

Allenspark Regional Comprehensive Plan – Phase 2  
Meeting #1 – November 10, 2011  
Topic: Business Zoning

Agenda

- Review the 747 Community Project Business Zoning proposal
- Discuss existing regulations and policies in the Land Use Code and Comprehensive Plan
- Discuss desired outcomes
  - Types of businesses you would like to see
  - Types of businesses you do not want to see
  - Characteristics of those businesses (size, height, location, parking, etc.)
- Wrap-Up and Next Steps

From the Allenspark Regional Comprehensive Plan  
Prepared by the 747 Community Project  
Pages 15-16

**8.3 Business**

The local businesses, not only in the townsites but also in the outlying areas, are integral threads to the fabric of the community, providing employment, entertainment, nourishment, education, goods and services, and fellowship.

The community recognizes that there exists an inequity in Business zoning that has resulted in some businesses having appropriate zoning under which to operate, while others are operating under nonconforming status.

**8.3.1 Objectives**

It is the desire of the community that Land use policies and regulations should correct this inequity, allowing current and future local community-service and tourist-oriented businesses to prosper. While appropriate future businesses shall not be prohibited, any future business development must be consistent with community-developed criteria and undergo an appropriate public review process.

**8.3.2 Goals**

- Re-establish the Business Zone District along Business Route 7 to bring existing historically operated businesses in the Allenspark Townsite into regulatory conformity and to encourage most new business development to take place within the townsite of Allenspark.
- Create an Allenspark Business Zone District to bring existing historically operated businesses operating outside the Allenspark townsite, into regulatory conformity and allow them to evolve their businesses.
- New business development outside of the townsite, while not prohibited, shall be determined on its own merit, meet the requirements of Boulder County Land Use Regulations and community criteria and policies in effect at the time of the proposed new development.
- Provide incentives for new business to reuse existing facilities and infrastructure when practicable.

- Business development shall not negatively impact the wild and rural character of the area and must meet community-established siting criteria.
- The community supports Multiple Principal Uses to be allowed for properties located within the Business Zone District(s).

List of businesses currently zoned B

- Rocky Mountain Property – 4 Ski Rd
- Tapestry of Life – 6 Ski Rd
- Telecommunications building – address?
- Western Trail antiques – 79 Hwy 7 Business Rt
- US Post Office and real estate building – 96 Hwy 7 Business Rt
- Allenspark Lodge – 184 Hwy 7 Business Rt
- Allenspark Livery – 211 Hwy 7 Business Rt
- Vacant storefront? – 223 Hwy 7 Business Rt
- Woodworking/Cabinetry – 233 Hwy 7 Business Rt
- Garage – 245 Hwy 7 Business Rt
- Crystal Spring – 304 Hwy 7 Business Rt
- Fawn Brook Inn – 357 Hwy 7 Business Rt
- Ferncliff market and retail shops – 1083 Hwy 7 Business Rt
- The Old Gallery – 14863 Hwy 7 (split zoning)
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Maybe (maybe not?) businesses zoned B

- Cabin – 5 Ski Rd
- Cabin – 17 Ski Rd (split zoning)
- House – 23 2<sup>nd</sup> Ave (split zoning)
- Cabins (3) – 113 Hwy 7 Business Rt
- Cabin – 172 Hwy 7 Business Rt
- Cabin – 237 Hwy 7 Business Rt
- Crystal Springs Cabins (former lodge? house?) – 272 Hwy 7 Business Rt
- Cabin – 302 Hwy 7 Business Rt
- Cabin – 304 Hwy 7 Business Rt
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List of Businesses zoned F

- Pine Grove Cabins – multiple cabins/parcels on Hwy 7 Business Rt and County Rd 90
- Meadow Mountain Café – 441 Hwy 7 Business Rt
- Peaceful Valley – 475 Peaceful Valley Rd
- Cabins across from the Ferncliff market (name?) – 1080 Hwy & Business Rt
- Wild Basin Lodge – 1130 County Rd 84W
- Eagle Plume's – 9853 Hwy 7
- Bishop Gallery – 9889 Hwy 7
- Meeker Park Lodge – 11733 Hwy 7
- Lane Guest Ranch – 11957 Hwy 7
- Rocky Mountain Pathways (Lazy H Guest Ranch) – 15747 Hwy 7
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## 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 Stand
  - 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. Short-Term Dwelling Rental (I)
  - 8. Mining Uses (see 4-508)
    - a. Limited Impact Open Mining (I)
    - b. Oil and Gas Drilling or Production, on subdivided land
    - c. Oil and Gas Drilling or Production, on unsubdivided land
  - 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 Family Dwelling

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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. Medical Marijuana Center
    - 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. Park and Ride Facility (S)
  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 Solar Energy System or Solar Garden (SPR) (I)
    - k. Small Wind-Powered Energy System (see 4-514.M.)
    - l. Telecommunications Facility, existing structure meeting height requirements
    - m. Telecommunications Facility, new structure or not meeting height requirements (S)
    - n. Utility Service Facility
    - o. Water Reservoir (S) (R) (L)
    - p. 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 (S)
  - 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. Small Wind-Powered Energy System, Roof-Mounted
- 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 Farm Stand
  - 8. Temporary Fireworks Stand (I)
  - 9. Temporary Special Use (nonconforming use under Section 4-1004(A)(2)) (S)
  - 10. Temporary Weather Device Tower
- 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.
  - 3. 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;
  - 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; 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(l).
4. An exemption plat is required for any single family residential 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 Small Solar Energy Collectors Systems or Solar Gardens can be approved on parcels with existing principal uses without Special Review approval, however, these uses shall be reviewed using the process and standards described in the Utility and Public Service Uses classification in this Code.

## 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 onsite 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 family dwelling for the housing of the pastor or similar leader of the church and their family 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.
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 Paragraph 4-602(E) Special Provisions of this Code.



## 4-507 Lodging Uses

- A. Bed and Breakfast
  - 1. Definition: An owner-occupied dwelling unit offering transient lodging accommodations where meals may be provided.
  - 2. Districts Permitted: By special review in F, A, RR, SR, and MI
  - 3. Parking Requirements: To be determined through special review
  - 4. Loading Requirements: None
  - 5. Additional Provisions:
    - a. A Bed and Breakfast may have no more than three guest rooms or serve no more than six guests per night.
- 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 onsite housing may be allowed for caretakers or staff members.

E. Short-term Dwelling Rentals

1. Definition: A dwelling that is rented in durations of less than 30 days. This includes dwellings rented out by individual owners and dwellings rented out on behalf of an owner by a property management group. Dwellings rented on a month-to-month or longer basis shall not be considered as part of this use but rather part of the otherwise applicable dwelling use.
2. Districts Permitted:
  - a. By right in all districts if rented between one and 14 nights per year, with no additional use restrictions under this Article 4-507(E).
  - b. By right in A, F, H, MI, T, B, C, and ED if rented between 15 and 45 nights per year, provided the Additional Provisions (Article 4-507(E)(6)) are met.
  - c. By Limited Impact Special Review in RR, ER, SR, MF, MH, LI, and GI if rented 15 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
  - d. By Limited Impact Special Review in A, F, H, MI, T, B, and C if rented 46 or more nights per year, provided the Additional Provisions (Article 4-507(E)(6)) and the special use criteria in Article 4-601 of this Code are met.
3. Parking Requirements: One space per bedroom
4. Loading Requirements: None
5. Additional Provisions For All Short-Term Dwelling Rentals:
  - a. Historic accessory dwelling units are eligible for short-term dwelling rental use. Family care and agricultural accessory dwelling units are not eligible for this use.
6. Additional Provisions For Rentals of 15 Nights or More Per Year:
  - a. Short-term dwelling rentals subject to these Additional Provisions as specified above, must meet the following standards:
    - (i) Owners must complete a short-term dwelling rental registration form and submit it to the Land Use Department where the registration form shall be available for public review. The registration form will include the address of the rental unit, the number of bedrooms in the house, the owner's name, address, and phone number, and the name and phone number of a property manager, if applicable.
    - (ii) Dwellings must have an onsite wastewater system recognized and approved by the Boulder County Public Health Department according to their applicable regulations. Existing systems do not need to be repaired or replaced unless required by the Boulder County Public Health Department.
    - (iii) Dwellings must have been constructed under a valid building permit and received final inspection approval and meet applicable Building Code requirements as required when the dwelling was constructed or when upgrades to the structure subject to a building permit were made. Structures built before building permit requirements were imposed shall be structurally sound, with any plumbing, electrical, and heating and cooling systems in a good state of repair.
    - (iv) The parcel on which the dwelling is located must be a legal building lot under this Code, and legal access from a public road to the subject parcel must be demonstrated.
    - (v) Dwellings must contain operable fire extinguishers in each bedroom and in the kitchen.
    - (vi) Dwellings must contain operable smoke detectors in each bedroom and additional locations where appropriate.
    - (vii) Dwellings must contain an operable carbon monoxide detector in the dwelling installed as per the manufacturer's instructions.
    - (viii) This use must comply with the adopted Boulder County noise ordinance as applicable.
    - (ix) A map clearly indicating the subject parcel boundaries and appropriate parking spaces must be provided to renters.
    - (x) For dwellings rented out 45 nights or less per year, two adults per bedroom with a maximum of eight people may occupy one dwelling, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the onsite wastewater system, or other relevant circumstance.
    - (xi) For dwellings rented 46 nights per year or more, the maximum occupancy of the dwelling shall be two adults per bedroom with a maximum of eight people or a lower number of people based on the size of the permitted and approved onsite wastewater system, unless the Director approves a greater capacity, which can be demonstrated based on parking, parcel size, the onsite wastewater system, or other relevant circumstance.

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- b. For rental intensities that require Limited Impact Special Review:
- (i) The requirement for Limited Impact Special Review may be waived if the Director determines the short-term dwelling rental will not have the potential for significant conflict with the criteria listed in Article 4-601 of this Code. The Director may impose written terms and conditions on the short-term dwelling rental use as may be reasonably necessary to avoid conflict with the review criteria in Article 4-601. Any short-term dwelling unit for which the Director waives limited impact special review shall still be subject to the Additional Provisions of Article 4-507(E)(6).
  - (ii) Notice of the waiver application being reviewed shall be sent to referral agencies and adjacent property owners.
  - (iii) If the Director grants a waiver, the owner shall submit an annual report to the Department which shall be made available for public review. The report shall indicate the number of nights the dwelling was rented in the previous year, the number of bedrooms, contact information for the owner and property manager (if applicable) of the dwelling, and additional items as required by the Director related to the administration of this Article 4-507(E).
- c. Compliance with these additional provisions shall be the responsibility of the owner. The County reserves the right to enforce these provisions in accordance with applicable zoning and building enforcement procedures.

## 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.
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.
  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:** None
- 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. Medical Marijuana Center**
1. **Definition:** A business that grows, sells, and/or distributes medical marijuana as authorized under Section 14 of Article XVII of the Colorado Constitution and other applicable state law.
  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 growing, warehousing, or storage operations.
  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. Regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products, as defined in Colorado House Bill 10-1284, are and will be subject to the provisions and limitations stated in H.B. 10-1284. 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.G. or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate under, H.B. 10-1284.
    - b. This use may include the accessory sale of products containing medical marijuana to the extent authorized by applicable state law.
    - c. One single-family dwelling to house the owner or manager of the Medical Marijuana Center and their family will be considered customary and incidental as part of this use, to the extent authorized by state law.
    - d. Except in the LI and GI Zoning Districts, this use shall not be located within 500 feet of another Medical Marijuana Center (including a Center in the unincorporated County or a substantially similar facility in an adjacent municipality), as measured from the closest point of the subject parcel lines.
    - e. This use 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 (including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality), as measured from the closest point of the subject parcel lines.
    - f. A change of use from an existing Retail or Personal Facility Use under Art. 4-512.N. of this Code, or from an existing Professional Office Use under Art. 4-509.A. of this Code, to a Medical Marijuana Center allowed under this Article 4-512.G., shall not require site plan review approval under Article 4-802.A. of this Code.

- g. Any Medical Marijuana Center established or operating in the unincorporated County as of August 1, 2010, shall register with the County Land Use Department by that date. Any Medical Marijuana Center established or operating after August 1, 2010, shall register with the County Land Use Department within 30 days after establishment or commencement of operations. Registration information shall include, but is not limited to, the legal name of the business, its owner, and on-site manager; contact information for the owner and manager; date of establishment of the business; description of the nature and extent of the business; and identification of all structures, floor area, and property occupied by or associated with the business. Registration shall not be required for any Medical Marijuana Center which receives a County license on or after July 1, 2011 pursuant to Colorado House Bill 10-1284.

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 gasoline and other petroleum products and/or where light maintenance activities such as engine tune-ups, lubrication, minor repairs, 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.

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





## Allenspark Regional Comprehensive Plan – Phase 2

Allenspark Fire Station  
November 10, 2011 – 6:30 pm  
Meeting Minutes – Deb Rice

The meeting began at 6:35.

Abby Shannon with Boulder County Land Use welcomed everyone, reviewed the meeting agenda and the materials in the packet that she distributed before the meeting began.

Tammy Ackerman chaired the 747 Community Project committee that reviewed the Businesses and Business zoning. She reviewed the resulting proposal. Some allowed uses still need review.

Abby: Some businesses are zoned Business and some are not. For example, the Meadow Mountain Cafe is zoned as Forestry, we are trying to establish a business zone that is fair for existing businesses and perhaps areas that were once zone Business.

Tammy: If you are operating under non-conformity, you can maintain your property but you cannot remodel, add on an extra room. This can create a hardship for businesses. There are advantages to rezoning.

Allenspark: We worry about strip malls with possible rezoning. We are not trying to develop more. We do not have the demographics to support that kind of development.

Allenspark: If they are not nonconforming and it changes, then what is the cost? Is a special review needed?

Abby: Yes. We made changes to the Use of Community Significance use classification last year that allow more existing nonconforming uses to qualify and it changed the review process to Limited Impact. These could be places have been a part of the community for a long time and were built before regulations. The review process is shorter which usually means less expensive [in terms of fees].

Tammy: We want to keep established historical businesses by giving them zoning without any addition expenses.

Abby: I think we can support bringing existing uses into the right zoning. But there are several issues. The community needs to decide what business they would like to see in the area and what businesses they wouldn't want to see.

Allenspark: These are real people who have largely gone through their lives as hard working people. They are not naive; they want their community to be what they want it to be. It is not what Boulder County wants, but what we want our community to be. The comp. plan says that input from the community matters. We have goals that need to be met, and the county needs to listen.

Dale: How we get to those goals, is through changes in policy. We have been listening and will continue to listen. And there will be pieces that staff will not support. We are trying to get to as much of a common place as possible.

Allenspark: We want to express what is important to us. We don't want you to include us into the county. We are not the county. We want to be seen as unique because we are.

Tammy: We also are supporting multiple principal uses.

Abby: I think this is something staff could support as well. For instance, it would allow a house and office on the same parcel. It would take a change in the land use code but it is a possible goal.

Allenspark: How much are the commissioners concerned with what the mountain community's needs are? They are going to make the final decisions. We are a unique community; they need to take that into consideration. I don't see 747 as being able to do that.

Abby: The 747 plan has laid good ground work. But it does need to be refined to be implemented.

Allenspark: Every one of us has a huge investment in this community. We really want to see it developed the way we want it to be for our children and for us now.

Allenspark: So what needs to be done to be conforming?

Tammy: They would need to come in for a process. Some businesses are located in Forestry, and some businesses are not allowed in the Forest zone. We are trying help owners come to conformity without going through a review process. We are trying to make this as easy as possible.

Allenspark: We couldn't just stay the way we are? What kind of level of review is needed? What info do we need? Let me ask you about Eagle Plume, so under the name that it has been operating since 1920. So you are telling me that it has been operating illegally?

Abby: You can keep running your businesses as usual. But if you want to change the structure you cannot, because it is zoned Forestry.

Allenspark: That doesn't make any sense.

Abby: I am not saying it makes sense that it's zoned Forestry.

Allenspark: Why were some given that zone and is there a downside to being rezoned?

Abby: I don't think so. I think the zoning doesn't work for you [a business owner] right now and that is what I would like to talk about. First, we need to know what kind of businesses you would like to see coming to Allenspark and which ones you do not.

Tammy: We did have a survey and people did answer it. I can get that to you. There was support for gas stations, medical clinic, coffee house, that kind of things that are locally owned. They don't want RTV rentals, porno, franchises...

Abby: And medical marijuana dispensaries?

Allenspark: No. Definitely not.

Abby: To protect some of these things we might want to keep the parcels small. If there are specific uses that the community doesn't want to see, a new zone that is for this area would help the community keep and have the businesses you want to see. I don't think the existing Business zone is working right now is because of the setbacks and the maximum building height. Right now, the front setback is a 60 ft. from the centerline of the roadway. And the maximum height is 50 feet.

Tammy: But they don't want to lose their zoning that they already have. Is there a time limit?

Abby: There is no time limit.

Allenspark: We are also concerned about seeing time share condos. You have people coming in every week. The condos make it very dense and totally different feel. Places like Meeker Park Lodge are ok.

Abby: Vacation rentals are allowed on a short time bases, with no review depending on the number of nights rented. Time share condos would probably be considered multi-family housing which is not allowed in Forestry.

Abby: Are there concerns about the roads and parking? Right now, if there is a change in the use, staff would look to see that it will have adequate parking.

Allenspark: I don't think there is a parking problem.

Dale: In the Code, parking is typically based on the square footage of the building. We want things to be flexible for Allenspark. If you don't need more parking...

Allenspark: Parking is only an issue on the Fourth of July.

Tammy: No one listed has parking issues.

Abby: We have been more open to people saying "we don't need that much parking." I think creating a specific zone district is what is needed for Allenspark. This zone could allow more flexibility than the current Business zone and it could have specific parking requirements for businesses and relax the setbacks. There is some split-zoning as well. The new zone district could be written in such a way that it could apply to other parts of the unincorporated county – a forestry businesses zone, for example.

Tammy: We need to look at them case by case.

Dale: Going by parcel by parcel zoning, does not work. I think finding a new zoning that is more particular, that fits Allenspark is a better route to take.

Abby: And there can be challenges that zoning alone cannot change or fix.

Tammy: These zoning issues are important to individuals that are trying to sale and are nonconforming. If you are selling a house, no one is going to buy a house that has zoning issues and needs to go through a review, it costs money. They want that done before hand.

Allenspark: Tammy, is there a downside to conforming?

Tammy: I do not see a downside to conforming.

Allenspark: But these permits and reviews can be very expensive...

Allenspark : So what do I need to do after I apply, you are telling me I have to get a permit and review for water, sewer... That's ridiculous... How do I know what it is going to be required?

Abby: All of this would come with the review. There are always costs with change. Sometimes, the big costs associated are not in the planning fees but rather with septic systems [Public Health requirements] and water [State Engineer requirements].

Allenspark: So what happens next?

Abby: What I would like to do is have the meetings and talk about specific issues at each meeting. I will also draft some proposals to implement the goals in the 747 plan. What I would like is to talk to the meat of the issues with you and then look at the details on my own. I would like to work through the winter and into the spring and then have a final product to present early summer. The next meeting will be in January.

Allenspark: We don't just want the land use department to recommend not doing something and the commissioners make the decision based on that.

Allenspark: If there are road blocks let the community know so there we can come to an agreement together. Is there a list of concerns from the commissioners? We would appreciate feedback on that. Where are they at with this?

Abby: They support the plan but the goal is to refine and to keep refining it.

Allenspark: Have you had success in talking to community groups?

Abby: I met with the Hilltop Guild yesterday.

Allenspark: Do you always have interns taking notes at the meetings?

Abby: No, there wasn't anything to note from my meeting with the Guild. These minutes will hopefully be posted on the website by Tuesday morning.

Tammy: One more point: we are not requiring everyone to be bought into conformity. There is no timeline.

Abby: I do not want to put a timeline on anyone...

Allenspark: I would like to mention something. I received an email the other day, expressing concerns. We need to find out who is planning our area. I am getting some mixed signals. There seems to be a lot of I's and We's. I am picking up on a lot of We's, being the department and the community. We want joint involvement. And we are not going to stop trying to be involved.

Abby: And that's fine.

Allenspark: We want this to be very proactive and want to work with the county, we can work out these sticking points.

Allenspark: Thank you for coming. Appreciate all the work that has been done so far.

Abby: Thanks for coming.

The meeting concluded at 8:05.