

This document contains draft language of possible amendments to the Land Use Code. This is part of the project to amend the Land Use Code to update how the County addresses Agricultural uses and uses which impact or occurs in conjunction with Agricultural uses. Below is the first pass at a portion of the uses being reviewed (Part 1). As we continue to refine the language on these uses and develop language for the other uses (Part 2), we may need to adjust or alter what is being reviewed in this document.

In each section there might be some specific discussion items for people to think about and comment. County staff is interested in your feedback regarding the language, allowances, triggers for review, etc. How would these regulations impact your business? How would they impact your neighborhood? Are these regulations suitably scaled? Will they review and be able to mitigate potential negative impacts? *Please remember*, none of this is set in stone. Your comments and thoughts are encouraged as we continue to refine this and forthcoming drafts.

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### **Accessory Chicken Keeping**

*(This would be a new Accessory Use)*

1. Definition: Raising chicken hens primarily for the people living on the parcel.
2. Districts permitted: By right in SR
3. Parking Requirements: None
4. Loading Requirements: None
5. Additional Provisions:
  - a. Building lots in the Suburban Residential zone district are permitted to have as many as X (6?) laying hens. Numbers of chickens in other zone districts shall be determined by the animal units allowed in that zone.
  - b. Roosters are prohibited.
  - c. Chicken coops are considered agricultural structures. See Art. 17-300.A. to determine if a building permit is required.

*Note: Chickens are allowed in F, A, RR, ER, LI, GI, and MI and their numbers are determined by parcel size and the number of permitted animal units. They are not currently allowed in SR, MF, MH, T, B, or C.*

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### **Accessory Beekeeping**

*(This would be a new Accessory Use)*

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) hives are allowed per building lot in the SR zone district.

*For discussion: Is “hive” the correct term? Should it be “colony” instead?*

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### **18-189D Residential Floor Area**

*(This is an existing Definition. It purposes to expand the exemption from RFA for certain types of structures)*

For the purposes of Site Plan Review and the presumptive size thresholds associated with the Expanded Transfer of Development Rights Program, Residential Floor Area includes all attached and detached floor area (as defined in 18-162) on a parcel including principal and accessory structures used or customarily used for residential purposes, such as garages, studios, pool houses, home offices, and workshops. (Exemptions: Gazebos, ~~and~~ carports, detached greenhouses and hoopouses up to a total combined size of 400 square feet.)

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### **Farm Events**

*(This would be a new Accessory Use)*

1. Definition: A use accessory to a farm consisting of any group between 26 and 99 individuals assembled for or participating in an event where the farm is used as a venue. This includes farm-to-table dinners, wedding receptions, and any other gathering where eating and socializing occurs in order to showcase the produce and or farm products.
2. Districts Permitted: By right in A, RR unsubdivided on parcels where Open Agriculture is the principal use
3. Parking Requirements: Vehicles must be accommodated onsite or on street as approved by the Transportation Department (*For discussion: is offsite parking an indication of an event that is too big or intense for the parcel?*)
4. Loading Requirements: None
5. Additional Provisions
  - a. This use requires a building lot.
  - b. No more than six (6) events per year.
  - c. No event will occur before 9 am or after 10 pm or will exceed six (6) consecutive hours in duration.
  - d. The majority of the food served at the event must be made with ingredients grown or raised from the farm.
  - e. Building new or utilizing existing Floor Area for these events is prohibited. Permanent facilities would be considered a Reception Hall and Community Meeting Facility.
  - f. Requests for seven to twelve (7-12) Farm Events per year must be reviewed through the Limited Impact Special Review process and criteria. Thirteen (13) or more Farm Events would be considered a Reception Hall and Community Meeting Facility.

*Note: Farm events are different than Home Events because the principal use is a farm (Open Ag). A Home Event is an accessory use to a principal residential use. A property cannot qualify for both (can't host 18 events annually) because you can only have one principal use (Open Ag or Residential).*

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## Group Gathering/Special Events

(This is an existing Temporary use so I've used strike-through/underline format to indicate suggested changes.)

1. Definition: Any group of 25 (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 ~~10~~ 6 hours or is over multiple days. This duration includes set up and take down time.
2. Districts Permitted: By special authorization of the ~~Building Official~~ Zoning Administrator in all districts
3. Parking Requirements: To be determined by the ~~Building Official~~ Zoning Administrator
4. Loading Requirements: To be determined by the ~~Building Official~~ Zoning Administrator
5. Additional Provisions for all Group Gatherings/Special Events:
  - a. Group gathering that meet the Definition and Additional Provisions of Home Events or Farm Events, or special events occurring within, or upon the grounds of a private residence 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 and roads and the principal use of the parcel itself.
  - c. A parcel may not accommodate more than two (2) Group Gatherings per year or more than six (6) days total per year. If it does, this would be a Reception Hall and Community Meeting Facility use.
  - d. Any tent (other than personal camping tents), trailer, recreational vehicle, or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Building 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, ground disturbance, must not have adverse impacts on environmental resources as mapped in the County Comprehensive Plan or otherwise identified on site.
  - g. Site to 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 in writing at least one week prior to the event.
  - 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. Contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Boulder County Public Health Department regarding requirements for food service handling and the County Commissioners' Office regarding requirements for Liquor Permits, County Transportation Department for Special Events that utilize or impact County Right-of-Way, and Parks and Open Space for Events or Group Gatherings on County-owned property.

*For discussion: Should a building lot be required for a temporary group gathering?*

Add Article 3 Process

Special Authorization of the Zoning Administrator  
Application submittal requirements  
Application Form , Project Description and Fee  
Site Plan  
Vicinity map  
Traffic Management Plan (Large Events)

*Need to establish/amend forms to help people with the Special Authorization Requirements including what information they should provide when applying, how far in advance they should apply, perhaps suggest/require they notify their neighbors?*

*Continue to work with Anita – perhaps streamline the Transportation special events with Group Gathering reviews if the proposed event triggers both reviews?*

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### **Open Agricultural Uses**

*(This is an existing Agricultural use so I've used strike-through/underline format to indicate suggested changes.)*

1. Definition: Agricultural uses ~~which occur outside which do not have structures, other than accessory structures, associated with their operation,~~ 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.
2. Districts Permitted: By right in F, A, RR, ER, LI, GI, and MI
3. Parking Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the anticipated demand.
4. Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the anticipated demand.
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. Accessory Sales associated with ~~Intensive~~ Open Agricultural Uses shall conform to the requirements of section 4-516.A.
  - c. One single family dwelling, occupied by the owner or manager of the farm, ~~will~~ may be considered customary and incidental as a part of this use. Single family 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 predominately 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.
    - i. 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.

- ii. Use of accessory structures to extend the growing season such as a hoophouse or high tunnel is permitted.
- f. A demonstration farm (as defined in section 4-516) may be allowed as an accessory use by limited impact special review in A, and in RR on unsubdivided land.
- g. Structures that support the residential use on the property shall be considered Residential Floor Area. This may include the principal dwelling, residential garages, accessory structures associated with a non-farm home occupation, or other accessory structure that store equipment such as lawn mowers, gardening tools, cars, patio furniture, recreational equipment, bicycles, recreational vehicles and all other items utilized for the enjoyment of the residents or the maintenance of the property.
- h. Structures that support the agricultural use shall not be considered Residential Floor Area. Agricultural structures should be sized appropriately for the intended agricultural use. Agricultural structures may include accessory agricultural dwellings, barns that store animals or agricultural implements, detached greenhouses, hoophouses, indoor riding arenas, farm stands, or other accessory structures depending on their demonstrated use.

### **Intensive Agriculture**

*(This is an existing Agricultural use so I've used strike-through/underline format to indicate suggested changes.)*

1. Definition: Agricultural uses where the ~~principal nonresidential use of the property is contained within~~ agricultural use predominately occurs inside one or more structures, including but not limited to agricultural storage facilities, ~~accessory~~ greenhouses, indoor riding arenas?, 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: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the anticipated demand.
4. Loading Requirements: ~~One space per 1,000 square feet of floor area.~~ Sufficient to accommodate the anticipated demand.
5. Additional Provisions:
  - a. Accessory Sales associated with Intensive Agricultural Uses shall conform to the requirements of section 4-516.A.
  - b. One single-family dwelling, occupied by the owner, operator, or manager of the farm, ~~would~~ may be considered customary and incidental as a part of this use.

### **Commercial Nursery**

Move from Agricultural Uses (4-502) to Agri-Business Uses (4-501) – no other changes

### **Grading of more than 500 Cubic Yards**

*(This is an existing Accessory use so I've used strike-through/underline format to indicate suggested changes.)*

1. Definition: Movement of more than 500 cubic yards of material, with the following exceptions:
  - a. normal grading activity associated with agriculture, allowed mining activity, 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.
2. Districts Permitted: By 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 that impacts a floodplain is not exempt from applying for and receiving a Floodplain Development Permit.
  - b. Normal agricultural grading includes but it not limited to: tilling fields, creating ponds to hold irrigation water, creating stock ponds, 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, or other non-essential grading. Any grading associated with water storage or conveyance must be in compliance with Colorado water law.
  - c. Irrigation ponds, stock ponds to be constructed at a depth of more than 18" must obtain a grading permit prior to construction. These agricultural ponds shall be exempt from the Site Plan Review process.
  - d. ~~Irrigation ponds, stock ponds and similar existing or to be constructed which are greater than 18" in depth and are on parcels open to the public through farm events, farm stands, group gatherings, etc. must obtain a grading permit to review public safety and may need to be modified to achieve best practices in design (fencing, cut slopes, means of egress, life-saving stations, review of any lining for safety concerns). These agricultural ponds shall be exempt from the Site Plan Review process.~~

*Note: Add pond safety requirements to the Building Code?*

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Additional Land Use Code Revisions to Follow (Part 2):

- Demonstration Farm
- Farm Camp
- Accessory Agricultural Sales
- Farm Stand
- Temporary Farm Stand
- Accessory Dwelling – Agricultural Worker Unit
- Definition of Hoophouse
- Other?

Building Code considerations

- Hoophouses
- Temporary Accessory Dwelling – Agricultural Worker Unit
- Farm Stands (Open air/walk-up and enclosed mini-stores)
- Pond safety requirements?

#### Standardized “Pre-Approved” Structures

- Farm stands – have a standard design that farmers could (but wouldn’t be required to) construct that meets farmer needs (shade, space/electricity for refrigeration, display area, inexpensive to construct), Parks and Open Space needs, Building requirements (wind/snow load), and Planning (size, location, etc.)
- Temporary Accessory Dwellings?

#### Internal Process Coordination

- Land Use, Planning
- Land Use, Building
- Transportation
- Transportation, Floodplain
- Public Health, Environmental
- Public Health, Food Safety
- Parks and Open Space, Lease Land/Tenant Farmers
- Parks and Open Space, Conservation Easements

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