

ORDINANCE NO. 7938

AN EMERGENCY ORDINANCE AMENDING CHAPTER 6-3, "TRASH, RECYCLABLES AND COMPOSTABLES," AND TITLE 9, "LAND USE CODE," B.R.C. 1981, REGARDING TRASH REMOVAL AND ZONING STANDARDS FOR HOSPITALITY ESTABLISHMENTS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 6-3-3, B.R.C. 1981, is amended to read:

6-3-3 Accumulation of Trash, Recyclables and Compostables Prohibited.

- (a) No owner of any vacant land or property; occupant, owner or manager of any single family dwelling or similar property; owner, manager or operator of any multiple family dwelling, private club or similar property; or owner, operator, manager or employee of any commercial or industrial establishment or similar property shall fail to:
- (1) Prevent the accumulation of trash, recyclables and compostables that are visible to the public on such property and on the public right of way adjacent to the property;
 - (2) Remove trash, recyclables and compostables located on such property and on the public right of way adjacent to the property;
 - (3) Remove trash frequently enough so that it does not cause putrid odors on the property.
 - (4) Remove or repair broken or damaged windows located on such property. However, it shall be an affirmative defense to a violation of this provision that a person is a tenant who, under the terms of the tenancy, is not responsible for the maintenance of that property and who failed to address a particular maintenance issue for that reason;
 - (5) Remove accumulated newspapers or other periodical publications from such property when such accumulated newspapers or publications are visible to the public and remain so for a period of more than twenty-four hours. It shall be an affirmative defense to any alleged violation of this provision that no more than three such newspapers or periodicals were accumulated for each residential unit or each business entity located on the property and that no newspaper or periodical more than three days old is located on the property; and
 - (6) Sufficiently bundle or contain recyclable materials so that those materials are not scattered onto the public right of way or onto other properties.

- 1 (b) No owner of any property containing one or more rental dwelling units shall fail to
 2 maintain in effect a current and valid contract with a hauler providing for the removal of
 3 accumulated trash from the property, which contract shall provide for sufficient trash
 4 hauling to accommodate the regular accumulation of trash from the property no less
 5 frequently than on a biweekly basis.
- 6 (c) No property owner or contractor in charge of any construction site or responsible for any
 7 construction activity shall fail to:
- 8 (1) Prevent trash from being scattered onto the public right of way or onto other
 9 properties; and
- 10 (2) Ensure that all trash generated by construction and related activities or located on
 11 the site of construction projects is picked up at the end of each workday and
 12 placed in containers sufficient to prevent such trash from being scattered onto the
 13 public right of way or onto other properties.
- 14 (d) No owner, operator, or manager of any restaurant, brewpub, tavern or any other business
 15 shall fail to:
- 16 (1) Prevent trash from being scattered from the business property onto the public
 17 right of way or onto other properties; and
- 18 (2) Remove or cause to remove immediately after closing all trash located on an
 19 outdoor seating area of the establishment and on the public right of way adjacent
 20 to the establishment.
- 21 (e) The maximum penalty for a first or second conviction within two years, based on date of
 22 violation of this section, is a fine of \$500.00. For a third and each subsequent conviction
 23 within two years, based upon the date of the first violation, the general penalty provisions
 24 of section 5-2-4, "General Penalties," B.R.C. 1981, shall apply.

25 Section 2. Section 9-2-1, B.R.C. 1981, is amended to read:

26 **Section 9-2-1 Types of Reviews.**

27 (a) Purpose: This section identifies the numerous types of administrative and development
 28 review processes and procedures. The review process for each of the major review types is
 summarized in table 2-1 of this section.

(b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

<i>I. ADMINISTRATIVE REVIEWS</i>	<i>II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES</i>	<i>III. DEVELOPMENT REVIEW AND BOARD ACTION</i>
<ul style="list-style-type: none"> Building permits 	<ul style="list-style-type: none"> Accessory Units (Dwelling, Owners, 	<ul style="list-style-type: none"> Annexation/initial zoning

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<ul style="list-style-type: none"> • Change of address • Change of street name • Demolition, moving and removal of buildings with no historic or architectural significance, per section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 • Easement vacation • Extension of development approval/staff level • Landmark alteration certificates (staff review per section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981) • Landscape standards variance • Minor modification • Nonconforming use (extension, change of use (inc. parking)) • Parking deferral per subsection 9-9-6(e), B.R.C. 1981 • Parking reduction of up to fifty percent per subsection 9-9-6(f), B.R.C. 1981 • Parking stall variances • Public utility • Rescission of development approval • Revocable permit • Right of way lease • Setback variance • Site access variance • Solar exception • Zoning verification 	<p>Limited)</p> <ul style="list-style-type: none"> • Antennas for Wireless Telecommunications Services • Bed and Breakfasts • Cooperative Housing Units • Daycare Centers • Detached Dwelling Units with Two Kitchens • Drive-Thru Uses • Group Home Facilities • Home Occupations • Manufacturing Uses with Off-Site Impacts • Neighborhood Service Centers • Offices, Computer Design and Development, Data Processing, Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery Facilities in the Service Commercial Zoning Districts • Recycling Facilities • Religious Assemblies • Residential Care, Custodial Care, and Congregate Care Facilities • Residential Development in Industrial Zoning Districts • Restaurants, <u>Brewpubs</u>, and Taverns • Sales or Rental of Vehicles on Lots Located Five Hundred Feet or Less from a 	<ul style="list-style-type: none"> • BOZA variances • Concept plans • Demolition, moving, and removal of buildings with potential historic or architectural significance, per section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981 • Landmark alteration certificates other than those that may be approved by staff per section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981 • Lot line adjustments • Lot line elimination • Minor Subdivisions • Out of City utility permit • Rezoning • Site review • Subdivisions • Use review • Vacations of street, alley or access easement
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	<p style="text-align: center;">Residential Zoning District</p> <ul style="list-style-type: none"> • Service Stations • Shelters (Day, Emergency, Overnight, temporary) • Temporary Sales • Transitional Housing 	
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Section 3. Section 9-2-4, B.R.C. 1981, is amended to read:

9-2-4 Good Neighbor Meetings and Management Plans.

- (a) Purpose and Applicability: Good neighbor meetings and management plans are required for some uses, such as shelters and some restaurants and taverns, in order to ensure that applicants, owners and operators of specific uses are informed of the effects of their use upon neighboring properties, and are educated about ways to mitigate, reduce, or eliminate potential impacts upon neighboring properties. The specific use standards of chapter 9-6, "Use Standards," B.R.C. 1981, identify those uses that must complete these procedures.
- (b) Good Neighbor Meeting: When required, owners and operators shall conduct a good neighbor meeting that meets the following standards:
- (1) Meeting With Surrounding Property Owners Required: Prior to submitting an application, the owner or operator shall be required to organize, host, and participate in a meeting with the surrounding property owners. The time and place of the meeting shall be approved by the city manager. Nothing in this section shall relieve the owner or operator of the responsibility to otherwise comply with all other laws applicable to the property or business.
 - (2) Purpose of Meeting: The purpose of the meeting described in subsection (a) of this section is to provide interested persons in the surrounding neighborhood an opportunity to inform the facility owner or operator of the concerns of the neighborhood. The facility owner or operator shall also provide interested persons in the surrounding neighborhood an opportunity to comment on its proposed management plan. The issues to be addressed at this meeting may include, without limitation, hours of operation; client and visitor arrival and departure times; coordinated times for deliveries and trash collection; mitigation of noise impacts; security; the facility's drug and alcohol policy; loitering; employee education; the facility's responsibilities as good neighbors; neighborhood outreach and methods for future communication; and dispute resolution with the surrounding neighborhood.
 - (3) Notice for the Meeting: Notice of the meeting shall be provided as set forth in section 9-4-3, "Public Notice Requirements," B.R.C. 1981.

1 (4) Waiver of Requirement: The city manager may waive the requirement that the
2 applicant organize, host, and participate in a good neighbor meeting upon finding
3 that the applicant will not require a use review, and that the needs of the facility's
clients for anonymity and a safe and secure environment will be compromised by
such a meeting.

4 (c) Management Plan: When required, owners and operators shall develop a management
5 plan that addresses how the applicant will mitigate the potential adverse impacts that a
6 facility may have on the surrounding neighborhood. The approving authority will not
approve a management plan unless it adequately addresses such impacts. The following
standards apply to the preparation, submission, and approval of a management plan:

7 (1) Elements of a Management Plan: The management plan shall contain the
8 following components that describe the business operation and address the
9 mitigation of potential adverse impacts the facility may have on the surrounding
neighborhood, to the extent necessary, including without limitation:

10 (A) A description of the food service offered;

11 (B) Hours of operation;

12 (C) Client and visitor arrival and departure times;

13 (D) Coordinated times for deliveries and trash collection;

14 (E) A description of the type of entertainment provided;

15 (F) Size, location, and number of electronic amplifiers;

16 (G) Techniques and strategies to mitigate ~~ion~~ of noise impacts;

17 (H) A description of how the applicant will prevent littering and maintain an
orderly appearance of the premises and any adjacent right of way;

18 (I) A security plan describing security features, including without limitation
personnel and equipment;

19 (J) The facility's drug and alcohol policy;

20 (K) Strategies to avoid loitering;

21 (L) Employee education;

22 (M) The facility's responsibilities as good neighbors;

23 (N) Neighborhood outreach and methods for future communication; and

24 (O) Dispute resolution strategies for any conflicts with the surrounding
neighborhood.

25 (2) Preparation and Distribution of a Proposed Management Plan: The owner or
26 operator shall prepare a proposed management plan and present it to the
27 surrounding property owners at the good neighbor meeting required by subsection
28 (a) of this section.

(3) Submission of a Management Plan: After the good neighbor meeting, the
applicant shall submit a revised management plan with its application.

(4) Approved Management Plan: An approved management plan shall be used to
define the operating characteristics of a facility and shall be retained by the
applicant and the city manager and shall be readily available to any member of the
public at all times during business hours. No person shall operate a facility in
violation of an approved management plan.

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(5) Amendment of a Management Plan: When the owner or operator changes the operating characteristics in a manner that does not comply with the approved management plan, the owner or operator shall resubmit a management plan. No owner or operator shall fail to resubmit a management plan that meets the requirements of this section. The city manager is authorized to require an owner or operator to organize, host, and participate in a good neighbor meeting if the city manager determines that such a meeting will be of assistance in identifying additional adverse impacts that may have been created by the facility. The amended management plan shall address how the facility will address any additional adverse impacts that have been identified by the city manager. The city manager will approve the amended management plan upon finding that any such additional adverse impacts will be mitigated by amendments to the management plan.

(6) Management Plan as a Condition of a Use Review Approval: A management plan shall be incorporated into the conditions of approval if the applicant is required to complete a use review pursuant to section 9-2-15, "Use Review," B.R.C. 1981.

Section 4. Section 9-6-1(d), B.R.C. 1981, is amended to read:

(d) Use Table:

TABLE 6-1: USE TABLE

Zoning Districts	RR-1, RR-2, RE, RL-1	RL-2, RM-2	RM-1, RM-3	RMX-1	RMX-2	RH-1, RH-2, RH-4, RH-5	RH-3, RH-7	RH-6	MH	MU-1	MU-2	MU-3	MU-4	BT-1, BT-2	BMS	BC-1, BC-2	BCS	BR-1, BR-2	DT-4	DT-5	DT-1, DT-2, DT-3	IS-1, IS-2	IG	IM	IMS	P	A	Specific Use Standard
Use Modules	R1	R2	R3	R4	R5	R6	R7	R8	MH	M1	M2	M3	M4	B1	B2	B3	B4	B5	D1	D2	D3	I1	I2	I3	I4	P	A	
...																												
Dining and Entertainment																												
...																												
Breweries, distilleries or wineries <15,000 square feet and with a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C	C	*	*	9-6-5(b)(3.5)
Breweries, distilleries or wineries <15,000 square feet and without a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	A	A	A	*	*	9-6-5(b)(3.5)
Breweries, distilleries or wineries with or without a restaurant	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	U	C	C	*	*	*	9-6-5(b)(3.5)

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Restaurants, brewpubs and taverns with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district	n/a	U	U	U	U	U	U	U	U	U	n/a	n/a	n/a	n/a	n/a	n/a														
...																														
Taverns (general)	n/a	*	*	*	*	n/a	n/a																							
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A: Allowed use.
C: Conditional use. See Section 9-2-2 for administrative review procedures.
*****: Use prohibited.
U: Use review. See Section 9-2-15 for use review procedures.
G: Allowed use provided that it is located above or below the ground floor.
M: Allowed use provided at least 50% of the floor area is for residential use and the nonresidential use is less than 7,000 square feet per building, otherwise use review.
N: Allowed use provided at least 50% of the floor area is for nonresidential use, otherwise by use review.
n/a: Not applicable; more specific use applications apply.

1 Section 5. Section 9-6-5, B.R.C. 1981, is amended to read:

2 **9-6-5 Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

3 ...

- 4
- 5 (b) Restaurants, Brewpubs, and Taverns: The intent of this subsection is to ensure that
- 6 restaurant, brewpub, and tavern owners and operators in close proximity to residential
- 7 districts are informed of the effects upon neighboring residential properties of operating a
- 8 business, and are educated about ways to mitigate, reduce or eliminate potential impacts
- 9 of a restaurant or tavern operation upon neighboring properties.

10 The applicant shall include all areas inside the restaurant measured to the inside surface

11 of the outside walls, except for floor area that is used exclusively for storage that is

12 located on another floor of the building, when determining whether the floor area

13 thresholds under section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981,

14 necessitate review under this subsection.

- 15 (1) Restaurants, Brewpubs, and Taverns in the DT-1, DT-2 and DT-3 Zoning
- 16 Districts and Portions of the BMS Zoning District: Owners and operators of
- 17 restaurant, brewpub, and tavern uses permitted as a conditional use or pursuant to
- 18 a use review in the DT-1, DT-2 and DT-3 zoning districts and those portions of
- 19 the BMS zoning district that are outside of the University Hill General
- 20 Improvement District are required to organize and participate in a meeting with
- 21 the surrounding property owners pursuant to section 9-2-4, "Good Neighbor
- 22 Meetings and Management Plans," B.R.C. 1981.

- 23 (2) Restaurants, Brewpubs, and Taverns in the University Hill General Improvement
- 24 District Within the BMS Zoning District: The following criteria apply to
- 25 restaurants, brewpub and tavern uses permitted as a conditional use ~~or pursuant to~~
- 26 ~~a use review~~ in the BMS zoning district that is also located within the University
- 27 Hill General Improvement District:

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

- (B) Preparation and Distribution of a Proposed Management Plan: The owner or operator shall prepare a proposed management plan, pursuant to section 9-2-4, "Good Neighbor Meetings and Management Plans," B.R.C. 1981, and present it to the surrounding property owners at the neighbor meeting.

- (C) Size of Establishment: Restaurants, brewpubs, and taverns shall not exceed 4,000 square feet in size.

1 (D) Hours of Operation: Restaurants, brewpubs, and taverns shall close no
2 later than 11:00 pm unless the establishment is operated without a liquor
3 license.

4 (E) Outdoor Patios: Outdoor patio service shall cease no later than 11:00 p.m.
5 and, when applicable, shall comply with the requirements of paragraph
6 (b)(4) of this section.

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

10 (G) Food Service in Brewpubs and Taverns: In brewpubs and taverns, snacks
11 shall be offered and available for consumption on the premises during all
12 business hours.

13 (H) Food Service in Restaurants: In restaurants:

14 (i) A food preparation area shall be in operation on the premises
15 during all business hours, and solid food, prepared in the food
16 preparation area, shall be offered and available for consumption on
17 the premises during all business hours; and

18 (ii) Not less than fifty percent of the gross income from sales of food
19 and drink of the establishment over any 30-day period of time must
20 be from sales of food; receipts of all sources of income showing
21 the name of the establishment, the date of sale, a description of
22 each item sold, and the price paid for each item sold shall be
23 retained for one year and must be provided to the city manager
24 within seven days of request.

25 (3) Restaurants in the Industrial Districts: The following criteria will apply to
26 restaurant uses located in an industrial district except as provided in paragraph
27 (b)(3.5) of this section:

28 (A) The use is intended generally to serve the industrial area in which it is
located;

(B) The use is not located along a major street or higher classification street as
shown in appendix A, "Major Streets," of this title;

(C) In the IMS district only, the use shall be limited to a maximum size of two
thousand square feet of floor area;

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

- (E) The use may operate daily between the hours of 5:00 a.m. and 11:00 p.m.; and
- (F) No person shall operate the use between the hours of 11:00 p.m. and 5:00 a.m., unless the use is:
 - (i) Approved through a use review process; and
 - (ii) Located more than ~~five hundred~~500 feet from an adjacent residential use or zone.

(3.5) Restaurants in Breweries, Distilleries and Wineries: The following criteria will apply to any restaurant use located in a brewery, distillery or winery in an industrial district:

- (A) The restaurant shall be limited to a maximum size of thirty percent of the total floor area of the facility, or ~~one thousand~~1,000 square feet, whichever is greater, including any outdoor seating or accessory sales areas;
- (B) Parking for the restaurant shall meet the parking requirements for restaurants, brewpubs, or taverns in section 9-9-6, "Parking Standards," B.R.C. 1981;
- (C) The use may operate daily between the hours of 5:00 a.m. and 11:00 p.m.; unless the extended hours are approved through a use review process; and
- (D) If the restaurant requires a use review, the applicant shall demonstrate that it meets use review criteria in paragraphs 9-2-15(e)(1), (3), (4) and (5) "Use Review," B.R.C. 1981, as well as the use standards in paragraph (b)(4) for outdoor seating areas within ~~five hundred~~500 feet of a residential use module.

(4) Restaurants, Brewpubs, and Taverns With Outdoor Seating Within ~~Five Hundred~~500 Feet of a Residential Use Module: The following criteria apply to any outdoor seating area that is within ~~five hundred~~500 feet (measured from the perimeter of the subject property) of a residential use module. Outdoor dining areas that are within the BMS, DT and I zoning districts are also subject to the provisions of subparagraph (b)(4)(A), (b)(4)(B) or (b)(4)(C) of this section, when applicable.

- (A) Size Limitations: Outdoor seating areas shall not exceed the indoor seating area or seating capacity of the restaurant or tavern.
- (B) Parking Required: Parking in compliance with section 9-9-6, "Parking Standards," B.R.C. 1981, shall be provided for all outdoor seating areas except those located in general improvement districts.
- (C) Music: No outdoor music or entertainment shall be provided after 11:00 p.m.
- (D) Sound Levels: The outdoor seating area shall not generate noise exceeding the levels permitted in chapter 5-9, "Noise," B.R.C. 1981.

(E) Trash: All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

Section 6. Section 9-9-6, B.R.C. 1981, is amended to read:

9-9-6 Parking Standards.

(b) Off-Street Parking Requirements: The number of required off-street parking spaces shall be provided in tables 9-1, 9-2, 9-3, and 9-4 of this section:

(4) Supplemental Requirements for Nonresidential Uses:

TABLE 9-4: SUPPLEMENTAL PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES

<i>Use</i>	<i>Parking Requirement</i>
Large daycare (less than 50 children)	Determined through review
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, <u>brewpub</u> , or tavern – interior seating	Greater of 1 per 3 seats, or the ratio for the use module
Restaurant, <u>brewpub</u> , or tavern – outdoor seating:	
a. Outside seats for restaurant, <u>brewpub</u> , or tavern with up to and including =50 interior seats if outside seats do not exceed the greater of 6 seats or 25 percent of interior seats or	No additional parking spaces required
b. Outside seats for restaurant, <u>brewpub</u> , or tavern with more than =50 interior seats if outside seats do not exceed the greater of 12 seats or 20 percent of indoor seats	
c. Outside seats for restaurant, <u>brewpub</u> , or tavern in excess of requirements of subsection a or b of this use	1 space per 3 outdoor seats in excess of exempted outdoor seats
d. Outside seats for restaurants, <u>brewpub</u> , or <u>taverns</u> that do not meet the parking requirement for their indoor seats	The maximum number of outdoor seats shall be calculated in accordance with the following formula: (the number of parking spaces provided on site) x 3 x (the percentage of seats permitted in subsection a or b of this use)

1		= the maximum number of outdoor seats that may be provided without providing additional parking
2	Motels, hotels and bed and breakfasts	1 space per guest room or unit, plus required spaces for nonresidential uses at 1 space per 300 square feet of floor area
3	Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
4	Gasoline service station	General ratio for the use zone plus storage of 2 vehicles per service bay
5	Religious assembly:	(See paragraph (f)(8) of this section for permitted parking reductions)
6		
7	a. Religious assemblies created prior to 9/2/1993	1:300
8	b. Religious assemblies created after 9/2/1993	1 space per 4 seats, or 1 per 50 square feet of assembly area if there are no fixed seats - assembly area includes the largest room plus any adjacent rooms that could be used as part of the assembly area
9		
10	c. Uses accessory to a religious assembly and created after 9/2/1993	Uses accessory to the religious assembly shall meet the standards applicable to the use as if the use is a principal use
11	d. Total parking of a religious assembly and accessory uses created after 9/2/1993	Parking for the religious assembly use and any accessory use shall be for the use which has the greatest parking requirement
12	Small recycling collection facility	1 space for attendant if needed
13	Large recycling collection facility	General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
14	Recycling processing facility	Sufficient parking spaces for a minimum of 10 customers, or the peak load, whichever is greater, plus 1 space for each commercial vehicle operated by the facility
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18 Section 7. Subsection 9-16-1(c), B.R.C. 1981, is amended to read:

19 **9-16-1 General Definitions.**

20 ...

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

23 ...

24 "Brewery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
25 seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,
26 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where malt liquors are
27 manufactured on the premises, that may include a tap room that is less than or equal to thirty
28 percent of the total floor area of the facility or one thousand square feet, whichever is greater.

1 "Brewpub" means an establishment that is primarily a restaurant where malt liquor is
2 manufactured on the premises as an accessory use. A brewpub may include some off-site
3 distribution of its malt liquor consistent with state law.

4 ...

5 "Distillery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
6 seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,
7 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where spirituous liquors
8 are manufactured that may include a tasting room that is less than or equal to thirty percent of the
9 total floor area of the facility or one thousand square feet, whichever is greater.

10 ...

11 "Food" for the purposes of Subsubparagraph 9-6-5(b)(2)(H)(ii), B.R.C. 1981, means
12 nourishment in solid form consumed for the purpose of sustenance, but also includes soup,
13 coffee and tea drinks, soft drinks, water, fruit juice and smoothies, milk, and milk and yoghurt
14 products.

15 ...

16 "Indoor amusement establishment" means a commercial operation open to the public without
17 membership requirements, including, without limitation, bowling alleys, indoor arcades, theaters,
18 pool halls, skating rinks, dance halls, and reception/banquet facilities.

19 ...

20 "Restaurant" means an establishment provided with a food preparation area, dining room
21 equipment, and persons to prepare and serve, in consideration of payment, food or drinks to
22 guests.

23 ...

24 "Small theater or rehearsal space" means an establishment for live dramatic, operatic, or dance
25 performances open to the public, without membership requirements, whose seating capacity does
26 not exceed three hundred seats and seating area does not exceed three thousand square feet, or
27 any area for the rehearsal of such live performances.

28 ...

"Tavern" means an establishment serving malt, vinous, and spirituous liquors in which the
principal business is the sale of such beverages at retail for consumption on the premises and
where snacks are available for consumption on the premises.

...

"Winery" means a use with a manufacturer or wholesaler license issued under § 12-47-401, et
seq., C.R.S., and does not include any retail type liquor license under § 12-47-309, et seq.,

1 C.R.S., on the lot or parcel, that is primarily a manufacturing facility, where vinous liquors are
2 manufactured that may include a tasting room that is less than or equal to thirty percent of the
total floor area of the facility or one thousand square feet, whichever is greater.

3 Section 8. This ordinance is necessary to protect the public health, safety, and
4 welfare of the residents of the city, and covers matters of local concern.

5 Section 9. The City Council deems it appropriate that this ordinance be published
6 by title only and orders that copies of this ordinance be made available in the office of the city
7 clerk for public inspection and acquisition.

8 Section 10. The City Council finds that public health, peace and safety justify the
9 adoption of this ordinance as an emergency measure. The City Council further finds that this
10 ordinance should be passed within this council term, the final meeting for which is October 29,
11 2013.
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15 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED
16 BY TITLE ONLY this 1st day of October, 2013.

17
18 _____
Mayor

19 Attest:

20 _____
21 City Clerk
22

23 READ ON SECOND READING, AMENDED, PASSED AND ADOPTED AS AN
24 EMERGENCY MEASURE BY TWO-THIRDS OF COUNCIL MEMBERS PRESENT, AND
25 ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2013.
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Mayor

Attest:

City Clerk