

ORDINANCE 8650

AN ORDINANCE AMENDING TITLE 9, “LAND USE CODE,”
B.R.C. 1981, TO AMEND THE STANDARDS FOR
ACCESSORY DWELLING UNITS; AND SETTING FORTH
RELATED DETAILS

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

...
Section 1. The Accessory dwelling unit line under “Residential Uses” of Table 6-1: Use
Table in Section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981, is amended to read as
follows:

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

The schedule in Table 6-1 shows the uses that are permitted, conditionally permitted,
prohibited, or that may be permitted through use review.

...

TABLE 6-1: USE TABLE

| A = Allowed C = Conditional Use U = Use Review [] = Specific Use Standards Apply - = Prohibited | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------|------|------|------|------------|-----|------------|-----|------------|------|------|------------------------|-----|----|-----|------------|-----|-----|-----|-----|----|-----|-----|----|------------------------|-----|----------|
| | Zoning District | | | | | | | | | | | | | | | | Use Module | | | | | | | | | Specific Use Standards | | |
| | RR-1, RR-2, RL-2, RM-1, RM-3, RMX-1, RMX-2, RH-1, RH-2, RH-3, RH-7, RH-6, MH | MU-3 | MU-1 | MU-2 | MU-4 | BT-1, BT-2 | BMS | BC-1, BC-2 | BCS | BR-1, BR-2 | DT-4 | DT-5 | DT-1, DT-2, IS-1, IS-2 | IG | IM | IMS | P | A | | | | | | | | | | |
| | 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 | |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential Accessory | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory dwelling unit | [A] | [A] | [A] | [A] | [A] | [A] | [A] | - | - | [A] | [A] | [A] | [A] | [A] | - | [A] | - | [A] | [A] | [A] | [A] | - | [A] | [A] | - | [A] | [A] | 9-6-3(n) |

...

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

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

(a) Residential Uses:

...

(n) Accessory Dwelling Unit:

(1) The following standards apply to an accessory dwelling unit:

(A) General Standards: An accessory dwelling unit shall meet the following standards:

- (i) Lot Limitations: An accessory dwelling unit may be ~~created~~ established on a lot of ~~5,000 square feet or more~~ with a ~~one~~ detached dwelling unit. One accessory dwelling unit may be located on a lot.
- (ii) Maximum Floor Area: The accessory dwelling unit shall be limited to the maximum floor area set forth in Table 6-3. The board of zoning adjustment may grant a variance to this floor area requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

Table 6-3: Maximum Floor Area

| | <i>Accessory Dwelling Unit</i> | <i>Affordable Accessory Dwelling Unit</i> | <i>Designated Historic Property</i> |
|----------|---|---|---|
| Attached | One-half of the total floor area of the principal structure or 1,000 square feet, whichever is less, <u>except that if the principal structure has less than 1,500 square feet of floor area, the maximum is 750 square feet.</u> | Two-thirds of the total floor area of the principal structure or 1,200 square feet, whichever is less, <u>except that if the principal structure has less than 1,125 square feet of floor area, the maximum is 750 square feet.</u> | |
| Detached | 800 sq. ft. | 1,000 sq. ft. | |

- ~~(iii) Off-Street Parking: The minimum number of off-street parking spaces shall be provided on the lot or parcel as required by Table 6-4. The required parking spaces shall meet at least the minimum dimensional requirements in Table 9-6, "Small Car Parking Dimension Standards," B.R.C. 1981, and may be located in a required landscaped setback abutting the street.~~

Table 6-4: Off-Street Parking Requirement

| | |
|---|---|
| <i>Accessory Dwelling Unit</i> | The number of off-street parking spaces required in the zoning district for the principal dwelling unit and one additional off-street parking space |
| <i>Affordable Accessory Dwelling Unit</i> | The parking required in the zoning district for the principal dwelling unit. |
| <i>Designated Historic Property</i> | |

~~(iv) Owner-Occupied: The principal dwelling unit or accessory dwelling unit on the parcel or lot must be owner-occupied. The applicant shall provide evidence to the city manager to demonstrate compliance with this requirement at the time of application or any time thereafter. For entities that are similar to ownership by a person, such evidence may include without limitation declaration of trust ownership, articles of organization, operating agreement, or similar documentation. The city manager may approve a temporary absence of the owner-occupant for less than one year with an affidavit of exemption pursuant to the procedures for temporary rental license exemptions in Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981.~~

~~(iii) Rental License: No owner of the property shall allow, or offer to allow through advertisement or otherwise, any person to occupy the accessory dwelling unit or the principal dwelling unit as a tenant or lessee or otherwise for a valuable consideration unless such rented unit has been issued a valid rental license by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~

~~(iv) Short-Term Rental: Short-term rental of an accessory dwelling unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory dwelling unit are prohibited except as specifically authorized in Section 10-3-19, "Short-Term Rentals," B.R.C. 1981.~~

~~(v) No Independent Conveyance: No person shall convey an accessory dwelling unit independently of the principal dwelling unit on the lot or parcel.~~

~~(vi) Declaration of Use Required for Affordable Accessory Dwelling Units: Before obtaining approval for an affordable accessory dwelling unit, all owners shall sign a declaration of use, including~~

1 all the standards for continued use, to be recorded in the office of
2 the Boulder County Clerk and Recorder to serve as actual and
3 constructive notice of the legal status of the owner's property. If
4 ~~the unit is to be an affordable accessory dwelling unit, the~~
5 declaration shall include a sworn certification that the unit will
6 meet the affordability standard and a statement of the number of
7 bedrooms.

8 (vii) Prior Approvals: Any prohibition of accessory dwelling units in
9 any prior planned development, planned residential development,
10 planned unit development, site review, or use review approval is
11 void and shall not be enforced, provided the accessory dwelling
12 unit is established consistent with the requirements of this
13 subsection.

14 a. Review Process: The establishment of an accessory dwelling
15 unit on a property subject to a planned development, planned
16 residential development, planned unit development, or site
17 review shall be reviewed and approved under the minor
18 modification process and standards in Subsection 9-2-14(k)
19 and shall be deemed to not alter the basic intent of the site plan
20 approval under Subparagraph 9-2-14(k)(1)(B), provided the
21 proposal meets the remaining minor modification standards.

22 b. Use Review Exception: An accessory dwelling unit may be
23 established as an accessory use to a detached dwelling unit that
24 is subject to a use review approval without an amendment or
25 minor modification review under Section 9-2-15, "Use
Review," B.R.C. 1981.

~~(viii)~~ Amendments: The owner of an accessory dwelling unit may
amend the approved size, affordability status, or other
characteristics of an approved accessory dwelling unit by filing a
building permit application that demonstrates compliance with
applicable accessory dwelling unit standards. ~~Prior to approval the~~
~~owner must sign an updated declaration of use to be recorded in~~
~~the office of the Boulder County Clerk and Recorder.~~

(2) Attached Accessory Dwelling Units: In addition to the general standards in
Paragraph (n)(1) of this section, the following standards apply to attached
accessory dwelling units.

(A) Interior Connections: All attached accessory dwelling units shall be
physically separated by a wall or a lockable door. If there is an interior
connection between the accessory dwelling unit and the principal dwelling

1 prior to the creation of the accessory dwelling unit, the connection
2 together with the lockable, physical separation shall be maintained for the
duration of the accessory dwelling unit.

3 (B) ~~Side Entrances: Any additional entrance resulting from the creation of an~~
4 ~~attached accessory dwelling unit may face the side of the lot fronting on~~
5 ~~the street only if such entrance is adequately and appropriately screened in~~
6 ~~a manner that does not detract from the single-family appearance of the~~
7 ~~principal dwelling unit.~~ Rear Yard Setback: The minimum rear yard
8 setback for principal buildings established in Table 7-1 does not apply to a
9 principal building with an attached accessory dwelling unit provided the
10 following standards are met:

11 (i) Any floor area of the building located within the area of the
12 minimum rear yard setback established in Table 7-1 is solely floor
13 area of the accessory dwelling unit;

14 (ii) The attached accessory dwelling unit portion of the building has a
15 rear yard setback of five feet or more;

16 (iii) In the RR, RE, RL, and RMX-1 districts, the maximum building
17 coverage of the attached accessory dwelling unit portion of the
18 building and any accessory buildings or structures within the area
19 of the minimum rear yard setback established in Table 7-1 is 500
20 square feet; and

21 (iv) The maximum height of any portion of the building located within
22 the area of the minimum rear yard setback established in Table 7-1
23 is 20 feet. The height of this portion of the building shall be
24 measured to the uppermost point of the portion of the building with
25 the accessory dwelling unit consistent with Section 9-7-5,
“Building Height,” B.R.C. 1981.

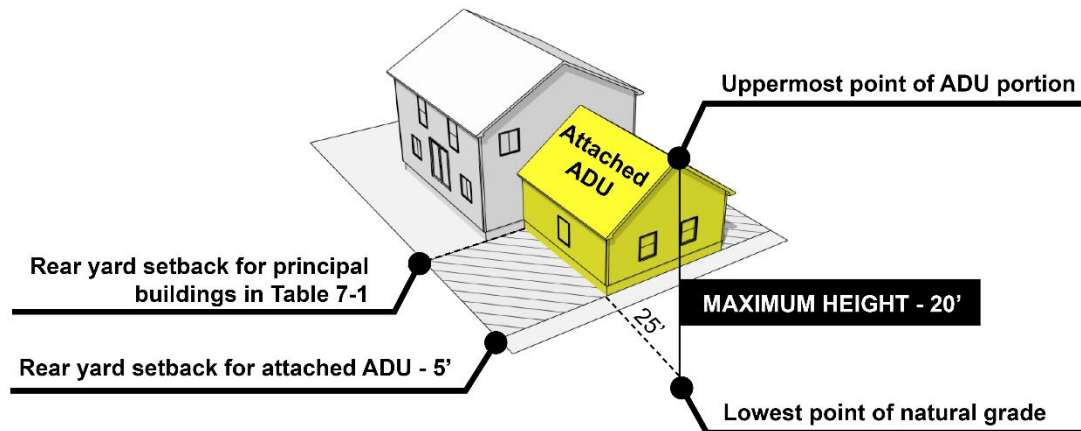


Figure 6-1: Maximum Height of Attached ADU in Rear Yard Setback

- (3) Detached Accessory Dwelling Units: In addition to the general standards in Paragraph (n)(1) of this section, the following standards apply to detached accessory dwelling units:
- (A) Maximum Height: The maximum height of accessory buildings with a detached accessory dwelling unit shall not be greater than twenty feet. The city manager may modify this height standard if the building meets one of the following:
- (i) If the roof pitch is 8:12 or ~~greater~~ steeper, provided the building height does not exceed 25 feet; or
 - (ii) If a legal existing accessory building is converted to a detached accessory dwelling unit, provided that no changes are proposed to the existing accessory building's height, floor area, or roof form.
- ~~(B) Private Open Space: A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas.~~

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Section 3. Footnote (f) to Table 7-1: Form and Bulk Standards in Section 9-7-1,

“Schedule of Form and Bulk Standards,” B.R.C. 1981, is amended to read as follows:

9-7-1. - Schedule of Form and Bulk Standards.

...

Footnotes to Table 7-1, Form and Bulk Standards:

...

- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981. For attached accessory dwelling units, see Paragraph 9-6-3(n), B.R.C. 1981.

...

Section 4. Row four under “Use” of Table 9-2: Use Specific Motor Vehicle Parking Requirements for Residential Uses in all Zones in Section 9-9-6, “Parking Standards,” B.R.C. 1981, are amended to read as follows:

9-9-6. - Parking Standards.

...

- (b) Off-Street Parking Requirements: The number of required off-street motor vehicle parking spaces ~~shall be~~ provided in Tables 9-1, 9-2, 9-3, and 9-4 of this section; the number of required off-street bicycle parking spaces ~~shall be~~ provided in Table 9-8 of this section:

...

(2) Use Specific Motor Vehicle Parking Requirements for Residential Uses:

TABLE 9-2: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR RESIDENTIAL USES IN ALL ZONES

| <i>Use</i> | <i>Parking Requirement</i> |
|--|---|
| Rooming house, boarding house, fraternity, sorority, group living, and hostels | 2 spaces per 3 occupants |
| Efficiency living units, transitional housing | 1 space per DU |
| Bed and breakfast | 1 space per guest room + 1 space for operator or owner's DU within building |
| Attached accessory dwelling unit, detached accessory dwelling unit | 0 The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory dwelling unit, see Subsection 9-6-3(n), B.R.C. 1981 |
| ... | ... |

...

1 Section 5. If any section, paragraph, clause, or provision of this ordinance shall for any
2 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
3 provisions of this Ordinance.

4 Section 6. This Ordinance is necessary to protect the public health, safety, and welfare of
5 the residents of the city and covers matters of local concern.

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

9
10 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
11 TITLE ONLY this 9th day of January 2025.
12

13
14 
15 Aaron Brockett,
16 Mayor

17 Attest:

18 
19 Elesha Johnson,
20 City Clerk
21
22
23
24
25

1 READ ON SECOND READING, PASSED AND ADOPTED this 6th day of February
2 2025.



Aaron Brockett,
Mayor

5 Attest:

6 
7 Elesha Johnson,
8 City Clerk