applicable local, state, and federal permits.

4-515 Warehouse Uses

A. Personal Storage Facility

1. Definition: A facility for storage of personal items in individual units, bins, rooms, or containers

2. Districts Permitted: By right in C, LI, and GI

3. Parking Requirements: One space per 20 units

4. Loading Requirements: None

5. Additional Provisions: Any unit, bin, room, or container must be a permanent structure.

B. Warehouse and Distribution Center

1. Definition: A building used primarily for the inside storage and distribution of goods and materials, which includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

2. Districts Permitted: By right in LI and GI

3. Parking Requirements: One space per 1,000 square feet of floor area

4. Loading Requirements: One loading space for 10,000 or more square feet of floor area

5. Additional Provisions:

a. The parking and storage of tractor and/or other trailer units does not allow the storage either of empty inoperable trailers or trailers as storage units themselves.

b. All required local, state, and federal licenses and permits, including those related to marijuana must be obtained from the appropriate regulatory agencies.

c. For Marijuana Establishment regulations, refer to Section 4-512.I. of this Code

4-516 Accessory Uses

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in 4-500 may be an accessory use if the Director determines that the use is customarily incidental to a main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

A. Accessory Agricultural Composting

1. Definition: The conversion of organic materials, collected in a pile or windrow, through a process of managed biological decomposition to produce finished compost, in a manner customary and incidental to a principal agricultural use.

2. Districts permitted: By right in F, A, RR, ER, T, B, C, LI, GI, and MI zone districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Composting incidental to agricultural operations is exempt from the location requirements in part c below when under 50 cubic yards of material is being processed.

b. Materials which may be collected from off-site are limited to wood and vegetative debris, yard by-products, food discards and agricultural by-products.

c. The location of the composting must be at least 150 feet from the perimeter of the parcel(s) under the same ownership, lease, or control where the agricultural operation is occurring, if more than 50 cubic yards of material is being composted at any one time.

d. The total amount of active composting material shall not exceed 1,000 cubic yards at any one time.

e. No more than 1,500 cubic yards of composted material shall be removed from the site in any 36-month period.

f. Any required state and federal licenses and permits shall be obtained from the appropriate regulatory agencies and shall be maintained in good standing.

g. The location of composting activities must be outside the 100-year floodplain and at least 100 feet from wells and at least 50 feet from streams or other water features.

h. Measures to protect storm water quality shall be implemented. Runoff from composting shall not leave the property or enter a water body.

B. Accessory Agricultural Sales

1. Definition: A location for the retail sale or wholesale of agricultural or horticultural products.

2. Districts Permitted: By right in F, A, RR on unsubdivided land, ER, LI, GI, T, B, C, and MI; By Limited Impact Special Review in RR (subdivided) unless waived by the Director.

3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.

4. Loading Requirements: Sufficient to accommodate the use

5. Additional Provisions:

a. The majority of all products sold must be sourced from Boulder County farms. A minimum of 70 percent of the area used for sales, must be used for the sale of Agricultural Products. The remainder (up to 30 percent of the area used for sales) may be used for the sale of craft, artisan, or prepared food products, and may include a nominal amount of other products (eg, promotional items).

b. Food items sold must meet all applicable state and local requirements, for example sale of value-added products may require a license from Boulder County Public Health.

c. Units used for Accessory Agricultural Sales must meet the definition of an Agricultural Sales Unit and are subject to the Accessory Agricultural Structures provisions in Article 4-516.C.

d. Agricultural or horticultural products grown on the farm may be processed on the farm to create a value-added product provided the majority of the ingredients are grown on-site. A commercial kitchen for the express purpose of processing agricultural products may be constructed.

e. For purposes of this use, the term “on-site” means agricultural and horticultural products that are grown on parcels under the same ownership, lease, or control as the parcel where the Accessory Agricultural Sales use is located.

f. A mobile farm stand shall be allowed a maximum of (1) 120-volt 20-amp GFCI protected receptacle fed from the existing electrical system. This receptacle shall be weatherproof and mounted in a weatherproof box with an approved cover allowing cord connection while closed. The box shall be mounted on a minimum 4x4 pressure treated post buried a minimum of 2’ in the ground and standing a minimum of 2’ above grade or equivalent installation approved by the Chief Building Official. This electrical installation shall be considered permanent and installed accordingly per all currently adopted NEC requirements.

g. The requirement for Limited Impact Special Review in RR subdivisions may be waived if the Director determines the Accessory Agricultural Sales will not have a negative impact on the neighborhood and that there is no potential for any significant conflict with the criteria listed in Article 4-601 of this Code. In considering this determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days and shall consider any comments received from the public.

h. A mobile farm stand located in the Floodplain Overlay District must meet the requirements in Article 4-405.F (for Recreational Vehicles) but does not need a Floodplain Development Permit. All other Agricultural Sales Units that have two sides and a roof and are located in the Floodplain Overlay District must receive a Floodplain Development Permit and meet the requirements of Article 4-405.C.3.a.

C. Accessory Agricultural Structure

1. Definition:

a. A structure that is accessory to a principal agricultural use, which may include barns that store animals or agricultural implements, detached greenhouses, Season-Extending Agricultural Structures, indoor riding arenas, or other accessory structures depending on their demonstrated use; or

b. Agricultural sales structures accessory to a principal Agricultural, Commercial, or Business use.

2. Districts Permitted: By right in F, A, RR, ER, LI, GI, T, B, C, and MI

3. Parking Requirements: To be determined through review.

4. Loading Requirements: None

5. Additional Provisions:

a. Accessory Agricultural Structures are subject to the minimum requirements of the zoning district in which they are located.

b. Accessory Agricultural Structures must be of a size and scale that relates to the size and scale of the agricultural use on-site, except that Agricultural Sales Units may be located on property not used for production of agricultural products (see 4-516). Property owners may be asked to demonstrate the agricultural use including the area where the agricultural use will take place, describe how the structure will be utilized, and discuss how the structure and its proposed size is necessary to support the agricultural use on-site. Property owners may be required to sign a zoning affidavit restricting the structure to agricultural uses.

c. For purposes of this use, the term "on-site" means parcels under the same ownership, lease or control as the parcel where the Accessory Agricultural Structure is located.

d. Structures that support the agricultural use shall not be considered Residential Floor Area. Structures that do not support an agricultural use are considered Accessory Structures and will contribute to the total Residential Floor Area on the subject parcel.

D. Accessory Beekeeping

1. Definition: Raising domestic honey bees for the purpose of collecting honey.

2. Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Beekeeping is an Open Agricultural use.

b. Two (2) colonies are allowed per building lot in the SR zone district. (A queen and her worker bees are considered one colony.)

E. Accessory Chicken Keeping

1. Definition: Raising chicken hens primarily for the people living on the parcel.

2. Districts permitted: By right in F, A, RR, ER, SR, LI, GI, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Keeping chickens is an agricultural use. For the F, A, RR, ER, LI, GI, and MI zone districts, the maximum number of animals on a parcel shall be determined by the animal units allowed in that zone district.

b. Building lots in the SR zone district are permitted to have as many as eight (8) hens.

c. Roosters are prohibited in the SR zone district.

d. Chicken coops are considered Accessory Agricultural Structures. See Article 17-300.A. to determine if a building permit is required.

F. Temporary Accessory Community Meeting Facility

1. Definition: An accessory community meeting facility is the use of a legally existing Educational Facility, including its accessory structures, for meetings of community groups including, but not limited to, homeowners associations, civic groups, religious groups, philanthropic organizations and other similar groups, provided that the accessory use:
   a. does not result in noise, vibration, light, odor, dust, smoke, or other air pollution causing a substantial negative impact on surrounding land uses and/or public use of public facilities in the area,
   b. is clearly subordinate to the use of the lot for its principal Educational Facility use and does not change the character of the lot, including, but not limited to, possible limits on hours of use, and is otherwise subject to all restrictions applicable to the Principal Use except as provided herein,
   c. does not include the outside storage of goods, materials, or equipment,
   d. has signage limited to a non-illuminated identification sign two square feet or less in size,
   e. does not produce traffic volumes exceeding that approved for the Principal Use, and
   f. does not occur during the principal hours of operation of the Principal Use
2. Districts Permitted: By Special Review in all districts except F
3. Parking Requirements: Same as that required for the corresponding Principal Use
4. Loading Requirements: Same as that required for the corresponding Principal Use
5. Additional Provisions:
   a. The use is limited to no more than a one year's existence on the property from the date of establishment on that property, except that the Community Planning & Permitting Director shall have the authority to extend this term for successive one-year terms after giving notice to property owners within 1,500 feet of the property and provided no significant opposition to continuing the use is received (and if it is, the use shall cease unless re-approved through Special Review).
   b. Annually, the Principal Use shall submit a report to the Boulder County Community Planning & Permitting Department advising them of the groups who are permitted to use the property

G. Accessory Concrete or Asphalt Batch Plant
1. Definition: A facility for mixing concrete or asphalt
2. Districts Permitted: By Special Review in A, LI, and GI
3. Parking Requirements: To be determined through Special Review
4. Loading Requirements: To be determined through Special Review
5. Additional Provisions:
   a. This use must comply with all applicable local, state, and federal laws and permits.

H. Accessory Dwelling
1. Definition: A dwelling unit which is accessory to a permitted Principal Use and which is limited to the following, allowed purposes:
   a. Family care units, to be occupied by a family member who either requires some level of care or supervision from, or provides some level of care or supervision to, another family member inhabiting the principal residence.
   b. Agricultural units, to be occupied by an agricultural worker or family whose help is required to support or conduct an agricultural Principal Use on the subject property.
   c. Historical units within a landmarked structure whose purpose is to contribute to the preservation of the landmark.
   d. Disaster Recovery Unit as permitted under Article 19.
2. Districts Permitted:
   a. For family care units, by Limited Impact Special Review in all districts;
   b. For agricultural units, by Limited Impact Special Review in the Agricultural District, and Rural Residential District on unsubdivided land; and
   c. For historic units, by Limited Impact Special Review in all districts.
3. Parking Requirements: At least one off-street parking space must be provided.
4. Loading Requirements: None
5. Additional Provisions for Family Care Units.
   a. The accessory dwelling may be detached from the structure housing the principal dwelling provided it is closely clustered with the principal dwelling.
   b. The accessory dwelling is limited to 700 square feet in size. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed.

c. A separate entrance to the accessory dwelling is allowed, but only one entrance to all dwelling units may be visible from the front property line.

d. The property owner must live on the property.

e. The owner must submit an annual report to the Community Planning & Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.

f. The unit may only be used as approved through Special Review. If a change in use is deemed to be a substantial modification of the approval, the approval will be terminated and the unit must be removed or decommissioned.

g. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office for any approval granted.

6. Additional Provisions for Agricultural Worker Units.

a. The applicant shall adequately demonstrate that the property size and nature of the agricultural work on the property requires a second household for labor on-site.

b. The applicant shall adequately demonstrate that the worker is substantially employed in farming the property.

c. The applicant shall adequately demonstrate that the unit is necessary for operating the farm.

d. The accessory dwelling may be detached from the principal dwelling, provided it is either closely clustered with the principal structure or located where appropriate for the agricultural operation with which it is associated.

e. The accessory dwelling is limited to 1,800 square feet. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed.

f. The property owner or a member of the owner's immediate family must work and live on the property.

g. The owner must submit an annual report to the Community Planning & Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.

h. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

i. Agricultural accessory dwellings approved by Boulder County or legally nonconforming prior to October 19, 1994 shall be permitted to be repaired, remodeled or replaced, provided the new structure is in the same general location and does not exceed 1,800 square feet.

7. Additional Provisions for Historic Units.

a. The accessory dwelling must occupy an existing historic structure that has been designated as a historic landmark by Boulder County.

b. The Boulder County Commissioners (BOCC), considering a recommendation from the Historic Preservation Advisory Board (HPAB), must determine that the proposed accessory dwelling is necessary for the preservation of the landmark.

c. The accessory dwelling is limited to the existing size of the landmarked structure except for minor additions that may be necessary for health and safety purposes and which are approved by the BOCC, considering a recommendation from the HPAB.

d. Construction of new structures on the property cannot cause a significant negative impact on the landmark.

e. The unit may only be used as approved through the review. If unapproved changes occur the approval will be terminated and the unit must be removed or decommissioned. Rescission of the landmark designation will automatically rescind the approval of the unit.

f. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

I. Accessory Horse Keeping

1. Definition: The keeping and use of horses on a parcel where such keeping and use is not the Principal Use of the parcel.

2. Districts Permitted: By right in F, A, RR, ER, SR, MF, MI, GI, and LI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. The number of horses is controlled by each zoning district.

b. The term horses shall include horses, mules, and donkeys.

c. A minimum of one-half acre of pasture per horse is required for horse keeping in the SR and MF zoning districts.

J. Accessory Meat or Poultry Processing

1. Definition: The processing of meat and poultry, of up to 10 animal units per 30-day period, including but not limited to the slaughtering, butchering, dressing, and packaging of meat and poultry products.

2. Districts Permitted: By right in F unsubdivided, A, RR unsubdivided, ER unsubdivided, LI, GI, and MI

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. All outdoor activities associated with this use shall be setback a minimum of 150 feet from all property lines

b. Animals must be raised on-site as defined in 4-502

c. The facilities associated with the use can be mobile or permanent

d. The use shall comply with all regulatory requirements of other applicable agencies

e. Waste reduction measures are encouraged, including composting. As part of this Accessory Use and in addition to the materials listed in 4-506, waste products resulting from this use may be composted

f. Structures or area permissible for the use:

(i) Refrigeration or Freezing unit of no more than 150 square feet

(ii) Butchering area of no more than 200 square feet

K. Accessory Outside Storage

1. Definition: The outside placement, for a period of more than 24 hours, of items which are customary and incidental to the main use of the property.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. The area of placement may not exceed five percent of the lot area.

b. Items must be adequately screened from the view of adjacent roadways and properties.

c. Any unit, bin, room, or container used for storage must be a permanent structure.

d. Any vehicles or trailers shall be licensed and operable and may not be used for storage.

e. With the exception of the prohibition on using vehicles or trailers for storage, accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from these additional provisions.

L. Accessory Solar Energy System

1. Definition: Building-mounted, ground-mounted, and parking canopy solar energy systems designed primarily for serving on-site needs of a Principal Use.

2. Districts Permitted: By right in all districts. Site Plan Review is not required for ground-mounted systems that meet the provisions outlined in (e). When required, Site Plan Review may be waived by the Director for systems with a disturbed area less than 0.5 acres per 4-802.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Ground-mounted systems are structures that must meet applicable setbacks for the zoning district except as provided in section 5.b., below.

b. If necessary for the effectiveness of the system, accessory ground-mounted systems may be located within minimum lot line setbacks and within any applicable major road supplemental setback without the need for a variance, provided that the solar energy system is located not less than 5 feet from lot lines and not less than 15 feet from all roads.

c. Accessory ground-mounted systems may not exceed 15 feet in height, except to accommodate site specific needs and as approved through review. In no case shall a system exceed 25 feet in height.

d. Accessory solar energy systems must also meet all applicable Additional Provisions for solar energy including building-mounted, ground-mounted, or parking canopy systems contained in 4-514.

e. Ground-Mounted Solar Energy Systems do not require Site Plan Review if the Director determines all of the following parameters are met:

(i) The height of the system is no more than 10 feet;

(ii) The system complies with applicable zoning setbacks;

(iii) The panels of the system are located within 100 feet of the use the system is accessory to (e.g., Single Unit Dwelling, agricultural facility) as measured from the furthest extent of the panel(s) to the closest point of the structure or facility that the system is providing power to;

(iv) The cumulative panel area of the system(s) is no more than 750 square feet. The length times the width of the panel array will be used to determine panel area.

f. Prior to final inspection, all areas of exposed or disturbed soil must be revegetated or stabilized by other means sufficient to prevent the establishment of noxious weeds, soil erosion and protect stormwater quality.

g. Ground-mounted systems shall remain subject to explicit limitations that were imposed on a property through a prior County land use approval or conservation easement.

M. Accessory Structure

1. Definition: A subordinate structure detached from, but located on, the same lot as the Principal Use, the use of which is incidental and accessory to that of the Principal Use.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Any accessory structure is subject to the minimum requirements of the zoning district in which it is located.

N. Backyard Composting

1. Definition: The conversion of organic material into a humus-like material (compost) under a process of managed biological decomposition, in a manner customary and incidental to principal residential uses.

2. Districts Permitted: Permitted by right in all zone districts.

3. Parking Requirements: None.

4. Loading Requirements: None.

5. Additional Provisions:

a. Materials to be composted are limited to materials incidental to residential uses typically generated on site.

b. Composted material shall not be sold retail from the site.

c. The total amount of compost material shall not exceed 5 cubic yards at any one time.

d. The location of composting activities must meet the zone district setbacks if more than one cubic yard of material is being composted at any one time.

O. Demonstration Farm or Farm Camp

1. Definition: An area of agricultural land, including accessory structures, used to demonstrate farming, ranching and agricultural practices, to assist in the evaluation of farming practices and technologies, and to increase public awareness of food production and preparation practices. This use must be accessory to an Agricultural Use as listed in 4-502. Overnight classes and overnight camps are not permitted as part of this use.

2. Districts Permitted: By right or Limited Impact in A, RR unsubdivided. The review process required is based on the number of attendees and type of events:

a. By right for classes or farm camps for 15 or fewer people per day. Classes or farm camps for up to 25 people per day are allowed by right for properties with a Verified Established Farm Use.

b. By Limited Impact Special Review for classes or farm camps for more than 15 people

3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.

4. Loading Requirements: Sufficient to accommodate the use on-site.

5. Additional Provisions:

a. A related structure, including a classroom or kitchen for food preparation, may be approved as part of the Demonstration Farm use.

b. A building lot is required for this use.

c. All farm camps for children must provide a copy of their child care license or a written exemption from the Colorado Department of Human Services to the Community Planning & Permitting Department regardless of the number of children participating in the camp.

P. Farm Events

1. Definition: A use accessory to a farm consisting of any group between 26 and 150 individuals assembled for or participating in an event where the farm is used as a venue. The purpose of this use is to allow commercial farms the opportunity to showcase their farm and crops, introduce their customers to the farm, demonstrate their farming practices, and host community-oriented events that provide marketing opportunities to the farm and help diversify farmers' incomes in a way that is low-impact on the land and neighboring property owners. This includes farm-to-table dinners, weddings, wedding receptions, and any other gathering where eating and socializing occurs where the majority of the food served at the event is made with ingredients grown or raised in Boulder County or by the host farmer(s).

2. Districts Permitted: By right or Limited Impact in A, RR unsubdivided. The review process required is based on the frequency of events:

a. By right: No more than 12 Farm Events per calendar year.

b. By right: If Home Events also occur on a parcel where Farm Events occur, not more than 18 total events (including a maximum of 12 Farm Events) may occur per calendar year.

c. By Limited Impact Special Review: 13 to 24 Farm Events per calendar year.

d. Twenty-five (25) or more Farm Events per calendar year requires approval through Special Review.

3. Parking Requirements: Vehicles should be accommodated on-site. On street parking may be permissible with review and approval from the Public Works Department.

4. Loading Requirements: None

5. Additional Provisions

a. This use requires a building lot.

(i) Parcels that are not building lots may host farm-to-table dinners only.

b. Open Agriculture must be the Principal Use of the parcel.

c. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels and traffic and the Principal Use of the parcel itself.

d. No event will occur before 9 a.m. or after 10 p.m.

e. Building new Floor Area or utilizing existing Floor Area for these events is allowed under this use classification if the Floor Area is used for agricultural purposes when not used for Farm Events.

f. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and the County Commissioners' Office regarding requirements for Liquor Permits, County Public Works Department for Special Events that utilize or impact County Right-of-Way, and Parks & Open Space for Events or Group Gatherings on Parks & Open Space -owned property.

g. A Farm Event with greater than 99 people may occur with Special Authorization from the Zoning Administrator, following submittal of notice to neighbors within 1,500 feet of the proposed event location, and a 14 day comment period. Farm Events with greater than 99 people in attendance may not occur more than 12 times per calendar year.

Q. Grading of more than 50 Cubic Yards

1. Definition: Total movement, cut plus fill, of more than 50 cubic yards of material, with the following exceptions:

a. Normal grading activity associated with agriculture, allowed mining activity, water wells, onsite waste water treatment systems, trenching for placement of utilities, or foundation construction.

b. Normal grading activity associated with trail or road construction by a governmental entity on publicly acquired open space land in accordance with an open space management plan approved by the Board of County Commissioners.

c. Normal grading activity associated with Right-of-Way maintenance and construction, consistent with the County Transportation Master Plan, or a project otherwise approved by the Board of County Commissioners.

d. Normal grading activity such as the addition of road base material, and as consistent with the Boulder County Comprehensive Plan and Multi-Modal Transportation Standards.

2. Districts Permitted: By Site Plan Review, which may be waived by the Director, or Limited Impact Special Review in all districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. While it may be exempt from these provisions, grading which impacts a floodplain is not exempt from applying for and receiving a Floodplain Development Permit.

b. Normal agricultural grading that is exempt from the definition of this use includes but is not limited to: tilling fields, creating or altering irrigation ditch laterals, field leveling, field access roads for agricultural purposes, and other activities associated with farming and agricultural operations. Agricultural grading does not include terraforming for aesthetic purposes, landscaping ponds, altering wetlands, or other non-essential grading.

c. Ponds to be constructed at a depth of more than 24 inches must obtain a grading permit prior to construction. Ponds used to store/hold water for agricultural purposes (stock ponds, irrigation ponds) shall be exempt from the Site Plan Review or Limited Impact Special Review process unless they require an Individual Floodplain Development Permit.

R. Home Events

1. Definition: A use accessory to a principal residential use consisting of any group between 26 and 99 individuals total, assembled for or participating in an event where

a. The group is assembled for live music, broadcast music, or other commercial entertainment on a property where a fee or financial donation is requested from attendees to pay for the event; or,

b. The group is assembled for product sales or a product sales party where a purchase is expected from attendees.

2. Districts Permitted: By right in all districts

3. Parking Requirements: All vehicles must be accommodated on-site or in permitted on-street parking spaces

4. Loading Requirements: None

5. Additional Provisions:

a. The event must be hosted by one or more of the individuals who reside on the property.

b. Events will not occur more than 12 times per year at any residence.

c. No events will occur before 9 a.m. or after 11 p.m. or will exceed six consecutive hours in duration.

d. This use is subject to the Boulder County noise ordinance (Ordinance No. 92-28, as it may be amended from time to time).

e. All other legally accessory residential uses which are not Home Events, as defined above, are allowed by right with none of the restrictions in (a) through (c) above.

S. Home Occupation

1. Definition: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:

a. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,

b. includes only the incidental sale of stocks, supplies, or products,

c. is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,

d. does not include the outside storage of goods, materials, or equipment,

e. has signage limited to a non-illuminated identification sign two square feet or less in size,

f. does not exceed one-half the total floor area of the dwelling including activities carried out in an accessory structure, with the exception of child care which may exceed this limit,

g. does not produce traffic volumes exceeding that produced by the dwelling unit by more than 16 average daily trips or a maximum of 30 trips during any 24 hour period,

h. does not include nursing homes, restaurants, vehicle repair businesses, boarding houses, or marijuana establishments.

2. Districts Permitted: By right in all districts

3. Parking Requirements: One off-street space

4. Loading Requirements: None

5. Additional Provisions:

a. In subdivisions, no more than one vehicle associated with the use, registered as a passenger vehicle, light truck, recreational truck, or farm truck may be parked outside on the property.

b. The number or type of registration for vehicles associated with the use is not limited on properties located outside subdivisions.

T. Residential Marijuana Processing and Cultivation

1. Definition: Cultivation, production, or processing of marijuana or manufacture of marijuana products/by-products, or as authorized pursuant to Section 14 and Section 16 of Article XVIII of the Colorado Constitution and other applicable state law, in a legal dwelling unit or accessory structure, not for the purpose of sale or profit, primarily by and for the individuals living on the parcel. A maximum of six (6) plants may be grown per legal dwelling unit, regardless of the number of occupants. Processing of plants is limited only to those plants grown on the parcel.

2. Districts permitted: By right in all districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Extraction of Marijuana Concentrate:

a. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.

b. Alcohol/ethanol extraction is permitted provided it is done without application of an open flame or open heat source and uses not more than 375 ml of alcohol or ethanol during the extraction process.

c. Food-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other cooking fats or oils.

d. Water-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.

6. Additional provisions:

a. Residential Marijuana Processing and Cultivation must not result in noise or vibration, light, odor, dust, smoke, particulate or other air pollution noticeable at or beyond the property line or shared dwelling unit wall.

b. Supplemental carbon dioxide and/or ozone is prohibited.

c. Marijuana plants shall not be cultivated, produced processed or possessed in the common areas of a Multi-Unit Dwelling or attached residential development.

U. Household Pets

1. Definition: Domestic animals kept for pleasure exclusive of livestock.

2. Districts Permitted: No more than four weaned animals in RR, ER, SR, and MF; and no more than seven weaned animals in all other districts. Small birds, small reptiles, and fish and small mammals including gerbils, rabbits, mice and similar small animals are not limited in number.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Household pets shall not include any nondomestic animals (see 4-501 Keeping of Nondomestic Animals)

V. Noncommercial Telecommunications Site, one structure which meets setback and height requirements

1. Definition: A facility utilized for the transmission or reception of electromagnetic or elector-optic information, which is accessory to a residential use, is not commercial in nature, and meets the setback and height requirements of the district in which the facility is located.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions: None

W. Noncommercial Telecommunications Site, multiple structures and/or not meeting setback or height requirements

1. Definition: Any facility or facilities utilized for the transmission or reception of electromagnetic or electro-optic information, which is accessory to a residential use, is not commercial in nature, and does not meet either the setback or height requirements of the district in which the facility is located.

2. Districts Permitted: By Limited Impact Special Review in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Setback requirements: 50 feet from all lot lines

X. Small Wind-Powered Energy System, Roof-Mounted

1. Definition: A wind energy conversion system which may include a wind turbine and blades, a support structure, and associated control or conversion electronics and is mounted to an existing structure.

2. Districts Permitted: By right in all districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. By right, roof-mounted systems may exceed the roofline by up to five feet or the maximum height of the zone district by up to five feet (whichever is more restrictive).

b. Roof-mounted systems that propose to exceed the roofline or zone district by more than five feet but not more than 15 feet must be reviewed through the Site Plan Review Waiver process using the same review criteria for Small Wind-Powered Energy Systems.

Y. Parking

1. Definition: A permanent parking area

2. Districts Permitted: By right in all districts, subject to the additional provisions below and any specific provisions associated with the property's Principal Use.

3. Parking Requirements

a. The quantity and location of vehicle parking shall be appropriate for the use and site characteristics. Deviating from the number of required automotive parking spaces as described in each use classification may be appropriate based on the specific circumstances of a proposal including without limitation available on-street parking, seasonal or temporary needs for parking, shared parking agreements, reliance on alternative modes or other transportation demand management strategies.

b. A parking area may be shared to meet parking requirements. A sufficient, binding agreement for the duration the parking area will be shared is required.

c. For multiuse facilities, the parking for the most intensive use as defined in the Community Planning & Permitting Department shall control.

4. Loading requirements: As needed for primary use requirements

5. Additional Provisions:

a. Parking for uses on open space parcels controlled by a government entity shall not require review under this code if the parking lot is in accordance with an open space management plan approved by the Board of County Commissioners.

b. The parking facility must meet all applicable provisions of the Boulder County Multimodal Transportation Standards.

c. Electric vehicle service equipment or electric vehicle supply equipment ("EVSE"), also referred to as a charging station, must be provided for new or expanded parking lots that total 15 or more automotive parking spaces.

(i) On-site installation may not be required if a more suitable location is appropriate. Factors to be considered in determining suitability are land use impacts, proximity to employment areas, townsites or historical areas, existing or planned EVSE infrastructure in the area, electric infrastructure on-site and nearby, and location in relation to arterial roadways. For cases in which on-site installation is not required, the applicant shall be subject to the Electric Vehicle Charging Fund standards, as adopted by the Board of County Commissioners.

(ii) A Level 2 or Level 3 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required for the first 15 automotive parking spaces. If no Level 3 EVSE is installed then for each additional 25 automotive parking spaces, one additional Level 2 EVSE with a minimum of one SAE J1772 EV Plug, or the equivalent, is required. If Level 3 EVSE is installed, then no additional EVSE is required.

(iii) For ease of use, parking spaces with an EVSE shall be designated for electric vehicle charging, and stations are recommended to register with an electric vehicle charging information network.

d. Internal traffic circulation systems shall be designed to avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian paths or sidewalks will connect to the area being served.

e. For surface lots with 50 or more automotive parking spaces, interior landscaping must cover at least 5% of the parking area.

f. Lighting shall comply with Article 7-1600 Outdoor Lighting of the Boulder County Land Use Code. Additional restrictions on quantity of lights, hours of operation and lighting locations may be determined through the applicable review process.

g. A stormwater management plan or drainage plan is required for final design and construction.

h. For uses applying Transportation Demand Management strategies, areas reserved for rideshare vehicles shall have markings and signs indicating that the space is reserved for a rideshare vehicle.

Z. Short-Term Rental

1. Definition: A dwelling unit offering transient lodging accommodations to a single booking party at a time within that dwelling unit for rental duration of fewer than 30 days where:

a. The dwelling unit is the primary residence of the owner or tenant;

b. The owner or tenant resides on the premises; and

c. The owner or tenant is present during the rental period, with the exception of up to forty-five nights per year where the entire dwelling unit may be rented without an owner or tenant present.

2. Districts Permitted: By right in all districts

3. Parking Requirements: Two spaces, which must be on-site.

4. Loading Requirements: None

5. Additional Provisions:

a. All Short-Term Rentals must maintain a valid Boulder County Short-Term Rental License.

b. A Short-Term Rental may not be marketed or used for weddings, receptions, or similar private or public events, with the exception of those by-right events hosted by one or more of the individuals who reside on the property.

c. Historic Accessory Dwelling Units are the only type of Accessory Dwelling Unit eligible for this use.

4-517 Temporary Uses

A. Educational Tour

1. Definition: A gathering or activity involving the use of a parcel for educational purposes incidental to the existing use on the property. Use relies on the location as a basis for the activity. Types of uses contemplated are school field trips and infrequent educational tours.

2. Districts Permitted: By right in all districts.

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions

a. Allowed up to 24 times per year and may include up to 20 additional vehicle trips per day.

B. Emergency Noncommercial Telecommunications Facility

1. Definition: A facility owned and/or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses. This facility may operate for a maximum of six months.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

C. Garage Sales or Occasional Sales

1. Definition: The sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail.

2. Districts Permitted: By right in all districts

3. Parking Requirements: None

4. Loading Requirements: None

5. Additional Provisions:

a. Sales may occur no more than four times a year for no more than three days on each occurrence.

b. A person shall not sell merchandise acquired solely for the purpose of resale at a garage or occasional sale.

D. Group Gathering / Special Events

1. Definition: Any group of 50 or more persons assembled on a parcel as a venue for a meeting, festival, social gathering, or other similar purpose for a period of time which exceeds 8 hours in a single day or extends over a maximum of three consecutive days. A parcel may not accommodate more than two (2) Group Gatherings per calendar year as this is a Temporary Use. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.

2. Districts Permitted: By special authorization of the Zoning Administrator in all districts

3. Parking Requirements: To be determined by the Zoning Administrator

4. Loading Requirements: To be determined by the Zoning Administrator

5. Additional Provisions:

a. Exceptions:

(i) Events that meet the Definition and Additional Provisions of Home Events or Farm Events do not fall within this use classification.

(ii) Events occurring within, or upon the grounds of a private property where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee, are allowed by right without Special Authorization of the Zoning Administrator.

b. This use must occur on a parcel large enough to accommodate the use, parking, and sanitary facilities in a manner that does not negatively impact the neighboring parcels, or the Principal Use of the parcel itself.

c. A parcel may not accommodate more than two (2) Group Gatherings per calendar year. A group gathering which occurs over multiple days cannot exceed (3) consecutive days. Additional events could be reviewed under the Reception Hall and Community Meeting Facility use.

d. Any tent (other than personal camping tents or recreational vehicles), trailer, or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Codes, as amended by the County, as well as with any County Health Department requirements, and shall not be used or occupied until approved by the Chief Building Official.

e. Permanent alterations to the subject site are prohibited.

f. Any activities or ground disturbance must not have adverse impacts on agricultural or environmental resources as mapped in the County Comprehensive Plan or otherwise identified on-site.

g. The site must be returned to its original condition prior to the establishment of the use within 48 hours of its discontinuance.

h. It is the applicant's responsibility to notify adjacent property owners of the Group Gathering/Special Event in writing at the time of application to the Zoning Administrator. If the applicant wishes to notify a larger surrounding area of the proposed event, they should contact the Community Planning & Permitting Department and request a mailing list of all property owners within 1500 feet of the property.

i. This use shall also be granted and maintain all applicable local, state, and federal permits. It is possible separate permits or approvals may be required by County or State agencies for any food or drink provided. The applicant should contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health regarding requirements for food service handling and wastewater treatment, Colorado Department of Public Health and Environment as a potential water supplier to more than 25 people, the County Commissioners' Office regarding requirements for Liquor Permits, County Public Works Department for Special Events that utilize or impact County Right-of-Way, and Parks & Open Space for Events or Group Gatherings on Parks & Open Space-owned property.

E. Temporary Batch Plant

1. Definition: A temporary facility for mixing concrete.

2. Districts Permitted: By special authorization of the County Building Official in all districts.

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

F. Temporary Construction or Sales Office

1. Definition: A facility temporarily used as a construction or sales office.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: To be determined by the Building Official

5. Additional Provisions: None

G. Temporary Dwelling Unit

1. Definition: A dwelling unit temporarily used, by the property owner, during construction or remodeling of the principal dwelling unit.

2. Districts Permitted: By special authorization of the Building Official in all districts

3. Parking Requirements: To be determined by the Building Official

4. Loading Requirements: None

5. Additional Provisions: None

H. Temporary Christmas Tree Sales

1. Definition: Unless otherwise expressly provided in this Code, an operation which is open to the public and scheduled to occur over a period not to exceed 42 days in any calendar year. This use includes sales of Christmas trees in Boulder County.

2. Districts Permitted:

a. By Limited Impact Special Review in F, A, T, B, LI, GI, C, and RR. Use within RR is limited to property that is not in a platted subdivision.

3. Parking Requirements: To be determined through Limited Impact Special Review.

4. Loading Requirements: To be determined through Limited Impact Special Review.

5. Additional Provisions:

a. One non-illuminated identification sign not to exceed 32 square feet in total surface area shall be permitted.

b. This use may be allowed on a parcel with an existing Principal Use.

I. Temporary Special Use (nonconforming use under Section 4-1004.A.2.

1. Definition: A nonconforming use under Section 4-1003(A)(2) which receives special use approval as a temporary use under Section 4-1004.A.2..

2. Districts Permitted: By Special Review in all districts.

3. Parking Requirements: To be determined through Special Review.

4. Loading Requirements: To be determined through Special Review.

5. Additional Provisions: See Section 4-1004.A.2..

J. Temporary Weather Device Tower

1. Definition: A tower erected for the express purpose of mounting an anemometer or other weather device.
2. Districts Permitted: By right in all districts
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
   a. Temporary towers must meet the setback requirements for Small Wind-Powered Energy Systems and shall not exceed 80 feet in height.
   b. Temporary towers must be removed within two years unless approved to be converted to a Small Wind-Powered Energy System.

K. Temporary Water or Transmission Line

1. Definition: Temporary above-ground pipelines used for the transport of water to or from a previously approved oil and gas facility or location.
2. Districts Permitted: By limited impact special review in all districts
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
   a. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

4-518 Mixed Use

A. Mixed Use

1. Definition: Any combination of compatible uses developed as part of a cohesive development plan and permitted in the underlying zoning district.
   a. Districts Permitted: NRCD I
2. Parking Requirements: As defined in the underlying district regulation.
3. Loading Requirements: None
4. Additional Provisions:
   a. Specific requirements as defined in the District's provisions.

4-600 Uses Permitted by Special Review and Limited Impact Special Review

A land use designated as a special use in a zoning district is one that – because of its inherent nature, extent and external effects – may be allowed to establish if subject to Special Review to assure the use is located, designed, and operated in harmony with neighboring development and the surrounding area and does not adversely affect the public health, safety, and welfare. The purpose of the review process is to determine the compatibility of the use with the site and surrounding land and uses and the adequacy of services. Public review is necessary because the effect of a special use on the surrounding environment cannot be determined adequately in advance of the use being proposed for a particular location. During the review process, the county considers location, design, configuration, intensity, and impacts by comparing the proposal to the code criteria, intergovernmental agreements, established hazard areas, parcel specific conditions, site context and any other applicable regulations to assure that the use can operate in a sustainable way with minimal danger or impact to the users, the natural environment, or the developed environment.

A. A use permitted by Special Review may be established in a zoning district only upon approval of the Board, after review by the Planning Commission, subject to conditions and mitigation measures.

B. A use permitted through Limited Impact Special Review may be established in a zoning district only upon approval of the Board subject to conditions and mitigation measures.

4-601 Review Criteria

A. A use will be permitted by Special Review or Limited Impact Special Review only if the Board finds that the proposed use meets the following criteria as applicable:

1. Except as otherwise noted, the use will comply with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;

2. The use will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;

3. The use will be in accordance with the Comprehensive Plan;

4. The use will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of blasting, grading, or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or rearrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management;

5. The use will not have a material adverse effect on community capital improvement programs;

6. The use will not require a level of community facilities and services greater than that which is available;

7. The use will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;

8. The use will not cause significant air, odor, water, or noise pollution;

9. The use will be adequately buffered or screened to mitigate any undue visual impacts of the use;

10. The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County; and

11. The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.

12. The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.

13. The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.

B. If the proposed use is approved or conditionally approved, the Board may impose such conditions and safeguards to insure compliance with the requirements, standards, and conditions of this Section 4-600. Where development or activity associated with the proposed use cannot completely avoid one or more natural hazard, whether because no other site on the subject property can be reasonably designated or developed for the use or because the proposed site is the best location due to the need to avoid or minimize significant adverse impacts under other applicable review criteria, the use may be conditionally approved only if one or more measures will satisfactorily mitigate all significant natural hazard risk posed by the proposed use to the subject property and to the surrounding area. The violation of any condition, safeguard, or commitment of record shall be sufficient grounds for revocation of the Special Review approval by the Board, after a public hearing held in accordance with provisions of 3-205.C.

C. An application for a use by Special Review shall include a development agreement which must be submitted and approved by the Board.

D. Where appropriate, in order to enable the proposed use to meet the standards set forth in (A) above, the Board may require the dedication of a perpetual conservation easement upon so much of the site as may be determined necessary to mitigate impacts of special uses.

4-602 Special Provisions

A. Special Review Approval for Mining

1. In addition to the standards of approval set forth in 4-601.A., an applicant for open mining, subsurface mining, or limited impact mining must also meet the following:

a. compliance with a plan of reclamation; and

b. compliance with use, location, and setback regulations established by the Board for the proposed operation.

2. If the proposed mining use is approved, the Board shall impose such conditions and safeguards as are necessary to insure continued compliance with the requirements set forth in this Paragraph.

B. Special Review for Development in the ED District

1. In addition to the standards of approval set forth in 4-601.A., approval for a planned development in the ED district must also meet the following:

a. Employment projections and projected space requirements demonstrate a need for such a development.

b. The applicant is the intended user of the site and has demonstrated legal interest in the property.

c. Direct and indirect local employment opportunities for the community, that would result if the application were to be approved, are consistent with the rate of growth of population as projected within the Comprehensive Plan.

d. The public benefits are substantial and there will be no significant negative impacts on the quality of life of those residents in the surrounding area, and no major negative fiscal, service, environmental, or related land use impacts upon the County, or other communities in the County.

e. Uses Permitted: Uses shall have no harmful or unpleasant effects which would be more objectionable than the normal environmental features of surrounding areas. Uses within the ED district shall be compatible with surrounding areas of noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions, and industrial wastes.

f. Traffic: Traffic going to and from the ED district shall be permitted on nonresidential streets only. Within the ED district, access and service roads from existing through streets may be required. Traffic routes within the ED district shall ordinarily be at least 100 feet from outer boundaries of the Economic Development District.

g. Truck Loading Facilities: Adequate provision shall be made for off-street truck loading facilities. These areas shall not be in a front yard and shall not be within 100 feet of a residential zoning district.

h. Landscaping: The front yard of each Principal Use within an ED district shall be planned (and subsequently maintained) in a dust-free condition by suitable landscaping with trees, shrubs, or other planted or natural ground cover. Other yards within an ED district shall be similarly landscaped or paved with asphaltic, concrete, rock, oil surfacing or other resilient materials.

i. Storage: All materials and equipment used in connection with an economic development project shall be enclosed within a building or enclosed within a solid wall or fence at least six feet in height. Ordinarily such storage areas shall be at least 100 feet from any property line or street line.

j. Lot Coverage: Developed areas may constitute no more than 40% of the entire site, unless it is determined that it is in the best interest of the community to allow a larger area to be developed in which case developed areas may constitute as much as 50% of the site. The purpose of this requirement is to assure that the development will be compatible with the surrounding area.

k. Construction Plans: Preliminary construction plans for the proposed buildings and preliminary engineering plans for installation of necessary utilities shall be presented prior to approval of a site plan.

l. Number of Employees or Residents: An estimate of the maximum number of employees or residents contemplated for the proposed development shall be presented.

m. Site Plan: The site plan and accompanying documents as approved by the Board shall be filed with the Director. Location and size of the undeveloped area and siting and phasing of the developed area must be approved as part of the application. The effects of phasing on population increases that may result from an expansion of the employment base shall be considered, along with all other relevant impacts.

n. Certificate of Occupancy: Prior to the use or change in use of a structure approved through this process, a certificate of occupancy shall have been issued by the Building Official. Such certificate shall show that such building or premises and the proposed use are in conformity with the provisions of this Code and with all requirements set forth by official action of the Board in their approval of the site plan.

2. A Special Review approval for a use within the ED district shall expire three years after the date upon which it was issued, if not more than one-half the floor area of all buildings and improvements shown on the approved site plan has been constructed within that period of time.

C. Special Review for Community Uses and Lodging Uses

In addition to the established criteria for Special Review and Limited Impact Special Review, Community Uses and Lodging Uses in the F, A, RR, ER, SR, MF, MH, and MI zone districts must also meet the following floor area limitations:

1. New Development: New Community and Lodging are those legally approved or established after November 4, 2010, on property where no Community or Lodging use previously existed. New Community and Lodging uses shall not exceed the total floor area specified in the table below, based on the parcel size on which the use is located:

	Parcel Size (acres)				
	<10	10-19.9	20-34.9	35-69.9	>=70
Maximum Total Square Footage	10,000	15,000	20,000	25,000	30,000

2. Existing Uses: Existing Community and Lodging uses are those legally approved or established prior to November 4, 2010. Expansions of these uses shall not cause the use to exceed the total floor area specified in the table below, based on the parcel size on which the use is located (unless the additional requirements of Section 4-602(C)(3) are met):

	Parcel Size (acres)			
	<10	10-19.9	20-34.9	35 acres or larger
Maximum Total Square Footage	15,000	20,000	25,000	30,000 and for each additional 35 acres of parcel size an additional 5,000 square feet may be allowed but not to exceed 45,000 total sq ft

3. Ability of Existing Uses to Expand Over Maximum Development Allowed Under Section 6-602(C)(2) Above: Existing Community and Lodging Uses may expand beyond the floor area limitations established for Existing Uses, up to the additional floor area amounts specified in the table in this section, based on the parcel size on which the use is located, and subject to compliance with the additional impact mitigation requirements of this section:

a. The expansion is offset through the purchase of one Transferable Development Credit per 500 square feet of new floor area. Development Credits must be acquired through the Boulder County Development Rights Clearinghouse prior to the issuance of a building permit for any approved expansion, and;

b. Any significant additional land use impacts resulting from the expansion are offset as follows:

(i) Increase in traffic to and from the site: through an acceptable, multimodal transportation management plan, and provision of transportation system improvements reasonably necessitated by the expansion.

(ii) Increase in water and energy usage at the site: through an acceptable plan to incorporate sustainable measures and practices, including but not limited to use of renewable energy sources, management of energy and water demands, and energy-efficient construction methods.

(iii) Increase in visual impacts of the development: through a plan that substantially mitigates visual impacts using the design, location, and number of buildings and other developed areas to screen buildings and developed areas, and through the use of natural topography, landscaping, color and materials, and below-grade construction or construction shielded by existing development.

(iv) Increase in noise: through appropriate siting of, or limitations on hours of operation or types of, noise-generating activities.

These measures may be applied to existing development as well as new development if deemed appropriate to enable the resulting site development to meet the special use criteria. Reasonable mitigation measures that are different from those listed above may also be imposed for this same purpose.

c. When calculating the maximum possible expansion, either the maximum total square footage (20,000, 25,000, 30,000, 35,000, 40,000, 45,000 or 50,000 sq ft depending on parcel size) will apply, or the percentage increase over the existing or previously approved square footage will apply – whichever increase in square footage is greater.

	Parcel Size (acres)			
	<10	10-19.9	20-34.9	35 acres or larger
Expansion above the established maximum shall be based on the size of the subject parcel:	Up to 20,000 total sq ft OR 20% of the square footage over that which existed or was previously approved as of 11/4/10.	Up to 25,000 total sq ft OR 20% of the square footage over that which existed or was previously approved as of 11/4/10.	Up to 30,000 total sq ft OR 20% of the square footage over that which existed or was previously approved as of 11/4/10.	Up to 35,000 total sq ft and for each additional 35 acres of parcel size, an additional 5,000 square feet may be allowed but not to exceed 50,000 total sq ft OR 20% of the square footage over that which existed or was previously approved as of 11/4/10.

D. Special Review for a Telecommunication Facility

1. In addition to the listing of adjacent owners required as part of the title report submitted with the Special Review application, the Community Planning & Permitting staff may prepare a similar listing of all owners and their addresses of real property within one-half mile of the location of the proposed facility. This listing may be used in addition to the adjacent owner list for all referral and notice requirements of Article 3.

2. In addition to compliance with those conditions required within or imposed by the Board of County Commissioners pursuant to 4-601.A., an applicant seeking Special Review approval for a telecommunication facility shall comply with the following conditions and requirements:

a. Alternative site and/or design studies provided by the applicant shall show that reasonable consideration has been given to such alternative sites and/or designs and the proposal is the most acceptable alternative to Boulder County.

b. The alternative of consolidation of multiple telecommunication facilities onto a single tower, either by use of an existing tower or moving existing facilities to the proposed tower, shall be studied by the applicant and, when feasible and not otherwise detrimental, shall be considered the preferred alternative. Colocation may not be required when, in the opinion of the Director or the Board of County Commissioners, as appropriate, the consolidation of facilities will create an over-intensive use of the existing site, or will create a significant negative visual impact on surrounding private or public lands.

c. When feasible, telecommunication facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings or other structures.

d. Where a telecommunication system uses a network of facilities, the applicant shall demonstrate that a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken.

e. Proposed landscaping and/or screening shall be in harmony with the character of the neighborhood and compatible with the surrounding area.

E. Limited Impact Special Review for a Use of Community Significance

1. A Use of Community Significance may be approved through Limited Impact Special Review even though it does not meet the bulk or minimum lot size requirements of the zoning district in which it is located.

2. The use must meet the following criteria rather than the standard Review Criteria for Uses Permitted by Special Review and Limited Impact Special Review:

a. The use does not impair the Goals and Policies of the Comprehensive Plan, considering the nature and history of the use.

b. The use has at least two of the following characteristics: historic, cultural, economic, social, or environmental value to the inhabitants of Boulder County as a whole, or to a recognized community of interest within the County such as through an adopted townsite plan or subarea plan.

c. The use is not detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County considering the historic nature and use of the property including but not limited to traffic hazards, noise, odors, and pollutants.

d. The applicant has obtained, or commits to obtain as a condition of the Special Review approval, all applicable federal, state, and local licenses or permits, and is in compliance with all applicable federal, state, and local regulations.

e. If a Use of Community Significance seeks a substantial modification, the standard Review Criteria for Uses Permitted by Special Review and Limited Impact Special Review must be met.

F. Special Review for Firing Range, Outdoor

1. In addition to satisfying the special use criteria of Section 4-601, the following standards shall apply to the development of proposed outdoor firing ranges upon application for a special use permit. The County may vary from these standards where the applicant has demonstrated, and a professional engineer registered in the State of Colorado or other equally qualified individual has verified, that the proposed facility includes alternative designs and features, either natural or manmade, that will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties and the general public. The County may also impose stricter standards based on range design, environmental resources and other site specific factors.

a. Range Design

(i) Pistol and Rifle Firing Ranges. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for the Surface Danger Zone to accommodate the ballistics of the highest powered firearms and the range of ammunition that may be used in the permitted firing activities. Such geographic areas shall be designed based on industry-accepted range design guidelines, standards, and best practices. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers, and overhead or ground safety baffles which will provide sufficient safety measures to protect persons or adjacent properties. The range design and operation will dictate the Surface Danger Zone. The Surface Danger Zone will, in turn, affect setback distances.

(ii) Shotgun Ranges. Trap ranges shall have a shotfall zone on property under control of the applicant, as established by a line which extends 50 yards to the right and 50 yards to the left of, and perpendicular to the centerline of the trap house. From each end of said line, boundary lines having interior angles of 130 degrees shall extend down range for at least 300 yards with the actual distance determined by the maximum distance of the full range of ammunition and firearms permitted for use on the range. Skeet ranges shall have shotfall zones on property under control of the applicant which are a complete semi-circle with its center point located at the center point of a defined station and a radius of the semi-circle being at least 300 yards with the actual distance determined by the maximum distance of the full range of ammunition and firearms permitted for use on the range. Shotfall zones for trap live-bird simulators, sporting clays, or other shotgun firing ranges shall be determined on a case-by-case basis.

b. Security. The entire perimeter of a Firing Range shall be fenced and signed to reduce the potential for trespass onto the property. In some areas topography or natural barriers may make fence placement unnecessary. In addition, warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the firing range is located such that each sign is visible and legible from the next sign (generally 200 yards but more frequently placed, depending on topography and vegetation). Where wildlife is a concern, fencing should be designed and installed to be wildlife safe while maintaining all measures to secure a firing range and reduce potential for trespass on the property.

c. Noise. All firing line locations shall be located and maintained such that the sound levels generated by the discharge of firearms on the range do not exceed a 65 dB peak impulse response at existing residential structures (whether permanent or seasonal), lodging, or other occupiable or occupied structures not on the subject property. The applicant shall submit a noise study proving the proposed range will meet this standard at time of application. All noise studies shall be performed by a professional engineer registered in the State of Colorado or other equally qualified individual and shall take the topography of the surrounding area into account.

d. Range Orientation. All firing lines should be aimed at target lines to the northeast, north or northwest unless sufficient screening, natural or manmade, is demonstrated to eliminate the effects of glare from the sun.

e. All backstops shall have sufficient depth, based on industry-accepted range design guidelines, of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in ammunition ricochets. All manmade berms shall be designed to reduce the potential for erosion. All backstops and berms shall be maintained to perform their intended functions. Parallel ranges separated by bulletproof barriers or berms shall be a minimum eight feet high. Backstops shall be a minimum twenty feet high.

f. Firing Ranges shall be developed such that there are no traveled roadways, trails, streams, ponds, lakes, or wetlands located within the Surface Danger Zone or within any Shotfall Zone.

g. The developer or operator of the Firing Range facility shall provide to the Community Planning & Permitting Department, at the time of application for the building permit final inspection, a certification prepared by a professional engineer registered in the State of Colorado or other equally qualified individual confirming that the Firing Range facility has an Environmental Stewardship Plan. The Environmental Stewardship Plan may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of expelled ammunition and lead, and must comply with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.

h. Operational Requirements

(i) Hours of operation will be limited to the hours between 7 a.m. to 7 p.m. with the exception of shooting for educational or law enforcement activities which will be allowed until 9 p.m. one day per week, unless more restrictive hours are necessary to address impacts to neighboring areas. Training areas are allowed to remain in operation up to two hours past sunset for up to five days per month.

(ii) Alcohol or drugs must not be permitted on site.

(iii) No tracer rounds or incendiary rounds permitted.

(iv) A Fire Safety and Response Plan must be filed and approved by the local fire protection district and Sheriff as part of the development agreement.

(v) At each Firing Range, there shall be operational large fire extinguishers, always immediately available for emergency use, stored at all shooting and target areas. Number of extinguishers to be determined during the Special Use Review process.

(vi) The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.

(vii) On site emergency communication system required.

(viii) A Safety Plan must be filed with and approved by the Community Planning & Permitting Department and the Sheriff and range rules must be posted on site.

(A) Supervision. To receive a reduction in setbacks: (1) a firing range shall have at least one trained safety officer present when open to the public and (2) a range member who has passed the minimum training requirements of the range shall be present when the facility is closed to the public.

(ix) Through the Special Review process the Board of County Commissioners (BOCC) may require periodic reviews to assure effective monitoring and operation of the range to protect the health and safety of those in the area and to ensure compliance with the Special Use Review approval. If at any time the BOCC finds the operation does not meet the design or operational expectations, they may modify existing conditions or impose additional conditions to address concerns including, without limitation, requiring on-site range staff, cameras, or corrective design measures.

i. Enforcement.

(i) Firing range noise violations will be enforced if the following criteria are met:

(A) A civil action or criminal penalty shall only be commenced against an approved range or its owners or operators following a written complaint from a resident of Boulder County. Grounds for commencing civil action or penalty include noise in excess of permitted levels emanating from a range that results from the operation or use of the range.

(B) Written complaints must contain the name and address of the complainant, how long the complainant has resided at the address indicated, and the times and dates upon which the alleged excessive noise occurred. Enforceable complaints must meet the criteria of C.R.S. § 25-12-109, as amended.

(ii) Notwithstanding 4-602.F.1.j.i. above, any other provisions of this section may be enforced under Article 17 of the Code, or by any legal or equitable means recognized by the Colorado State Statutes and the Colorado Court Rules, as amended.

j. Any future expansion that results in additional firing positions, including without limitation a lengthened daily period of operations or increased length of the direct fire zone or the area of the shotfall zone to accommodate the use of firearms not identified in the then-existing Special Use permit application will constitute a substantial modification under 4-603 of the Code. Changes that are not a substantial modification and are routine maintenance include simple, small-scale activities (e.g., repairing structures such that a building permit is not required under the Code) associated with regular and general upkeep of an existing building, firing line, target line, parking lots, etc. Routine maintenance activities are associated with maintaining a facility, not expansion or new construction.

G. Limited Impact Special Review Waiver for Bed and Breakfast

1. The requirement for Limited Impact Special Review may be waived if the Director determines that the Bed and Breakfast will not have any significant conflict with the criteria listed in Article 4-601 of this Code.

2. The Director may impose written terms and conditions on this use that may be reasonably necessary to avoid conflict with the review criteria in Article 4-601 of this Code.

3. The Bed and Breakfast must comply with the Additional Provisions outlined in Article 4-507.A. of this Code.

4. Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners in accordance with Article 3-204 of this Code.

5. The Director shall not issue the determination for 15 days following such notification and shall consider any comments received by the public.

4-603 Modification of a Special Review Approval

A. Prior to modifying an approved special use or limited impact special use, a written request for modification must be submitted to the Director, detailing the nature and extent of the modification, and providing any additional information pertaining to the request which the Director may require. In response, the Director may take one of the following actions:

1. Determine that the requested modification is minor, and approve the request in writing, including any necessary clarifications or conditions. A special use amendment process will not be required for a minor modification.

2. Determine that the requested modification is substantial. Substantial modifications require approval of a special use or limited impact special use amendment. The applicant may appeal this determination to the Board of County Commissioners, provided a written appeal is filed with the Director no later than 30 days after the date of the Director's determination. The appeal shall be heard by the Board in the same manner as a direct referral on a modification question from the Director to the Board, as specified in Subsection 3 below.

3. Make no determination and refer the request to the Board of County Commissioners for a decision at a public business meeting of the Board, of which the applicant shall receive prior notice. If the Board determines that the modification is minor, it may approve the modification, subject to any necessary clarifications and conditions, and the modification may proceed without a formal special use amendment process. If the Board determines that the modification is substantial, approval through the special use amendment process is required.

B. In determining whether the proposed modification to a special use or limited impact special use approval is minor or substantial, the Director or the Board shall consider the record of the special use approval, including any express conditions, limitations, or agreements governing the approved special use and the nature, character, and extent of the land use impacts of the approved use. The following proposed modifications may be presumed substantial: changes in the use expressly approved, structural additions that exceed stated square footage limitations, and changes to express conditions or agreements. Other changes shall be considered substantial if they significantly alter the nature, character, and/or extent of the land use impacts of the development or activity contemplated under the approved use.

C. Any modification to a previously approved development shall require a request to the Community Planning & Permitting Director to determine whether the proposed change constitutes a substantial modification.

4-604 Limitation of Uses by Special Review

A. Subject to vested rights, no use by Special Review shall commence operation or construction later than five years from the date of the Board approval or conditional approval.

B. Any approved use by Special Review that does not significantly commence operation or construction as described and approved in a building permit on any portion of the special use permit within five calendar years after the Board has approved the use, shall lapse, and shall be of no further force and effect unless a new discretionary approval is granted under this Code. If a vesting period of longer than five years is expressly approved as part of the special use permit, the approval shall lapse if operation or construction is not commenced within the vesting period.

C. Any approved use by Special Review which commences operation or construction as required under Subsection 4-604.B., immediately above, shall lapse, and shall be of no further force and effect, if the use is inactive for any continuous five-year period or such shorter time as may be prescribed elsewhere in this Code or in a condition of a specific docket's approval. If this period of inactivity occurs, the use may not be recommenced without a new discretionary approval granted under this Code. An approved special use shall be deemed inactive under this Subsection 4-604.C. if there has been no activity under any portion of the special use permit for a continuous period of five years or more as a result of causes within the control of the special use permittee or agent.

D. The Community Planning & Permitting Director may declare a Special Review and Limited Impact Special Review application withdrawn if more than 24 months have passed without any public hearings or submittals from the applicant. The 24 month time frame may be extended should the Director determine that circumstances beyond control of the applicant prevent a timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted in order to continue the project.

4-700 Administrative Reviews

4-701 Purpose

A. Administrative review is a review procedure for certain types of proposed development that are deemed in advance to not cause significant conflict with the Boulder County Comprehensive Plan and ensure compliance with the development standards of the County.

4-702 Applicability and Scope of the Administrative Review Process for Development

A. Administrative Review shall be required for the following:

1. Any Small Cell Wireless Telecommunications Facility

2. Eligible Facilities Request

B. Criteria

1. Meets additional provisions of Use definition

2. Administrative Reviews of Small Cell Wireless Telecommunication Facility are subject to the County's Design Requirements and Guidelines for Small Cell Wireless Facility.

4-800 Site Plan Review

4-801 Purpose

A. Site Plan Review is an administrative review procedure for certain proposed developments which are considered likely to significantly impact important ecosystems, agricultural lands, surrounding land uses and neighborhoods, and infrastructure needs and demands, and which may be unsafe due to natural hazards.

B. This Site Plan Review process for proposed new development will allow any significant adverse impacts on the environment, agricultural lands, surrounding land uses and neighborhoods, and infrastructure to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

4-802 Applicability and Scope of the Site Plan Review Process for Development

A. Site Plan Review shall be required for (unless not required or expedited pursuant to sections B and C below):

1. Any development requiring a building permit on vacant parcels in unincorporated Boulder County, except for:

a. Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.15.

2. Any cumulative increase in floor area of more than 1,000 square feet on a parcel over that existing as of September 8, 1998.

a. In calculating this 1,000 square foot threshold, any demolition and rebuilding of any existing structure or any portions thereof, shall be counted toward the threshold.

b. Any floor area not legally existing as of September 8, 1998 shall be counted toward the threshold.

c. Calculation of this threshold includes all principal and accessory structure(s), except for;

(i) Season-Extending Agricultural Structures, if the dimensions of the Season-Extending Agricultural Structures on a property fall below the thresholds identified in 4-802.A.15.

(ii) Agricultural Sales Units less than 500 square feet.

(iii) Structures identified in 17-300.A.1. that fall below the thresholds for a building permit.

3. New structures of any size requiring a building permit when the site is located within a Natural Landmark or Natural Area as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.

4. New structures 500 square feet or more in the 250' buffer associated with a Natural Landmark or Natural Area, as described in the Environmental Resources Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County.

5. New structures or additions to existing structures of any size on property over which a conservation easement has been granted.

a. The Director may exempt a structure from this provision if the holder of the conservation easement confirms in writing that, in the opinion of the easement holder, the proposed structure(s) would not conflict with the terms of the easement.

6. Development occurring in a Rural Community District as described in the regulations for that District.

7. Any development in the Floodplain Overlay District involving new structures, elevation of an existing building, or additions to existing buildings that expand the footprint of the structure.

8. Any grading permit for over 50 cubic yards of earthwork (including grading associated with an access permit).

9. A change of use of a parcel, except for a change in use to:

a. A Vacation Rental; or

b. A Single Unit Dwelling where the proposed Residential Floor Area is less than or equal to the maximum Residential Floor Area for the zoning district. The conversion of existing Floor Area to Residential Floor Area shall be limited to the maximum Residential Floor Area for the zoning district.

10. A commercial telecommunications facility utilizing an existing structure and meeting the height requirements of the district in which the facility is located.

11. A small wind-powered energy system.

12. A ground-mounted or parking canopy solar energy system as a Principal Use or accessory use, as specified in Articles 4-514 and 4-516.

13. Any proposal which is eligible for an Expedited Site Plan Review, but for which an approval was not granted.

14. An Agricultural Sales Unit larger than 500 square feet, or greater than 12 feet in height.

15. Season-Extending Agricultural Structure(s) greater than 5,000 cumulative square feet located on parcels 5 acres or larger, or greater than 3,000 cumulative square feet located on parcels less than 5 acres, or Season-Extending Agricultural Structure(s) greater than 12 feet in height.

a. Season-Extending Agricultural Structures that do not go through a Site Plan Review process will go through an administrative review to ensure proposed structures are constructed within applicable setbacks and adhere to applicable Floodplain Overlay District provisions (4-400).

16. Any application proposing to utilize the retrofitting of an existing structure for the purpose of making a demonstrated energy efficiency improvement or the use of building materials or design intended to achieve heightened energy efficiency as an exemption from compliance with the zoning district maximum Residential Floor Area.

17. Any application proposing to utilize a landmarked or otherwise protected historic structure(s) as an exemption from compliance with the zoning district maximum Residential Floor Area.

B. Site Plan Review shall not be required for:

1. Earthwork that is part of normal agricultural or mining practices.

2. Accessory structures less than 1,000 square feet.

a. Except in those circumstances in which Site Plan Review is required because of cumulative threshold specified in this section A(2).

b. Except in a Natural Landmark, a Natural Area, or in the associated 250' buffer as specified in this section A(3) and (4).

c. Except Agricultural Sales Units as specified in 4-802.A.14.

3. Restoration of a structure or access that has been damaged or destroyed by causes outside the control of the property owner or their agent.

a. Restoration must involve the original location along the stream for stream spanning hydraulic structures, and in the case of a non-hydraulic structure, the original location, floor area, and height, if applicable. Such restoration must meet the other applicable provisions of this Code, including but not limited to the applicable zoning district setback and height requirements and the provisions of the Floodplain Overlay District (also see Nonconforming Structures & Uses, Article 4-1002(D) and 4-1003(F)).

b. Restoration must be commenced within one year after the date on which the structure or access was damaged or destroyed, or a latent defect discovered. This limitation may be extended in the case of extenuating circumstances as determined by the Director.

c. Restoration of bridges, box culverts, low-water crossings, or other hydraulic structures, either as a temporary or permanent hydraulic structure, and accesses are subject to review by the County Engineer for compliance with the Boulder County Storm Drainage Criteria Manual and the Multimodal Transportation Standards. The County Engineer may additionally impose conditions on the construction to assure basic safety.

d. The provisions of this Section 4-802(B)(3) shall not apply to Substantial Improvements to buildings in the Floodplain Overlay District as provided for in Section 4-400 of this Code.

4. Development on subdivided land with a final plat approved after February 22, 1994, unless the plat approval otherwise requires Site Plan Review for the lots.

5. Development in approved Neighborhood Conservation Overlay Districts to the extent that the approved Neighborhood Conservation plan covers the relevant Site Plan Review standards detailed in this Article 4-806.

6. Any development or earthwork eligible for a General Floodplain Development Permit.

7. Any development or earthwork requiring an Individual Floodplain Development Permit, so long as the Community Planning & Permitting Director finds no conflicts with the standards listed in Article 4-806 of this Code.

C. If the Community Planning & Permitting Director determines that there is no potential for any significant conflict with the standards listed in Article 4-806 of this Code, an Expedited Site Plan Review may be allowed in the following circumstances:

1. Any increase in the total Residential Floor Area up to 2,000 square feet provided the proposed structure size does not exceed the zoning district maximum Residential Floor Area.

a. This provision includes instances in which Site Plan Review would be required because the floor area exceeds the cumulative threshold specified in this section A(2) and B(2)(a)

2. In the plains, any nonresidential accessory structure less than 5,000 square feet, with the exception of Agricultural Sales Units.

3. In the mountainous areas, any nonresidential accessory structure less than 2,000 square feet, with the exception of Agricultural Sales Units.

4. Any application proposing to utilize the one-time maximum 200-square-foot exemption from compliance with the zoning district maximum Residential Floor Area.

5. Any grading permit involving under 500 cubic yards of earthwork

6. Any free-standing small wind-powered energy system that meets the height limitations for the zone district.

7. Any roof-mounted small wind-powered energy system as described in that use classification description 4-516.

8. A principal or accessory ground-mounted solar energy system less than 0.5 acre.
9. A parking canopy solar energy system less than 0.5 acre or an Accessory Solar Energy System that does not satisfy the additional provisions described in Article 4-516.L.5.e.

D. In considering an Expedited Site Plan Review determination, the Director shall notify adjacent property owners. The Director shall not issue the determination for seven days following such notification and shall consider any comments received by the public. In expediting Site Plan Review as authorized under this section 4-802, the Director may impose written terms and conditions as may be reasonably necessary to ensure that the regulatory basis for the review is not contravened once the subject use or construction is commenced.

E. If the proposed permit or development requires Special Review, Limited Impact Special Review, Development Plan Review, Historic District Review (Section 4-114), or Subdivision Regulations or PUD Review, Subdivision Exemption, or Exemption Plat Review, the applicable Review process shall substitute for the Site Plan Review process under this section. In any such combined review process, the standards in Section 4-806 shall be applied to the part of the proposal requiring Site Plan Review.

4-803 Pre-application Conference

A pre-application conference as defined in Section 3-201 shall be held prior to the submission of an application for Site Plan Review.

4-804 Application and Submittal Requirements

A. Within four days of the time application is made, all proposed access points, driveways, wells, leach fields, cisterns, turn-out, turn-arounds, and at least four corners of the proposed structures must be visibly marked on the property with clearly labeled stakes.

B. For the purpose of referring the project to applicable agencies, the applicant shall submit the following information:

1. The application form available at the Community Planning & Permitting Department as specified in Article 3 of this Code.
2. Name of the proposed development or use and total number of acres.
3. A site plan at a scale which best conveys the conceptual aspects of the plan and allows for effective public presentation. This site plan must have the following elements:
   - **a.** Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north)
   - **b.** Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.
   - **c.** Location, and dimension of all structures, existing and proposed,
   - **d.** Parking areas, driveways, emergency turn-outs, and emergency turn-arounds will be shown, with locations and dimensions including all proposed grading for the property.
   - **e.** All roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements on or adjacent to the parcel.
   - **f.** Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the County), aquatic habitat, geologic features (including slopes, alluvial fans, areas of subsidence, rockfall areas, USDA soil classification and landslide areas), vegetative cover, dams, reservoirs, excavations, and mines.
   - **g.** Location and size of leach field, sewer service lines, treatment facilities, well(s) and/or water lines to serve the proposed development.
   - **h.** (For mountainous area properties only) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map.
   - **i.** Any Floodplain, 100 year Floodplain or Floodway located on the property as indicated in Article 4-400 of this code.
   - **j.** Any Natural Landmark or Natural Area along with a 250 foot buffer zone surrounding the landmark or area as shown on the Zoning District Maps of Boulder County. Any Environmental Resources identified in the Comprehensive Plan must also be included on the site plan.
   - **k.** The location and type of proposed exterior lighting.
4. Four elevation drawings showing existing grade, finished grade, and height of the structure above existing grade. The location and dimensions of all windows must also be included on each of the elevations.
5. Verification that the site is a legal building lot under this code and that legal access from a public road has been obtained.

C. The following information may be required to be submitted with a site plan application if the Director determines that such information is necessary to allow the site plan standards of 4-806 to be adequately evaluated:

1. A detailed site plan of developed portions of the property presented at a larger scale than required in (B) above.

2. Land survey data to identify the subject property including section corners and distance and bearing to these corners, quarter corners, township, range, etc.

3. Documentation of legal access to the subject parcel and/or proposed development location.

4. (For non-mountainous portions of the county) Existing and proposed topographic contours at maximum intervals of five feet for at least 50 feet around all proposed disturbances. The remainder of the site may show greater contour intervals (e.g. 20 foot intervals) or obtain contours from the area's U.S.G.S. topographic map.

5. Location, width, and typical cross-section of all existing and proposed earthwork, including but not limited to: driveways, pedestrian paths, parking areas, and berms. This information may include earthwork calculations, grading plan, drainage plan, drainage letter, and/or geotechnical/soils reports. The Director may request that any or all of this information be certified by a Colorado registered Professional Engineer.

6. Information regarding the use of ignition/fire resistant construction materials.

7. Location of existing and proposed landscaping including a revegetation plan. The site plan shall illustrate the type, height, and/or caliper of the trunk of proposed plantings. All plantings will be specified by type and location.

8. Location and results of soil percolation tests (Boulder County Public Health approval) where on-site wastewater systems or similar systems are proposed. This may include site approval and discharge permit, if required, as issued by the Colorado Department of Health.

9. Erosion control and revegetation plan.

10. The areas of all development in square feet and percentage of site, including total square feet of proposed driveways, parking, and buildings. Include limits of disturbance on the site plan and provide the total area in acres.

11. A development report addressing the standards in 4-806.

12. A letter of verification of a search of Inventory of Cultural Resources from the State Historical Society, a report defining the archaeological or historical resources on the site (based on information available from the State Historic Preservation Officer) or the appropriate archeological field survey report.

13. A Wildfire Mitigation Plan demonstrating the appropriate site location of structures, construction design and the use of ignition resistant building material, defensible space and fuel reduction around the structures, driveway access for emergency vehicles, and an emergency water supply for fire fighting.

14. A control plan for noxious weeds.

15. A topographic survey certified by a Colorado Registered Surveyor or Professional Engineer.

16. Information regarding the type of glass used on the structure as it relates to reflectivity of sunlight and their emission of internal lighting.

17. A wildlife impact report meeting the requirements of Section 7-1700 of this Code. The requirement for a wildlife impact report shall not be construed to import the substantive requirements of Article 7-1700 into the Site Plan Review process, but rather shall provide additional information for the County to apply the site plan review standards to the facts of the application.

18. An outdoor lighting plan showing the location and type of proposed lighting, in compliance with Article 7-1600 Outdoor Lighting and Article 18 Fully Shielded Light Fixture.

4-805 Review by the Director

A. Once an application for Site Plan Review is filed, the Director shall promptly forward one copy of the application and supporting materials to the Access & Engineering, Public Health, Parks & Open Space Departments, local fire district, and any other potentially affected agencies or organizations. The Director shall also post a sign on the property stating the Site Plan Review number and the address and phone number of the Community Planning & Permitting Department. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted. Referrals shall be returned to the Director 21 days from date the application is referred.

B. Any determination by the Director to approve, conditionally approve, or deny a site plan application must be in writing and mailed or otherwise provided to the applicant no later than 35 days after the date on which the Site Plan Review application is deemed complete. Once the determination is made, the Director shall also provide notice of the determination to all referral agencies and the adjacent property owners within 1500 feet of the property. If the Director fails to make a determination on the Site Plan Review application within this time period, the application as submitted shall be considered approved and the applicant's building permit shall be processed.

C. The Director may suspend the 35-day decision period required in Subsection 4-805.B., above, at any time during the 35-day period under the following circumstances:

1. At the request of the applicant, or;
2. Whenever the Director or a referral agency determines that the application requires more information to conduct adequate review of the standards The Director shall promptly notify the applicant of the shortcomings.

D. The decision period will resume when either the applicant indicates to the Director in writing that they are ready to proceed, or the Director notifies the applicant that the department has received sufficient information upon which to evaluate the application. If the new information submitted results in an application that is substantially different than the original, or requires additional review, a new 21-day referral may be required prompting the 35-day decision period to restart. When the decision period resumes and a new referral is not required, the Director shall have ten days or the remainder of the original 35-day decision period, whichever is greater, to issue a determination.

E. The Director may declare a Site Plan Review application withdrawn if the application is not completed within six months of the date of it either being deemed incomplete or suspended by the applicant or Director as permitted by this Code. The six-month withdrawal deadline may be extended should the Director determine that circumstances beyond the control of the applicant prevent timely completion of the application. If the application is withdrawn, a new application and new fee must be submitted to continue the project.

4-806 Site Plan Review Standards

A. All Site Plan Review applications shall be reviewed in accordance with the following standards which the Director has determined to be applicable based on the nature and extent of the proposed development. When two or more of the standards listed below conflict, the Director shall evaluate the applicability and importance of each of the conflicting standards under the facts of the specific application and make a reasonable attempt to balance the conflicting standards in reaching a site plan decision.

1. The location of existing or proposed buildings, structures, equipment, grading, or uses shall not impose an undue burden on public services and infrastructure.
2. The proposed development shall avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors. Natural hazards may be identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Site Plan Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies. Development within or affecting such natural hazards may be approved, subject to acceptable measures that will satisfactorily mitigate all significant hazard risk posed by the proposed development to the subject property and surrounding area, only if there is no way to avoid one or more hazards, no other sites on the subject property can be reasonably developed, or if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
3. The site plan shall satisfactorily mitigate the risk of wildfire both to the subject property and those posed to neighboring properties in the surrounding area by the proposed development. In assessing the applicable wildfire risk and appropriate mitigation measures, the Director shall consider the referral comments of the County Wildfire Mitigation Coordinator and the applicable fire district, and may also consult accepted national standards as amended, such as the Urban-Wildland Interface Code; National Fire Protection Association (NFPA); International Fire Code; and the International Building Code.
4. The proposed development shall not alter historic drainage patterns and/or flow rates or shall include acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.
5. The development shall avoid significant natural ecosystems or environmental features, including but not necessarily limited to riparian corridors and wetland areas, plant communities, and wildlife habitat and migration corridors, as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.
6. The development shall avoid agricultural lands of local, state or national significance as identified in the Comprehensive Plan or through the Site Plan Review process. Development within or affecting such lands may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.

7. The development shall avoid significant historic or archaeological resources as identified in the Comprehensive Plan or the Historic Sites Survey of Boulder County, or through the Site Plan Review process. Development within or affecting such resources may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.

8. The development shall not have a significant negative visual impact on the natural features or neighborhood character of surrounding area. Development shall avoid prominent, steeply sloped, or visually exposed portions of the property. Particular consideration shall be given to protecting views from public lands and rights-of-way, although impacts on views of or from private properties shall also be considered. Development within or affecting features or areas of visual significance may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.

a. In reviewing development proposals in the Peak-to-Peak Scenic Corridor Area, special attention will be paid to the visibility of the development from the Peak-to-Peak Highway, with the intent to ensure development is minimally visible from the Highway.

b. For development anywhere in the unincorporated areas of the county, mitigation of visual impact may include changing structure location, reducing or relocating windows and glazing to minimize visibility, reducing structure height, changing structure orientation, requiring exterior color and materials that blend into the natural environment, and/or lighting requirements to reduce visibility at night.

9. The location of the development shall be compatible with the natural topography and existing vegetation and the development shall not cause unnecessary or excessive site disturbance. Such disturbance may include but is not limited to long driveways, over-sized parking areas, or severe alteration of a site's topography. All earthwork and grading shall have a demonstrated associated Principal Use.

10. Access, including non-county maintained roads and driveways, shall meet the Boulder County Multimodal Transportation Standards, from the improvements on the subject property to a maintained public road. All driveways shall have a demonstrated associated Principal Use.

11. Runoff, erosion, and/or sedimentation from the development shall not have a significant adverse impact on the surrounding area.

12. The development shall avoid Natural Landmarks and Natural Areas as designated in the Goals, Policies & Maps Element of the Comprehensive Plan and shown on the Zoning District Maps of Boulder County. The protection of Natural Landmarks and Natural Areas shall also be extended to their associated buffer zones. Development within or affecting such Landmarks or Areas may be approved, subject to acceptable mitigation measures and in the discretion of the Director, only if no other sites on the subject property can be reasonably developed, or only if reasonably necessary to avoid significant adverse impacts based upon other applicable Site Plan Review standards.

13. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-807 Community Planning & Permitting Department Director's Determination

A. If the Director finds in reviewing a site plan application that the application meets the applicable standards set forth in Section 4-806, the Director shall approve the site plan and the applicant can continue to process the building permit.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the Director shall approve the application with reasonable conditions that will avoid or acceptably mitigate the significant adverse impacts of the development. These conditions may include, but are not necessarily limited to the relocation or modification of proposed structures, additional landscaping, buffering, screening, relocation of access, or any other measures necessary to mitigate any significant impact or reduce hazards. The Director shall specify when the conditions shall be met.

C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed. The Director's determination must specify the reasons for the denial based upon the Site Plan Review standards in Section 4-806.

D. Once the Director issues a determination, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 calendar days after the date of the determination, in order to allow time for the applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to Sections 4-808 and 4-809 of this Article. The Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

4-808 Applicant's Right of Appeal of a Conditional Approval or Denial

A. If the Director denies a site plan or conditionally approves it with conditions to which the applicant objects the applicant shall be entitled to appeal the Director's determination to the County Commissioners.

B. The applicant must file an appeal for this purpose with the Community Planning & Permitting Department in writing received no later than 14 calendar days after the date of the Director's determination.

C. The Board shall review the Director's determination at a public hearing held as soon as practical after the appeal has been filed. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

D. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the site plan application. Based upon this evidence the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the Site Plan Review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the Site Plan Review standards in Section 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing, and approves the site plan.

E. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final County action in the event of an appeal shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection 4-808.E., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

4-809 Board of County Commissioner's Review ("Call-up") of a Conditional Approval or Denial

A. No permit may be issued for 14 calendar days after the date of the Director's approval.

B. At the same time written approval of the site plan is provided to the applicant, the Director shall forward to the Board a written statement including

1. the location of the affected property,

2. a description of the proposed development under the permit, and

3. the basis for the Director's determination. The Director's determination can be either that there is no significant adverse impact, that the significant adverse impacts can be avoided or acceptably mitigated through the conditions imposed as specified in the statement, or that the application be denied for reasons specified in the statement.

C. Upon receiving the Director's statement, and no later than 14 calendar days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.

1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of this hearing shall be provided to the applicant and to property owners within 1500 feet, and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

D. At the public hearing, the Board shall consider evidence related to the Director's determination which may be presented by the Director, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the site plan application. Based upon this evidence, the Board may affirm the Director's decision, alter conditions, add new conditions, or reverse the Director's determination on any aspect of the Site Plan Review application. In the case of denial of a site plan, the Board shall state its reasons for its decision based upon the Site Plan Review standards in Section 4-806. No permit shall be issued until and unless the Board acts on the Director's determination at the public hearing, and approves the site plan.

E. Any site plan application submitted by a public utility or a power authority providing electric or natural gas service, which relates to the location, construction, or improvement of a major electrical or natural gas facility as contemplated by Section 29-20-108, C.R.S., as amended, shall be considered to be a "final application" under Section 29-20-108 on which final County action in the event of a call-up shall be required to be taken within 90 days after submission of the application, or the application under Section 29-20-108 is deemed approved. For purposes of this Subsection 4-808.E., "submission" shall be considered to be the submission of a complete application as required by this Article 4, including but not limited with respect to compliance with any applicable notice requirements to the mineral estate owners and lessees constituting less than full fee title in the subject property as required by Article 65.5 of Title 24, C.R.S.

4-810 The Effect of an Approved Site Plan

A. A Site Plan Review determination or Expedited Site Plan Review determination shall expire three years from the date the application was approved.

B. The approval of a site plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county or state regulations to preclude the Building Official from refusing to issue a permit if the plans and specifications do not comply with applicable regulations, or that the work described in the application for the permit does not conform to the requirement of the Uniform Building Code as adopted by Boulder County.

4-811 Amendments to an Approved Site Plan

A. Any proposal to change a site plan approved under this Article shall require a request to the Community Planning & Permitting Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved site plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended site plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Community Planning & Permitting Director no later than 30 days following the date of the Director's decision to require a site plan amendment.

4-900 Development Plan Review for Subsurface Mining

4-901 Purpose

A. This Development Plan Review is an administrative review procedure for subsurface mining which is considered likely to significantly impact Environmental Resources, surrounding land uses and infrastructure needs and demands.

B. Development Plan Review shall occur before subsurface mining commences on a mining site. As part of the review procedure, the applicant shall be required to submit a development plan indicating mine and building siting and layout, buffering, landscaping, access, lighting, and other specific data.

C. This Development Plan Review process for proposed mining will allow any significant adverse impacts on the environment to be identified, evaluated, and avoided or acceptably mitigated through the imposition of reasonable conditions.

4-902 Development Plan Review Requirements

A. A development plan must be submitted for any subsurface mining, proposed to be located in the unincorporated area of Boulder County (see Section 4-508 (D)). Development plan approval is required prior to the issuance of any county building permits, or associated grading, access, or floodplain development permits, for the subsurface mining. In addition, subsurface mining which may not require a building or other associated county permit must also obtain development plan approval under this Article.

4-903 Pre-Application Conference

A. A pre-application conference as defined in Section 3-201 shall be held prior to the submission of an application for Development Plan Review.

4-904 Application

A. The application for Development Plan Review shall be made on application forms available at the Community Planning & Permitting Department. Such forms shall have all spaces completed, designate all agents, exhibit all owner or operator signatures, and be accompanied by required fees and all materials required within these regulations. (There is no fee for processing a Development Plan Review application for subsurface mining.)

4-905 Development Plan Submission

A. The applicant shall submit seven copies of the proposed development plan with the completed application form to the Community Planning & Permitting Department, or alternatively, the plan shall be submitted in a digital form acceptable to the Community Planning & Permitting Department. The following information must be submitted with a development plan application unless waived by the Director where inappropriate or unnecessary. An attempt will be made to reduce the application requirements to the minimum necessary for adequate processing of the application. For any of the following requirements, the State Division of Minerals and Geology (DMG) submittal may be substituted if it contains the same or similar information.

1. A vicinity map indicating the section, township, and range of the site, and its relation to surrounding public roads and municipal boundaries.

2. A detailed drawing of the site (affected surface area) at a scale of 1 inch to 100 feet or other appropriate scale, including the following:

a. the dimensions of the site, indicating area in square feet and acres, names of the mining claims, if applicable, and the area of the site to be disturbed;

b. the location of all structures, laydown yards, settling ponds, milling facilities, and any other facilities or stationary equipment;

c. existing and proposed roads within the site as well as ingress and egress from public or private roads;

d. on-site features such as floodplain designations, water courses and springs, drainage, utility lines and easements, ditches, Environmental Resources, geologic features and hazards, vegetative cover including any mapped wildfire hazard areas, dams, reservoirs, mines, and known cultural resources;

e. existing and proposed topographic contours at vertical intervals of five feet maximum within 50 feet of the proposed activity. In terrain where the average cross slope exceeds 15 percent, vertical intervals may be 20 feet maximum for the area within 50 feet of the proposed activity. The remainder of the site may show topography using a U.S.G.S. topographic map; and

f. existing and proposed vegetation, buffers, berms, fences, and other screening devices.

3. Diagram showing adjacent properties and the approximate location of roads and buildings and their uses within a distance of 200 feet of any proposed structure, facility, or area to be disturbed. This may be drawn at a smaller scale than the site plan.

4. One copy of application forms and/or approvals for all applicable local, state, or federal permits. Where such permits have not yet been applied for, a listing of all such permits which will be needed shall be included, together with an explanation of which particular activities the permits will enable. Supplemental submission of subsequent permit applications and/or approvals may be made a condition of Development Plan approval.
5. A summary of the mining plan, per the State Division of Mining and Geology regulations, including the method of and associated schedules for the production, milling or processing; 'moth balling' and abandonment; hours of operation; an access and transportation route plan; anticipated truck traffic generation; a waste disposal plan; production rates and total volumes of ore and waste rock; a drainage and erosion control plan for both on-site and off-site drainage; and, a description of the water source to be used in the operation where applicable.
6. For all designated mining operations (DMO), as defined in CRS 34-32-103, an emergency response plan, including a list of all hazardous substances which will be used or generated, fire protection and hazardous materials spills plan, which specifies planned actions for possible emergency events, a listing of persons to be notified of an emergency event, proposed signage, and provisions for access by emergency response teams. The emergency plan must be acceptable to the appropriate fire district or the County Sheriff, as appropriate. The plan shall include a provision for the operator to reimburse the appropriate emergency service provider for costs incurred in connection with emergency response for the operator's activities at the site.
7. A summary of the reclamation plan submitted or intended to be submitted to the DMG, including proposed recontouring, revegetation or other appropriate measures to restore the surface while operations proceed or after they cease.
8. A noise, odor, or dust abatement plan as specified in 4-907.A. to control impacts on adjacent properties.
9. Any proposed measures, pursuant to the standards in 4-907.A., necessary to mitigate anticipated adverse impacts on the aesthetic features of the site, on views from surrounding properties or public rights-of-way, or on significant Environmental Resources such as wetlands or plant and wildlife habitats.
10. Distance to nearest subdivided land or substantially developed townsite.
11. A noxious weed management plan for the site.

4-906 Referral and Review by Director

A. The Director will coordinate the review of the development plan application. Upon the filing of a complete application for Development Plan Review, the Director shall promptly forward one copy to the County Public Works, Public Health, and Parks & Open Space Departments; the appropriate fire district; the County Sheriff; and any adjacent municipality for comment.

1. Referral comments on the proposed development shall be returned to the Director no later than 18 days from the date of application.
2. The Community Planning & Permitting Department shall determine if the application is complete as soon as possible after submittal.

B. In addition, the Director shall notify the property owners within 1,500 feet and surface owners of the subject property, if different from the applicant, and post a sign on the site within seven days after accepting the application for Development Plan Review. Both the notice and the sign shall indicate that a Development Plan Review application has been made, and the phone number of the Community Planning & Permitting Department where information regarding the application may be obtained. The Director may require that a notification sign be posted off-site when on-site posting would not allow for notification of those potentially impacted.

C. Any determination by the Director to approve or conditionally approve a development plan application must be in writing and mailed or otherwise provided to the applicant no later than 28 days after the date on which the development plan application is accepted as complete. Failure to make a determination on the application within this time period shall result in the application being considered approved and the applicant's building permit or associated grading, access, or floodplain development permit being processed.

4-907 Development Plan Review Standards and Criteria for Approval

A. A development plan shall be approved or conditionally approved in accordance with the following standards and criteria.

1. Any equipment used in production or reclamation of a mine must comply with Section 25-12-103, C.R.S., Maximum Permissible Noise Levels.
    a. For any mine where noise from the site will have a substantial impact in adjacent areas, additional noise mitigation may be required. One or more of the following additional noise mitigation measures may be required:
        (i) acoustically insulated housing or covers enclosing any motor or engine;
        (ii) screening of the site or noise emitting equipment by fencing or landscaping;
        (iii) a noise management plan specifying the hours of maximum noise and the type, periodicity, and level of noise to be emitted, including blasting; and

(iv) any other noise mitigation measures required by the Colorado Division of Minerals and Geology, or other responsible agency, or as proposed by the operator and accepted by the Director.

2. Subsurface mining facilities shall be located in a manner to minimize their visual and physical impact and disturbance of the land surface, and to maximize their compatibility with the character of the neighborhood and surrounding land uses.

a. Facilities shall be painted or otherwise finished in a noncontrasting, nonreflective color, to blend with the adjacent landscape.

b. In areas where the facilities will have a substantial visual impact on the surrounding area, landscaping or screening of the site, or the use of less intrusive equipment, may be required. Specific landscaping or screening requirements may include, but are not necessarily limited to, establishing and properly maintaining ground cover, shrubs, and trees; shaping cuts and fills to appear as natural forms; designing the operation to utilize natural screens; or constructing fences for use with or instead of landscaping.

c. The development plan will incorporate the use of wildfire mitigation measures, such as location of structures, fuel reduction, incorporation of a buffer around structures, and the use of fire resistant building material, if applicable.

d. The facilities will not have a significant adverse impact on surrounding land uses.

e. The facilities will not have an adverse safety impact on adjacent parcels and rights-of-way.

3. Access roads on the site and access points to public roads shall be reviewed by the County Public Works Department. All access and oversize or overweight vehicle permits must be obtained from the County Public Works Department prior to beginning operation. All proposed transportation routes to the site shall also be reviewed and approved by the County Public Works Department to minimize traffic hazards and adverse impacts on public roadways. Existing roads shall be used to minimize land disturbance unless traffic safety, visual or noise concerns, or other adverse surface impacts clearly dictate otherwise.

4. For any subsurface mining located in or adjacent to an Environmental Resource the operator shall consult with the Division of Parks and Wildlife or the county as applicable to determine appropriate mitigation procedures. In no case shall an operator engage in activities which jeopardize a state, federal, or otherwise listed threatened or endangered species.

5. Air contaminant emissions shall be in compliance with the permit and control provisions of the Colorado Air Quality Control Program, Title 25, Article 7, C.R.S., and the fugitive dust regulations administered by Boulder County Public Health.

6. All operations shall comply with all applicable state Water Quality Control and drinking water standards.

7. All waste disposal or treatment facilities shall comply with all requirements of the state or County Public Health Department and responsible emergency response authorities, as applicable.

8. Subsurface mining shall comply with all state and Federal requirements. However, to the extent that a state or Federal requirement falls within a land use regulatory area addressed by this Article, and conflicts with any conditions of a development plan approved under this Article, the development plan conditions shall be enforceable provided they do not materially impede the state or Federal interest. The applicant may appeal the development plan approval to the Board of County Commissioners under Section 4-909.A., below (or within thirty days after written notification to the Director of an alleged material conflict if the conflict is discovered after the appeal deadline in Section 4-909.A. has expired and could not reasonably have been discovered earlier), or any argument as to material conflict shall be deemed waived. If it is possible for the applicant to appeal to the applicable state or Federal agency for a variance or waiver to comply with a conflicting development plan condition, there shall be a presumption in any appeal before the Board of County Commissioners that a material conflict does not exist, unless the applicant has pursued an appeal with the applicable agency.

9. The proposal shall be consistent with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.

4-908 Community Planning & Permitting Director's Determination

A. If the Director finds in reviewing a development plan application that the application meets the applicable standards set forth above, the Director shall approve the development plan, and the applicant may continue the processing of the building or other associated county permit application, or otherwise engage in the proposed subsurface mining.

B. If the Director finds that the application does not meet an applicable standard or standards, and that a reasonable basis for mitigation measures has been demonstrated, the application shall be approved with appropriate reasonable conditions imposed to avoid or acceptably mitigate the significant adverse impacts of the development. Such conditions may include, but are not necessarily limited to, the relocation or modification of proposed access roads, facilities, or structures; landscaping, buffering, or screening; posting of adequate financial guarantees; compliance with specified surface reclamation measures; or any other measures necessary to mitigate any significant impact on surrounding properties and public infrastructure.

C. If the Director finds that the application does not meet an applicable standard or standards and that a reasonable basis for mitigation measures has not been demonstrated, the Director shall deny the application as proposed.

D. Once the Director issues a determination on the development plan, the determination shall not be final, and no permit based upon the determination shall be issued, for 14 calendar days after the date of the determination, in order to allow time for the applicant to appeal, or for the Board of County Commissioners to call up the determination for further review, pursuant to Sections 4-909.A. and 4-910.A. of this Article. The Director's determination shall become final, and permits applied for in accordance with the determination may be issued, only after the expiration of this 14-day period, and only if the determination is not reviewed and acted upon by the Board of County Commissioners at a subsequent appeal or call-up hearing.

4-909 Applicant's Right of Appeal of Conditional Approval or Denial

A. In the event that the Director conditionally approves or denies a development plan application, the applicant shall be entitled to appeal the approval to the Board of County Commissioners. The applicant must file an appeal for this purpose with the Director in writing received no later than seven calendar days after the date of the Director's determination. If the determination is mailed to the applicant, three additional days for mailing shall be added to the time for filing an appeal.

B. The Board shall review the Director's determination at a public hearing scheduled as soon as practical after the appeal has been. Prior written notice of this hearing shall be provided to the applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the appeal, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination, or may approve the development plan with modified, altered, deleted, or added conditions in accordance with Section 4-907.A. of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

4-910 Board of County Commissioners' Review (“Call-up”) of a Determination to Approve or Conditionally Approve a Development Plan

A. No county building, grading, access, or floodplain development permit may be issued to the applicant, nor shall the applicant be authorized to proceed with any proposed subsurface mining operation not requiring one of these county permits, for 14 calendar days after the date of the Director's approval, in order for the Board of County Commissioners to review the approval. At the same time written approval of the development plan is provided to the applicant, the Director shall forward to the Board a written statement which shall include the location of the site, a description of the proposed subsurface mining, and, if the development plan is conditionally approved, the conditions of approval.

B. Upon receiving the Director's statement, and no later than 14 calendar days after the date of the approval, the Board may call the Director's determination up for review before the Board. The call-up generally shall be made by the Board at a public meeting convened within this 14-day period. However, if it is not practical for the Board to convene a public meeting for this purpose within the 14-day period, any member of the Board may authorize a call-up within the 14-day period, which call-up shall be effective provided that the Board subsequently ratifies the call-up at a public meeting held within a reasonable period of time after the 14-day period expires.

1. The Board shall review the Director's determination at a public hearing held as soon as practical after the Director's determination. Prior written notice of the hearing shall be provided to the applicant and property owners within 1,500 feet and shall be published as part of the Board's agenda in a newspaper of general circulation in Boulder County.

C. At the public hearing the Board shall consider evidence related to the Director's determination which may be presented by County staff, the applicant, or interested members of the public. The Board shall not be limited in their review to the subject of the call-up, but may review any aspect of the development plan application. Based upon this evidence the Board may affirm the Director's determination or denial, or alter, delete, or add conditions of approval, in accordance with Section 4-907.A. of this Article. No County building, grading, access, or floodplain development permit shall be issued, or the applicant otherwise allowed to proceed with the proposed surface mining operation, until the Board acts on the Director's determination at the public hearing, and approves the development plan with or without the addition or modification of conditions.

4-911 Effect of the Approved Development Plan

A. After approval of a development plan for an subsurface mining, the applicant shall be entitled to have processed any necessary building, grading, access, or floodplain development permits or to otherwise proceed with the proposed operation. The approval of a development plan by the Director does not result in the vesting of development rights, nor does it permit the violation of any county, state, or federal regulations or preclude the County Building Official or Public Works Department or Public Health from refusing to issue a permit if the plans and specifications do not comply with applicable county regulations.

4-912 Inspections

A. Any site under an approved development plan may be inspected by the county at any time, to ensure compliance with the requirements of the approved development plan, provided that reasonable prior notice is given to the contact person at the telephone number supplied by the applicant. The approved development plan shall be considered to grant the applicant's implied consent to such inspections.

4-913 Enforcement

A. In addition to any other remedy authorized under this Code to enforce the provisions of this Article, the Director shall be entitled to draw on any financial guarantee provided by an applicant pursuant to this Article, if the applicant violates any term or condition of an approved development plan. If the Director has reason to believe that a violation of an approved development plan for which a financial guarantee has been provided has occurred, the Director shall provide written notice to the applicant describing the violation, and stating a reasonable time within which the violation must be corrected. If, within that time period, the applicant has not either corrected the violation or filed a written appeal with the Board of County Commissioners, the Director shall be entitled to enter upon the site to take any reasonable measures to correct the violation, and may draw on the financial guarantee to cover the costs of corrective measures. The County may not require any financial guarantee which is related to mining operation within the State's purview under the Colorado Mined Land Reclamation Act, as amended.

B. If the applicant files a timely appeal with the Board of County Commissioners, the Board shall schedule a hearing on the appeal at the soonest possible time of which the applicant shall receive reasonable prior notice. If the Board confirms at the hearing that the violation has occurred and has not been corrected, the Board in its discretion may give the applicant additional time to correct the violation, or may specify the time at which the Director may take appropriate action to have the violation corrected and draw on the financial guarantee to cover the costs of corrective measures.

C. To insure the Director's ability to enforce the provisions of any approved development plan, the Director shall not release any financial guarantee provided under this Article for an individual development plan, until the Director confirms that all applicable provisions of the plan have been complied with.

4-914 Amendments to a Development Plan

A. Any proposal to change a development plan approved under this Article shall require an application to the Community Planning & Permitting Department to determine whether the proposed change constitutes a substantial modification to the approved plan. If the Director determines that the change constitutes a substantial modification, no such change shall be allowed to proceed until an application to amend the approved development plan is filed with the Director and approval granted in accordance with this Article. The applicant or its successor may appeal the Director's decision to require an amended development plan to the Board of County Commissioners, provided that any such appeal shall be in writing and shall be filed with the Community Planning & Permitting Director no more than 30 days following the date of the Director's decision to require a development plan amendment.

4-1000 Nonconforming Structures and Uses

4-1001 Principles of Construction as Applied to Nonconforming Structures and Uses

A. In recognition of the broadly accepted policy that nonconforming uses and structures should be brought to conforming status as speedily as justice will permit, and favoring the reasonable regulation of nonconforming uses and structures to minimize their adverse impacts on current comprehensive zoning schemes and the community, this Article shall be strictly construed against the continuation or expansion of nonconformity in Boulder County.

4-1002 Nonconforming Structures

A. A nonconforming structure is any existing structure which does not conform to the structure regulations of this Code for the zoning district in which such nonconforming structure is located, as a result of either (1) the adoption or amendment of this Code, or (2) a final county administrative or judicial decision precluding Boulder County from enforcing this Code specific to a structure on the basis of estoppel, laches, or waiver.

1. For the purposes of these regulations, structure(s) with Existing Floor Area as of May 13, 2025 that exceeds the zoning district Residential Floor Area maximum shall not be considered Nonconforming Structures.

B. A nonconforming structure may continue to be occupied, except as otherwise provided for in this Section.

C. A nonconforming structure may not be altered, repaired, or enlarged in any way which would increase the degree of nonconformity with respect to the setback or height regulations of this Code:

1. For purposes of this Section, an increase in the degree of nonconformity shall be any alteration which adds to the floor area or height of the portion of the structure which violates this Code.

2. This restriction may be waived if the Building Official determines that any such alteration, repair, or enlargement is necessary to rectify a hazardous health or safety situation, or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure.

3. Agricultural structures, either singly or cumulatively, legally constructed which were over 25,000 square feet (or 35,000 square feet in a community service area) as of October 18, 1994, may be altered, repaired, or enlarged provided the total square footage of the structures on a parcel is not increased.

4. Installation of a flush roof-mounted or building integrated accessory solar energy systems shall not be considered an increase in the degree of nonconformity, provided it meets the specifications in section 4-514 or 4-516.

D. A nonconforming structure which has been damaged or destroyed by causes outside the control of the property owner or their agent, may be restored to its original location, floor area, and height, provided that such restoration complies with the current provisions of the Boulder County Building Code.

1. Such restoration must be commenced within six months after the date on which the nonconforming structure was damaged or destroyed and completed within one year after the date on which the restoration was commenced.

a. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

2. The provisions of this Section 4-1002 (D) shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400 of this Code.

3. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-802 (B) (3))

4-1003 Nonconforming Uses

A. A nonconforming use is any existing use which does not conform to the use regulations of this Code for the zoning district in which such nonconforming use is located, as a result of either

1. the adoption or amendment of this Code, or

2. a final administrative or judicial decision precluding the County from enforcing this Code specific to a use on the basis of estoppel, laches, or waiver.

a. Uses are not considered nonconforming due to inadequate parking.

b. Uses which fall within Section 4-1003.A.2., above shall not be eligible to apply for a special use permit for a Use of Community Significance Section 4-504.

B. Except as otherwise provided in this Section, a nonconforming use may be continued and normal or routine maintenance of a structure containing a nonconforming use shall be permitted. Normal or routine maintenance shall include any maintenance or repair which does not impermissibly enlarge or alter the structure containing a nonconforming use under Section 4-1003.C., below.

C. Enlargement or Alteration of a Nonconforming Use

1. The right to continue a nonconforming use terminates immediately when the nonconforming use is enlarged, expanded, extended, or altered in any of the following ways, and the property owner does not successfully pursue any of the options specified in Section 4-1003.H. within 30 calendar days after the Director provides written notification of an alleged illegal enlargement or alteration to the owner.

a. Addition of a new structure containing or accessory to the nonconforming use;

b. Enlargement or alteration of a structure containing or accessory to the nonconforming use, including but not necessarily limited to an increase in floor area, an increase in height, or any other alteration or improvement in excess of normal or routine maintenance of the structure;

c. Enlargement or alteration in the land area occupied by the nonconforming use, unless the basic nature of the use, at the time it became nonconforming, clearly indicated or contemplated such an increase or alteration; or

d. Any other enlargement or alteration of the nonconforming use which has the effect or threatened effect of creating a hazard or nuisance on or off the property, of adversely affecting the character of the neighborhood, or of intensifying the use of the land or its need for services.

e. Removal or replacement of any structural member in a use for which the County is precluded from enforcing this Code specific to use on the basis of estoppel, laches, or waiver.

2. An impermissible enlargement or alteration shall not include the following:

a. a change of ownership of the property;

b. an alteration or expansion which the Building Official determines is necessary to rectify a hazardous health or safety situation or to comply with the public health or safety requirements of another governmental entity having lawful jurisdiction over the structure;

c. an extension of the nonconforming use within the structure containing the use, provided that such extension is not accompanied by an alteration of the structure falling within category (b), above;

d. the addition of a solar energy system to a structure containing a nonconforming use provided it meets the specifications in Articles 4-514 or 4-516; or

e. any replacement or upgrading of outmoded or worn equipment or supplies, provided that such activity does not fall within category Section 4-1003.C.1.d., above.

3. Owners of legal building lots containing agricultural uses which have become nonconforming as a result of adoption or amendment of this Code, may restore, modify, and maintain existing conforming structures, and may construct new conforming structures, provided such structures are directly related to the agricultural use, and provided the use is not enlarged or altered in any other way.

D. Change of a Nonconforming Use

1. A nonconforming use may be changed only to a use which is conforming in the zoning district in which the use is located.

2. Any change of a nonconforming use to any other use shall operate immediately to terminate the right to continue the nonconforming use. Thereafter, the property shall be used only in conformity with the use provisions of its zoning district.

E. Destruction of a Structure Containing a Nonconforming Use

1. A structure containing a nonconforming use shall be deemed destroyed when either greater than 50 percent of its floor area, or greater than 50 percent of its actual value (as determined by the Boulder County Assessor) is destroyed.

2. The right to continue a nonconforming use terminates immediately when the structure containing that use is destroyed by an intentional act of the property or structure owner or their agent.

3. In all other cases, when a structure containing a nonconforming use is destroyed, the structure may be restored, and the nonconforming use may be reestablished.

a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was destroyed and completed within one year after the date on which the restoration was commenced.

b. These times may be extended for a reasonable period, if approved by the County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

4. The provisions of this Section 4-1003.E. shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

F. Damage to a Structure Containing a Nonconforming Use

1. The right to continue a nonconforming use terminates immediately when the structure containing that use is damaged by an intentional act of the property or structure owner or their agent.

2. In all other cases, when a structure containing a nonconforming use is damaged, the structure may be restored, and the nonconforming use may be reestablished.

a. Restoration of the structure must be commenced within six months after the date on which the nonconforming structure was damaged and completed within one year after the date on which the restoration was commenced.

b. These times may be extended for a reasonable period, if approved by the Board of County Commissioners at a public hearing upon a showing of extraordinary circumstances by the property owner or their agent.

3. The provisions of this Section 4-1004.F. shall not apply to Substantial Improvements to structures in the Floodplain Overlay District as provided for in Section 4-400.

4. Restoration meeting the requirements of this provision are not required to undergo a Site Plan Review. (See Article 4-802.B.3.

G. Abandonment of a Nonconforming Use

1. The right to continue a nonconforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of six months or more, as a result of causes within the control of the property owner or their agent.

a. Discontinuance of the use shall be a complete cessation of all activity on the property related to the use as determined in relationship to the nature and history of the nonconforming use, based upon available public information on the use.

b. If the nonconforming use is a seasonal use, the use shall be terminated if it is discontinued for an entire single season based upon the history and nature of the use.

2. Any nonconforming use may be abandoned in less than six months or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.

H. Notice of Termination in the Event of Unlawful Enlargement or Alteration of a Nonconforming Use, Change of Use, Abandonment of a Nonconforming Use, or Destruction or Damage to a Structure Containing a Nonconforming Use

1. In the event that the Director receives information upon which a determination is made that the right to continue a nonconforming use has been or may have been terminated by operation of Section 4-1003, the Director shall provide a written notification of this determination by first class mail to the property owner, and to the parcel address, all as shown on the records of the Boulder County Assessor. The property owner shall have 30 calendar days after the date of the notification within which to provide evidence satisfactory to the Director to show that the determination is in error, to abate the illegal enlargement or alteration, to apply for approval of a special use or other applicable approval under this Code, or to file an appeal of the Director's determination to the Board of County Commissioners. In any appeal, the property owner shall have the burden to show that the right to continue the nonconforming use was not terminated according to the applicable provisions of this Article, when judged in light of the history and nature of the use and the circumstances of the alleged termination.

2. Nothing in this Section shall alter or diminish the Director's right to take enforcement action against the unlawful continuation of a nonconforming use terminated by operation of Section 4-1003 hereof, as set forth in 30-28-124, C.R.S., as amended, and Article 17 of this code. Moreover, except in the case of an illegal enlargement or alteration for which the owner shall be provided with a 30 day opportunity to abate, any failure by the Director to provide a notification of a determination of termination as provided for in this Section shall in no way entitle the property owner to continue or resume a nonconforming use terminated by operation of this Section 4-1003(H).

4-1004 Recognition of Nonconforming Uses

A. A nonconforming use may be recognized as a conforming use if:

1. The use was made nonconforming pursuant to Section 4-1003.A.1., and receives special use review approval as a Use of Community Significance under Sections 4-504.H and 4-602.E. of this Code, or

2. The use is nonconforming pursuant to 4-1003.A.2., and receives special use approval as a temporary use under Section 4-600.A. In addition to satisfying the special use criteria of Section 4-601, such a use may receive special use approval only if it meets the following requirements, to assure that these nonconforming uses are brought into conformity as quickly as justice may permit:

a. The use is required to totally cease, or to be changed to a conforming use, within a reasonable time certain as determined by the Board of County Commissioners through the special use review process, not to exceed 30 years.

b. During the time certain when the use is allowed to exist as a temporary special use, the property owner grants a conservation easement to the County to assure that no future expansion of the use or its associated structures occurs on the property beyond that approved in the special use. The conservation easement will also require that at the expiration of the temporary use period established in Subsection 4-1004.A.2.a., the temporary special use shall cease, and the property's use and structures shall be made to conform to the zoning districts requirements and in accordance with any specific requirement of the special use review and conservation easement.

c. Approval of the use as a temporary special use will result in some measurable decrease in one or more of the adverse land use impacts associated in the nonconforming use (such as in traffic, noise, or adverse visual impact).

3. The use was a legal residential use when it became nonconforming pursuant to Subsection 4-1003.A.1. and receives Limited Impact Special Review use approval under Section 4-600.A., and, in addition, the owner/applicant agrees to permanently deed restrict the approved special use as affordable housing under the adopted standards of the BOCC based upon the recommendation and policies of the Boulder County Housing Authority.

a. No increase in density is permitted through this approval.

b. Minor expansions to the use may be allowed through the limited impact special use process, so long as the proposed use results in some measurable decrease in one or more of the adverse land use impacts associated with nonconforming use (such as in traffic, noise, or adverse visual impact) and so long as current County Building Code requirements are met.

4. The nonconforming use is changed to any other conforming use recognized under this Code.

4-1100 Rezoning (Zoning Map Amendments)

4-1101 Initiation of Amendments

A. Initiation of Map Amendments

1. Map amendments may be initiated by the Board of County Commissioners, the Planning Commission, or the legal owner of any property in Boulder County.

2. Map amendments shall be reviewed and acted upon in accordance with the procedural provisions contained within Article 3 of this Code, except the following:

a. Comprehensive map amendments initiated by the Board of County Commissioners or Planning Commission including map amendments resulting from a text amendment to this Code. In this case, the following notification requirements may be adopted by the Planning Commission.

(i) The newspaper notice need not contain the name of the landowner and applicant, the proposed and existing zoning, or the general location description of the land.

(ii) The property need not be posted with a sign.

(iii) The written notice of the hearing need not be provided to the applicant.

(iv) A written notice of the hearing need not be mailed to all owners of interest and adjacent land owners identified in the title report.

4-1102 Standards and Conditions

A. No map amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:

1. a public need exists for the map amendment;

2. the amendment is consistent with and in furtherance of the stated intent and purposes of this Code;

3. the amendment is in accordance with the Boulder County Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development;

4. the subject property is an appropriate site for the map amendment, and is a reasonable unit of land for such reclassification;

5. the map amendment would not have a material adverse effect on the surrounding area;

6. the map amendment will not result in an over-intensive use of land;

7. the map amendment will not have a material adverse effect on community capital improvement programs;

8. the map amendment will not require a level of community facilities and services greater than that which is available;

9. the map amendment will not result in undue traffic congestion or traffic hazards;

10. the map amendment will not cause significant air, water, or noise pollution;

11. the map amendment will not permit the use of any area designated within the Boulder County Comprehensive Plan for the extraction of commercial mineral deposits in a manner which would interfere with the present or future extraction of such deposit by an extractor to any greater extent than under the present zoning of the property;

12. it must be demonstrated that any structures to be built on the property will not be affected by geologic hazards if they exist; and

13. the map amendment will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

4-1200 Board of Adjustment

4-1201 Appeals to the Board of Adjustment

A. Appeals to the Board of Adjustment may be taken by any person aggrieved by any decision of the Community Planning & Permitting Director or County Engineer made in the course of the administration or enforcement of Article 4 or any related provision of this code, unless the Code provides that the decision will be appealed to the Board of County Commissioners.

B. An application for an appeal must be made within 30 days after the Director or County Engineer makes a written decision on the matter being appealed. The 30 days shall start to run on the third day after the date of mailing of the decision to the last known address of the person concerning whom the decision is made. If not appealed to the Board of Adjustment the decision shall be final.

C. The process for filing an appeal and specifics regarding the public hearing before the Board of Adjustment are outlined in Article 3 of this Code.

D. Appeals to the Board of Adjustment related to any matters under Article 12, Special Review for Oil and Gas Operations, must be specifically permitted under Article 12.

E. Any party to a proceeding before the Board of Adjustment may appeal the Board of Adjustment's final decision under C.R.C.P. 106(a)(4).

4-1202 Standards of Review

A. Interpretations of this Code

1. In hearing an appeal of an administrative decision or interpretation, the Board of Adjustment shall consider the following:

a. the technical meaning of the provision being appealed;

b. evidence as to the past interpretation of the provision;

c. the principles of interpretation and rules of construction in Article 1 of this code; and

d. the effect of the interpretation on the intent of this Code and the implementation of the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

B. Requests for a Variance from the Provisions of this Code

1. The Board of Adjustment shall not grant a variance to this Code which allows:

a. a use in a zoning district other than those as allowed in Section 4-100 of this Code;

b. a variance to the minimum lot area requirements or maximum gross density;

c. the alteration of any definition;

d. a substantial modification to any planned unit development or special use allowed approved by the County Commissioners;

e. any increase in the base flood level;

f. a change in the height or yard requirements which could be obtained, or have been denied, through Special Review; or

g. A decrease in the spacing requirements for Marijuana Establishments under the Additional Provisions of Article 4-512.I. of this Code.

2. In order to grant a variance, the Board of Adjustment shall find that the following criteria have been satisfied:

a. there exist exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;

b. because of these physical circumstances, the strict application of this Code would create an exceptional or undue hardship upon the property owner;

c. the hardship is not self-imposed;

d. the variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;

e. that the variance, if granted, will not change the character of the zoning district in which the property is located, and is in keeping with the intent of this Code and the Boulder County Comprehensive Plan; and

f. that the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Boulder County and is in accordance with the Comprehensive Plan and any applicable intergovernmental agreement affecting land use or development.

3. In addition to any other procedural requirements which the Board of Adjustment may require in its duly adopted Supplemental Rules, no initial hearing on any variance application which anticipates new surface development may be held until the applicant provides a certification of compliance with Article 65.5 of Title 24, C.R.S. signed by the applicant, confirming that the applicant or its agent has examined the records of the Boulder County Clerk and Recorder for the existence of any mineral estate owners or lessees that own less than full fee title in the property which is the subject of the application, and stating whether or not any such mineral estate owners or lessees exist. If any such mineral estate owners or lessees exist, the Applicant must sign an additional certification confirming that the applicant has, at least 30 days prior to the initial public hearing on the variance, transmitted to the County and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
4. In any case where information becomes known to the Community Planning & Permitting Director or the Board that an applicant has failed to provide notice of the initial public hearing on a variance as required by Article 65.5 of Title 24, C.R.S., the Board or the Director on behalf of the Board may continue, may reschedule, or may vacate the initial public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.

C. Additional requirements for variances and appeals under Section 4-400 of this Code ("Floodplain Overlay District") are set forth in Section 4-408 and 4-409, respectively.

D. Request for variances from Article 13 – Sign Code

1. The Board of Adjustment shall have the power to hear an appeal from a decision based on an interpretation of any provision of Article 13 denying a sign permit on grounds other than those governed by the Building Code.
2. The Board of Adjustment may grant a variance from the height, size and/or setback limitations for any sign regulated in Article 13 when, by reason of topography, road location or elevation, or other exceptional difficulties or unique circumstances associated with the parcel on which the sign is located, the sign would not be visible or serve its intended purpose under the existing size or setback regulations.
3. The Board of Adjustment shall not have the power to grant a variance from any other provision of Article 13.

4-1203 Expiration

A. Unless otherwise stated in the motion made by the Board of Adjustment, all rights to permits authorized by the granting of any variance shall expire one year from the time approval for a variance is final.

4-1204 Extensions

A. An extension of up to six months for good cause shown may be granted by the Board of Adjustment.

4-1300 Expanded TDR Program and Structure Size Thresholds for Single Unit Dwellings

A. Introduction and Purposes

1. This Section 4-1300 establishes a structure size threshold for single Single Unit Dwellings, above which additional Development Credits must be obtained to offset the impacts of larger scale homes, and below which Development Credits can be severed to preserve a supply of smaller scale homes. These regulations also provide for the transfer of Development Credits to maintain rural character through the preservation of vacant land.

2. This Section 4-1300 allows for the transfer of Development Credits to offset the impact of existing Community Uses and Lodging Uses that are approved to expand over the maximum development thresholds established in the Special Provisions, Special Review for Community and Lodging Uses (Art 4-602(C)(2)).

3. These regulations are adopted to implement the goals and policies in the Sustainability Element of the Boulder County Comprehensive Plan. Those goals and policies include:

a. Preserving the rural character of unincorporated Boulder County, especially those areas with particular historic or contextual character;

b. Promoting more sustainable development through incentives, education and regulation;

c. Allowing for the impacts of larger scale home development to be offset through the preservation of vacant land and smaller scale residential development elsewhere in the County;

d. Providing flexibility for property owners to build and keep smaller scale homes which will help provide a diversity of housing stock in unincorporated Boulder County; and

e. Promoting and preserving vacant land by creating incentives for property owners to leave land undeveloped.

4-1301 Division of the County into Geographic Areas

A. For purposes of this Article 4-1300, unincorporated Boulder County is divided into the following two geographic areas:

1. Mountain Area – The Mountain Area includes the mountainous areas of the county as defined in Article 18 (the area west of CO 93 from its intersection with the south county line to the City of Boulder, west of the City of Boulder city limits, west of US 36 from the City of Boulder to CO 66, and west of the St. Vrain Supply Canal from CO 66 to its intersection with the north county line).

2. Plains Area – The Plains Area includes all areas of the county that are not included in the Mountain Area.

4-1302 Single Unit Dwelling Size Threshold

A. The Size Threshold is the measure of Single Unit Dwelling residential floor area that is allowed on a legal building lot without having to purchase Development Credits, as further provided below. Building lots with residential floor area at a specified level less than the Size Threshold may sell Development Credits, as further provided below.

1. Size Threshold to be applied county-wide

a. Total residential floor area, as defined in Article 18-189D, equal to 6,000 square feet.

b. This total floor area includes all residential floor area as defined in Article 18-189D.

2. Structures exempt from the Size Threshold are manufactured homes located in a zoned Manufactured Home Park; nonresidential structures including agricultural accessory structures such as barns and loafing sheds; and Agricultural, Family Care and Historic Accessory Dwelling Units that are approved though a Special Review process.

4-1303 Conveyance and Severance of Development Credits

A. Development Credits may be conveyed either in a private market transaction or through the County Clearinghouse (see Section 4-1305, below).

1. For Development Credits conveyed through private market transactions, the parties must obtain Development Credit Certificates from the County Clearinghouse in advance of conveyance.

a. Adequate documentation of private transactions, such as purchase agreements or bills of sale, must be submitted to the County Clearinghouse within five business days after the closing of the transaction, for registration purposes.

b. The County Clearinghouse may request information as necessary to provide adequate evidence of the private transaction.

2. Boulder County may sell or donate Development Credits to the County Clearinghouse from properties purchased by the Boulder County Parks & Open Space Department under the rules and policies governing the operation of the Clearinghouse, contained in Section 4-1305, below, and the purchase of properties by the Parks & Open Space Department.

B. Severance of Development Credits from Vacant Building Lots Which Are To Remain Vacant

1. Development Credits may be severed from a vacant building lot, provided that the lot meets the following requirements and any future development potential removed from the lot as specified below:

a. In the Plains Area

(i) The lot must be a building lot.

(ii) The lot must meet the definition of "vacant building lot" under Article 18 of this Code. Building lots which are not vacant under this definition may be rendered vacant, provided that all necessary structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.

(iii) The lot must not be required to remain vacant by a conservation easement or other instrument recorded outside the scope of this Article 4-1300.

(iv) The lot must have legal access.

(v) The property owner may offer to grant a conservation easement, or other preservation instrument, on the lot to either the County or another land preservation entity approved by the County, keeping the lot vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive ten Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

(vi) The property owner may offer to convey the lot in fee to either the County or another land preservation entity approved by the County. If such offer is accepted, the property owner will receive as compensation twelve Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

b. In the Mountain Area

(i) The lot must be a building lot.

(ii) The lot must meet the definition of "vacant building lot" under Article 18 of this Code. Building lots which are not vacant under this definition may be rendered vacant, provided that all necessary structures and improvements are removed from the lot and all necessary land restoration accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits.

(iii) The lot must not be required to remain vacant by a conservation easement or other instrument recorded outside the scope of this Article 4-1300.

(iv) The lot must have legal access.

(v) The property owner may offer to grant a conservation easement, or other preservation instrument, on the lot to either the County or another land preservation entity approved by the County, keeping the lot vacant in perpetuity. If such offer is accepted, the property owner retains fee title to the lot and will receive five Development Credits which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

(vi) The property owner may offer to sell the lot in fee to either the County or another land preservation entity approved by the County. If such offer is accepted, the property owner will receive seven Development Credits, which may then be held by the property owner or sold to either the County Clearinghouse or on the private market.

C. Severance of Development Credits from Building Lots Where Restricted Residential Floor Area Is To Be Allowed

1. Development Credits may be severed from a building lot, whether or not the lot is a vacant building lot as defined in Article 18 of this Code, provided that the lot meets the following requirements and Single Unit Dwelling residential floor area on the lot is limited as specified below:

a. The lot must be a building lot.

b. If the lot is not a vacant building lot, it must contain only legal Single Unit Dwelling residential floor area and accessory structures (though other forms of existing floor area may be removed from the lot provided all such removal and any necessary land restoration is accomplished to the satisfaction of the Director pursuant to all applicable Land Use Code review and building permit requirements (including historic review if necessary), prior to the issuance and transfer of any Development Credits).

c. The lot must not already be restricted to 2,000 square feet or less of Single Unit Dwelling residential floor area through a conservation easement or other recorded instrument (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of Subsection 4-1303.B. above).

d. The lot must not already be firmly (vs. presumptively) restricted to 2,000 square feet or less of Single Unit Dwelling residential floor area through a County land use approval (although such lots can sever Development Credits as perpetually vacant lots if they follow the requirements of Subsection 4-1303.B., above).

e. The lot must have legal access.

f. The property owner must restrict Single Unit Dwelling residential floor area on the eligible lot to the amount of residential floor area specified below, and if so done will receive the following Development Credits:

(i) For development restricted to 2,000 square feet of residential floor area, the owner may receive two Development Credits.

(ii) For development restricted to 1,500 square feet of residential floor area, the owner may receive three Development Credits.

(iii) For development restricted to 1,000 square feet of residential floor area, the owner may receive four Development Credits.

2. The owners of eligible lots shall receive the authorized number of Development Credits upon the granting of a restrictive covenant or other county approved preservation instrument to assure that the restriction imposed on the size of future development will run with the property in perpetuity.

3. A developed lot, whose owner restricts the size of development on that property under this Section, may develop or redevelop to the maximum size included in that deed restriction.

D. Additional "Bonus" Development Credits may be awarded for eligible building lots under Subsections 4-1303.B. and C. above, subject to the provisions of this Subsection.

1. Lots owned or under contract for purchase by Boulder County on the effective date of these regulations, or being purchased by the Boulder County Parks & Open Space without property owner participation in this Article 4-1300, are not eligible for Bonus Development Credits.

2. Bonus Development Credits may be awarded to a particular lot based on a site-specific assessment of the parcel by the applicable County Department.

a. The availability of Bonus Development Credits will be based on the number and extent of significant conservation values or significance of the floodway mitigation which the Parks & Open Space Department, Community Planning & Permitting Department, or Public Works Department in its sole discretion finds associated with the specific building lot.

b. Such review will be undertaken upon request of the building lot owner.

c. The award of Bonus Development Credits is limited to a maximum of five Development Credits per building lot.

(i) Significant conservation values or floodway mitigation based on which the County Parks & Open Space, Community Planning & Permitting, or Public Works Department may award Bonus Development Credits include:

(A) Preservation of Resources – The lot(s) contains cultural, historic, or archaeological resources, View Protection Corridors, Significant Agricultural Lands, or Environmental Resources, as described in the Boulder County Comprehensive Plan that would be preserved thorough a restriction on development on the lot.

(B) Agricultural Water Rights – The lot(s) have agricultural water for irrigation tied to the land to be preserved.

(C) Urban Shaping – The lot(s) helps to create significant buffer zones between communities or between residential and nonresidential uses, including, but not limited to, rural preservation areas specified in County intergovernmental comprehensive planning agreements with municipalities.

(D) Other Open Space Benefits – The lot(s) offers desired linkages to trails or other open space properties, provides desired access to public lakes, streams or other usable open space properties, or eliminates private property enclaves.

(E) Preservation of Historic Resources – The lot(s) have historically landmarked structures that would be preserved.

(F) Floodway mitigation – Development within the mapped floodway will be removed from the lot(s).

E. Limitations on the Use of Development Credits on Preserved Lots

1. Once a property owner has severed the Development Credits from a vacant lot under Section 4-1303.B, above, Development Credits may not be repurchased to allow development on that lot.

a. Restricted lots from which Development Credits have been severed may be combined with adjacent parcels that are or may be developed, provided the combination is approved through any applicable land use process and provided the restrictions remain in place and the portion of the lot which is restricted is not available for development.

2. Once a property owner has severed Development Credits from a lot where development has been restricted under Section 4-1303.C., above, the preservation instrument restricting development on that lot may be amended to allow the purchase and use of Development Credits to increase the floor area allowed on that lot up to a maximum of 2,000 square feet.

a. Prior to the issuance of a building permit for the allowed increase in floor area, the owner must execute and record an amended preservation instrument approved by the Clearinghouse to memorialize the new restricted floor area.

b. The property owner shall submit the required Development Credit Certificates along with building permit application for construction of the additional square footage.

4-1304 Acquisition and Use of Development Credits for Construction

A. Requirement for Acquisition of Development Credits – Development Credits must be acquired prior to the issuance of a building permit for the approved development.

B. Development Credits must be obtained for development of residential floor area greater than the Size Thresholds in Section 4-1302 according to the following table. This table shall be applied cumulatively to residential floor area subject to this Article 4-1300 (e.g., development in phases shall require the same number of Development Credits as a single combined application).

Number of square feet	Number of Credits	Total Additional Square Footage	Total Credits for Additional Square Footage
1st 500	1*	500	1
2nd 500	1	1000	2
3rd 500	2	1500	4
4th 500	2	2000	6
5th 500	2	2500	8
Each additional 500 square feet	2		

* Minor additions (under 200 square feet) may be exempt; see Article 4-1306.

C. Development Credits for nonresidential floor area must be obtained for approved floor area above the thresholds established in Art. 4-602.C. of this code. One Development Credit is required for each 500 square feet of new floor area.

D. Fractional Development Credits will not be recognized, nor can they be banked for future use.

E. Process for the Acquisition of Development Credits

1. In the case of either a private transaction or purchase from the Clearinghouse, the Clearinghouse shall issue the appropriate Development Credit certificates. Certificates may be acquired in a private transaction at any time, and applicants purchasing Credits prior to a land use review approval do so at their own risk. Certificates may not be acquired from the Clearinghouse for development exceeding the applicable size threshold until the development has received final County land use approval.

2. Any building permit application for a Single Unit Dwelling greater than the applicable Size Threshold, or for an existing Community Use or Lodging Use approved through the Special Use Review process, shall not be considered complete without the submission of the necessary Development Credit certificates and completion of any required land use process.

F. Relationship between Size Thresholds Existing Single Unit Dwellings

1. Single Unit Dwellings existing on the effective date of these regulations (August 8, 2008) are not subject to the Size Threshold requirement in this Article 4-1300; however, any addition of residential floor area to an existing structure which increases the total residential floor area to a size greater than the specified size threshold, will be subject to a requirement to purchase Development Credits to offset the portion of that additional new residential floor area above the threshold. Demolition and rebuilding of any existing residential structure or any portions thereof will not be counted toward the Size Threshold.

4-1305 Boulder County Development Credits Clearinghouse

A. Short Title

1. The Boulder County Development Credits Clearinghouse (also referred to as the "Clearinghouse") shall be established to assist in the administration of this Article 4-1300.

B. Duties and Responsibilities

1. Purchase and Sale of Development Credits – The Clearinghouse will have the ability to purchase Development Credits from willing sellers, and to sell Credits to willing buyers needing additional floor area for their development.

2. Registration of the Development Credits – The Clearinghouse will maintain a registration of the Development Credits available for purchase either through private market transactions or through the Clearinghouse, and of Development Credits that have been purchased and sold.

3. Issuance of Development Credit Certificates – The Clearinghouse shall be responsible for the issuance of Development Credit Certificates to be used in both private and Clearinghouse transactions to convey or acquire Development Credits.

4. Recordation – The Clearinghouse shall oversee the recordation of the necessary approved documents to assure that development size limitations and vacant land preservation encumbrances on specific lots associated with the transfer of Development Credits are maintained as required in this Article 4-1300.

4-1306 Application of Article 4-1300

A. The following development shall be exempt from compliance with the Size Threshold outlined in Section 4-1302 to the extent noted below:

1. The specific development recognized in any land use approval granted prior to the effective date of these regulations, which on the effective date of these Regulations, is within the statutory vesting period granted under Article 3-207 of the Land Use Code (codifying Part 1 of Article 68, Title 24, C.R.S.). The applicable statutory vesting period is specified in the Commissioners' resolution approving the subject development. Once the statutory vesting period for these developments expires, an additional three years shall be added to that original vesting period before the development will be subject to these regulations. After this vesting period expires, any development covered by this Subsection A.1., which is also an approved PUD subdivision, shall be exempted from the Size Thresholds on the same basis as Transfer of Development Rights PUD subdivisions (i.e., up to a total residential floor area of 9,000 square feet per lot - see Subsection 4-1306.A.4., below).

2. The specific development for which a complete application for a County building permit has been submitted prior to the effective date of these regulations. If any building permit issued under this Subsection expires or is not lawfully pursued, the development becomes subject to these regulations.

3. The specific development approved as a Site Plan Review under Article 4-800 of this Code (whether approved solely as a Site Plan Review request, or as a Site Plan Review request combined with another form of land use review), pursuant to a complete application submitted on or before September 7, 2007. This exemption lasts for the three-year period specified in Section 4-810.A., after which the Site Plan Review approval expires and the development becomes subject to these regulations.

4. Development in a Transfer of Development Rights Planned Unit Development Subdivision receiving site approved and recorded under Article 6-700 of this Code will be exempted from the Size Threshold up to a total residential floor area of 9,000 square feet per lot. Residential floor area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet.

5. Development in a Noncontiguous Nonurban Planned Unit Development Subdivision receiving area approved and recorded under Article 6-500 of this Code will be exempted from the Size Threshold up to a total residential floor area of 9,000 square feet per lot. Residential floor area greater than 9,000 square feet per lot will be subject to the requirement to purchase additional Development Credits for the floor area greater than 9,000 square feet.

6. The specific development recognized in a Commissioners' authorization for a firm, numerical house size to be built as stated in a land use approval granted pursuant to a complete application submitted on or before September 7, 2007, and for which a recorded conservation easement was required or agreed to as part of the approval. This exemption does not apply, however, where the conservation easement was anticipated or required under the general land use regulations governing the development, such as PUD, NUPUD, NCNUPUD, and TDR sending site regulations. This exemption also does not apply where the house size allowance in the subject approval is stated presumptively (as opposed to authorizing a definite size), or where the size allowance applies to multiple structures (making it difficult to determine the particular size authorized for the residence itself).

7. The restoration of a structure under Section 4-802.B.3, where a structure has been damaged or destroyed by causes outside the control of the property owner or agent.

8. A one-time allowance of up to 200 square feet of residential floor area may be exempt from the requirement to purchase Development Credits.

B. For purposes of interpreting the exemptions contained in Section 4-1306.A., above, the following additional provisions shall govern:

1. The effective date of these regulations shall be the effective date of August 8, 2008 stated in the Commissioners' resolution (Resolution 2008-72) approving the regulations.
2. Approvals granted prior to the effective date of these regulations shall be approvals that have a final Commissioners' vote of approval before the regulations' effective date.
3. A requirement for a complete application to be filed, means a complete application as determined by the Director with reference to this Code's or the Building Code's submittal requirements for the application in question.
4. The reference to an exemption applying to the "specific development" in a submitted or approved application means the exact development in the submitted or approved application, with only minor modifications being allowed in the discretion of the Community Planning & Permitting Director.

C. The Community Planning & Permitting Director is empowered to make interpretations regarding the application of the exemptions stated in Section 4-1306.A., above, to specific development. In making interpretations, the Community Planning & Permitting Director shall consider the purposes of the regulations in this Section, as well as the principles of interpretation and rules of construction contained in Article 1 of this Code. Any aggrieved party may appeal the Director's final interpretation under this Section to the Board of County Commissioners, provided that any such appeal shall be in writing, and shall be filed with the Community Planning & Permitting Director no later than 30 days following the date of the Director's final interpretation.

4-1307 Review and Amendment of These Regulations

A. The Board of County Commissioners will undertake a review of this Article 4-1300, including the Size Threshold and the operation of the Clearinghouse, six months after the effective date of these regulations. This review was conducted on March 3, 2009.

B. The Board may establish a regular time interval for continued review of this program.

This page has been intentionally left blank.