

ORDINANCE 8666

AN ORDINANCE AMENDING CHAPTERS 9-2, "REVIEW PROCESSES," 9-6, "USE STANDARDS," AND 9-8, "INTENSITY STANDARDS" OF TITLE 9, "LAND USE CODE," B.R.C. 1981, TO AMEND DENSITY AND INTENSITY STANDARDS TO ALLOW DEVELOPMENT OF ADDITIONAL DWELLING UNITS IN THE RESIDENTIAL – RURAL 1 (RR-1), RESIDENTIAL – RURAL 2 (RR-2), LOW 1 (RL-1), RESIDENTIAL – MEDIUM 1 (RM-1), AND RESIDENTIAL MIXED – 1 (RMX-1) ZONING DISTRICTS AND TO AMEND REVIEW PROCEDURES AND USE STANDARDS TO REDUCE REGULATORY REQUIREMENTS FOR CERTAIN RESIDENTIAL DEVELOPMENTS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Table 2-2 of Section 9-2-14, "Site Review," B.R.C. 1981, is amended to read as follows:

9-2-14. - Site Review.

- (a) Purpose: The purpose of site review is to allow flexibility in design, to encourage innovation in land use development, to promote the most appropriate use of land, to improve the character and quality of new development, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic features of open space, to ensure compatible architecture, massing and height of buildings with existing, approved, and known to be planned or projected buildings in the immediate area, to ensure human scale development, to promote the safety and convenience of pedestrians, bicyclists and other modes within and around developments and to implement the goals and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community. Review criteria are established to achieve the following:

...

(b) Scope: The following development review thresholds apply to any development that is eligible or that otherwise may be required to complete the site review process:

TABLE 2-2: SITE REVIEW THRESHOLD TABLE

<i>Zoning District Abbreviation</i>	<i>Use</i>	<i>Form</i>	<i>Intensity</i>	<i>Minimum Size for Site Review</i>	<i>Concept Plan and Site Review Required</i>
A	A	a	1	2 acres	-
BC-1	B3	f	19	1 acre	3 acres or 50,000 square feet of floor area
BC-2	B3	f	19	1 acre	2 acres or 25,000 square feet of floor area
BCS	B4	m	28	1 acre	3 acres or 50,000 square feet of floor area
BMS	B2	e	17	0	3 acres or 50,000 square feet of floor area
BR-1	B5	f	23	0	3 acres or 50,000 square feet of floor area
BR-2	B5	f	16	0	3 acres or 50,000 square feet of floor area
BT-1	B1	f	15	1 acre	2 acres or 30,000 square feet of floor area
BT-2	B1	e	21	0	2 acres or 30,000 square feet of floor area
DT-1	D3	p	25	0	1 acre or 50,000 square feet of floor area
DT-2	D3	p	26	0	1 acre or 50,000 square feet of floor area
DT-3	D3	p	27	0	1 acre or 50,000 square feet of floor area
DT-4	D1	q	27	0	1 acre or 50,000 square feet of floor area
DT-5	D2	p	27	0	1 acre or 50,000 square feet of floor area
IG	I2	f	22	2 acres	5 acres or 100,000 square feet of floor area
IM	I3	f	20	2 acres	5 acres or 100,000 square feet of floor area
IMS	I4	r	18	0	3 acres or 50,000 square feet of floor area
IS-1	I1	f	11	2 acres	5 acres or 100,000 square feet of floor area
IS-2	I1	f	10	2 acres	5 acres or 100,000 square feet of floor area
MH	MH	s	-	5 or more units are permitted on the property	-
MU-1	M2	i	18	0	1 acre or 30,000 square feet of floor area
MU-2	M3	r	18	0	3 acres or 50,000 square feet of floor area
MU-3	M1	n	24	5 or more units are permitted on the property	1 acre or 30,000 square feet of residential floor area or 20,000 square feet of nonresidential floor area
MU-4	M4	e	24.5	0	3 acres or 50,000 square feet of floor area
P	P	e	5	2 acres	5 acres or 100,000 square feet of floor area
RE	R1	b	3	5 or more units are permitted on the property	-
RH-1	R6	j	12	0	2 acres or 30,000 square feet of floor area
RH-2	R6	e	12	0	2 acres or 30,000 square feet of floor area
RH-3	R7	l	14	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area

RH-4	R6	h	15	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RH-5	R6	e	19	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RH-6	R8	j	17.5	5 or more units are permitted on the property	3 acres or 30,000 square feet of floor area
RH-7	R7	i	14.5	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RL-1	R1	d	4	5 or more units are permitted on the property	3 acres or 18 dwelling units
RL-2	R2	g	6	5 or more units are permitted on the property	3 acres or 18 dwelling units
RM-1	R3	g	9	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RM-2	R2	d	13	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RM-3	R3	j	13	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RMX-1	R4	d	7	5 or more units are permitted on the property	2 acres or 30,000 square feet of floor area
RMX-2	R5	k	8	0	2 acres or 30,000 square feet of floor area
RR-1	R1	a	2	-	-
RR-2	R1	b	2	-	-

Footnote to Table 2-2, Site Review Threshold Table:

- (a) See Section 9-2-14(b)(3), B.R.C. 1981, for development projects that are exempt from the Concept Plan and Site Review Required threshold.

TABLE 2-2: SITE REVIEW THRESHOLD TABLE

<i>Zoning District</i>	<i>Concept Plan and Site Review Required (a)</i>	<i>Minimum Size for Site Review</i>
<u>RL-1</u> <u>RL-2</u>	3 acres or 18 dwelling units	Standard in footnote (b) applies
<u>RH-3</u> <u>RH-4</u> <u>RH-5</u> <u>RH-7</u>	2 acres or 30,000 square feet of floor area	7,500 square feet of floor area
<u>RH-6</u>	3 acres or 30,000 square feet of floor area	
<u>MU-1</u>	1 acre or 30,000 square feet of floor area	
<u>MU-3</u>	1 acre or 30,000 square feet of residential floor area or 20,000 square feet of nonresidential floor area	Standard in footnote (b) applies

1	<u>DT-1</u>	<u>1 acre or 50,000 square feet of floor area</u>	
2	<u>DT-2</u>		
3	<u>DT-3</u>		
4	<u>DT-4</u>		
5	<u>DT-5</u>		
6	<u>BC-2</u>	<u>2 acres or 30,000 square feet of floor area</u>	
7	<u>BT-1</u>		
8	<u>BT-2</u>		
9	<u>RH-1</u>		
10	<u>RH-2</u>		
11	<u>RM-1</u>		
12	<u>RM-2</u>		
13	<u>RM-3</u>		
14	<u>RMX-1</u>		
15	<u>RMX-2</u>		
16	<u>BC-1</u>	<u>3 acres or 50,000 square feet of floor area</u>	
17	<u>BMS</u>		
18	<u>BR-1</u>		
19	<u>BR-2</u>		
20	<u>IMS</u>		
21	<u>MU-2</u>		
22	<u>MU-4</u>		
23	<u>MH</u>	<u>Not required</u>	
24	<u>P</u>	<u>5 acres or 100,000 square feet of floor area</u>	
25	<u>F</u>	<u>All projects</u>	
26	<u>BCS</u>	<u>3 acres or 50,000 square feet of floor area</u>	<u>1 acre</u>
27	<u>IG</u>	<u>5 acres or 100,000 square feet of floor area</u>	
28	<u>IM</u>		
29	<u>IS-1</u>	<u>2 acres</u>	
30	<u>IS-2</u>		
31	<u>A</u>	<u>Not required</u>	
32	<u>RE</u>	<u>Not required</u>	<u>Not eligible</u>
33	<u>RR-1</u>		
34	<u>RR-2</u>		
<i>Footnotes to Table 2-2, Site Review Threshold Table:</i>			
<u>(a) See Section 9-2-14(b)(3), B.R.C. 1981, for development projects that are exempt from the Concept Plan and Site Review Required threshold.</u>			
<u>(b) Lots or parcels with non-residential uses are eligible for site review. Lots or parcels with only residential uses are eligible for site review if the lot or parcel includes at least five dwelling units or is permitted to have at least five dwelling units pursuant to the standards of Chapter 9-8, "Intensity Standards," B.R.C. 1981, and, for projects in the RL-1 and RL-2 zones, the project is also at least 3 acres in size.</u>			

- ...
- (3) Exceptions: The following developments that exceed the minimum site review thresholds set forth in this section shall not be required to complete a site review:
- (A) Minor modifications and amendments under this section to approved development review applications;
 - (B) Building permits for additions to existing structures that do not exceed a cumulative total, over the life of the building, of twenty-five percent of the

1 size of the building on which the addition is proposed and that do not alter
2 the basic intent of an approved development;

- 3 (C) Subdivisions solely for the purpose of amalgamating lots or parcels of
4 land;
- 5 (D) Subdivisions solely for the purpose of conveying property to the city;
- 6 (E) City of Boulder public projects that are otherwise required to complete a
7 public review process; and
- 8 (F) Projects located in areas defined by Appendix L, "Form-Based Code
9 Areas," that are required to complete form-based code review pursuant to
10 Section 9-2-16, "Form-Based Code Review," B.R.C 1981.
- 11 (G) Residential projects where all units will meet the requirements for
12 permanently affordable units in Chapter 9-13, "Inclusionary Housing,"
13 B.R.C. 1981, provided the applicant for such a project applies for and
14 receives approval of an affordable housing design review pursuant to
15 Section 9-13-4, "Affordable Housing Design Review," B.R.C. 1981.

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

18 (a) **Residential Uses:**

- 19 (1) This Subsection (a) sets forth standards for uses in the residential use
20 classification that are subject to specific use standards pursuant to Table 6-1, Use
21 Table.
- 22 (2) Residential Uses in the IG and IM Zoning Districts: The following standards
23 apply in the IG and IM zoning districts to residential uses that may be approved
24 pursuant to a use review:
 - 25 (A) Location: Dwelling units may be constructed only on a lot or parcel that
meets one or more of the following requirements (i), (ii), or (iii). If a lot or
parcel meets this location standard, the approving authority shall presume
that the standard in Paragraph 9-2-15(e)(4), B.R.C. 1981, has been met.
 - (i) The residential use is consistent with the land use plan or map in
an adopted subcommunity or area plan; or
 - (ii) The lot or parcel is located within one-quarter mile of the Boulder
Junction transit station. Distance shall be measured by the city
manager on official maps as the radius from the closest point on
the perimeter of the applicant's lot or parcel to the closest point on
the transit station lot; or

1 (iii) At least one-sixth of the perimeter of the lot or parcel is contiguous
2 with a residential use that includes one or more dwelling units, a
3 residential zoning district, or a city- or county-owned park or open
4 space. Contiguity shall not be affected by the existence of a platted
street or alley, a public or private right-of-way, or a public or
private transportation right-of-way or area.

5 (B) Floor Area Ratios (FAR): The following floor area ratio standards apply to
6 a lot or parcel in the IG or IM zone with a residential use:

7 (i) FAR by Use: Residential floor area is limited to a 1.0 FAR. FAR
8 on a lot or parcel and a Non-residential floor area is limited to a 0.5
9 FAR in the IG zone and 0.4 FAR in the IM zone. If at least 0.3
10 FAR of light manufacturing or research and development use is on
11 the lot or parcel, the residential FAR may be increased to 1.25
12 FAR in each zone.

13 (ii) Additional Residential FAR for Certain Industrial Mixed-Use
14 Projects: If 0.3 or more of allowed nonresidential FAR consists,
15 individually or in combination, of building and landscaping
16 contractors, building material sales, business support services,
17 equipment repair and rentals, light manufacturing, non-vehicular
18 repair and rental services, research and development, service of
19 vehicles, warehouse or distribution facilities, or wholesale
20 businesses, the maximum residential FAR is 1.25.

21 (iii) FAR Averaging Across Parcels in Site Review: The FAR limits of
22 this subparagraph (a)(2)(B) may be modified in a site review to
23 permit averaging of these FAR limits across multiple lots or
24 parcels that are subject to the site review and within the same
25 zoning district provided that, when averaged across the lots and
parcels, the FAR standards are met and do not result in a FAR
exceeding that permitted under this subparagraph.

26 Section 3. Section 9-7-9, "Side Yard Bulk Plane," B.R.C. 1981, is amended to read as

27 follows:

28 **9-7-9. Side Yard Bulk Plane.**

29 (a) Purpose: Buildings with tall side walls may impact privacy, views or visual access to the
30 sky on neighboring properties. The purpose of this side yard bulk plane standard is to
31 ensure that buildings step down towards neighboring properties in order to enhance
32 privacy, preserve some views and visual access to the sky for lots or parcels that are
33 adjacent to new development.

1 (b) Scope: All construction related to principal and accessory buildings shall comply with the
2 bulk plane requirements of this section. This section applies to all construction related to
3 residential principal and accessory buildings, including new construction and expansion,
4 ~~building addition or modification of existing buildings as follows: in the RR-1, RR-2, RE,~~
5 RL-1 and RMX-1 zoning districts.

6 ~~(1) All residential principal and accessory buildings in the RR-1, RR-2, RE and RL-1~~
7 ~~zoning districts; and~~

8 ~~(2) All principal and accessory buildings that are used as a detached single family land use~~
9 ~~in the RMX-1 zoning district.~~

10 ...

11 Section 4. Section 9-7-10, “Side Yard Wall Articulation,” B.R.C. 1981, is amended to
12 read as follows:

13 **9-7-10. Side Yard Wall Articulation.**

14 (a) Purpose: Buildings with tall side walls may impact privacy, views or visual access to the
15 sky on neighboring properties. The purpose of the side yard wall articulation standard is
16 to reduce the perceived mass of a building by dividing it into smaller components, or to
17 step down the wall height in order to enhance privacy, preserve views and visual access
18 to the sky for lots or parcels that are adjacent to new development.

19 (b) Scope: All construction related to principal and accessory buildings shall comply with the
20 side yard wall length articulation requirements of this section. This section applies to all
21 construction related to buildings, including new construction and, expansion or
22 modification of existing buildings, as follows:

23 (1) All residential buildings in the RR-1, RR-2, RE, ~~and RL-1,~~ and RMX-1 zoning
24 districts, including lots located in planned developments, planned residential
25 developments and planned unit developments.

26 ~~(2) All buildings that are used as a detached single family land use in the RMX-1~~
27 ~~zoning district, including lots located in planned developments, planned~~
28 ~~residential developments and planned unit developments.~~

29 ~~(3)~~ In the RL-2 zoning district, the side yard wall articulation requirements shall
30 apply to lots that are eight thousand square feet or larger that are not within the
31 boundaries of a planned development, planned residential development, planned
32 unit development or an approved site review.

33 ~~(4)~~ In the RL-2 zoning district, the requirements shall apply to all lots and parcels that
34 are within the boundaries of a planned development, planned residential
35 development and planned unit development that are shown on Appendix H of this
36 title.

37 ...

Section 5. Section 9-7-11, “Maximum Building Coverage,” B.R.C. 1981, is amended to read as follows:

9-7-11. Maximum Building Coverage.

(a) Purpose: The purposes of the building coverage standards are to establish the maximum percentage of lot surface that may be covered by principal and accessory buildings to preserve open space on the lot, and to preserve some views and visual access to the sky and enhance privacy for residences that are adjacent to new development.

(b) Scope: All construction related to principal and accessory buildings shall comply with the building coverage requirements of this section. This section applies to all construction related to residential buildings, including new construction ~~and~~ building expansion ~~additions~~ or modification of existing buildings, as follows:

(1) All ~~residential and~~ principal and accessory buildings in the RR-1, RR-2, RE, ~~and~~ RL-1, and RMX-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.

~~(2) All principal and accessory buildings that are used as a detached single family land use in the RMX-1 zoning district, including lots located in planned developments, planned residential developments and planned unit developments.~~

~~(3)~~ In the RL-2 zoning district, the building coverage requirements shall apply to lots that are eight thousand square feet or larger that are not within the boundaries of a planned development, planned residential development, planned unit development or an approved site review.

~~(4)~~ In the RL-2 zoning district, the requirements shall apply to all lots and parcels that are within the boundaries of a planned development, planned residential development and planned unit development that are shown on Appendix H of this title.

...

Section 6. Table 8-1 of Section 9-8-1, “Schedule of Intensity Standards,” B.R.C. 1981, is amended to read as follows:

TABLE 8-1: INTENSITY STANDARDS

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted)	Minimum Lot Area Per Dwelling Unit (square feet) ^{(b),(d), and (e)}	Minimum Open Space Per Dwelling Unit (square feet) ^(b)	Minimum Open Space on Lots (Residential Uses) ^{(a), (b), and (c)}	Minimum Open Space on Lots (Nonresidential Uses) ^{(a), (b), (c), and (d)}	Minimum Private Open Space (Residential Uses) (square feet) ^(b)	Maximum Floor Area Ratio ^(b)
				Mixed-use developments require the greater amount of the residential or nonresidential				

				standard for open space. See Section 9-9-11 for additional open space requirements.				
A	1	5 acres	5 acres	-	-	10-20%	-	-
RR-1, RR-2	2	30,000	30,000 ^(d)	-	-	10-20%	-	See Table 8-3
RE	3	15,000	7,500	-	-	10-20%	-	See Table 8-3
RL-1	4	7,000	7,000 ^(d)	-	-	10-20%	-	See Table 8-3
P	5	7,000	7,000	-	-	10-20%	-	-
RL-2	6	-	-	6,000	-	10-20%	-	See Table 8-3
RMX-1	7	6,000	6,000 ^(d)	600	-	10-20%	-	See Table 8-3
RMX-2 ^(e)	8	-	See footnote (e)	-	15%	15%	60	-
RM-1	9	-	=	3,000 2,000	-	10-20%	-	-
IS-2	10	-	-	600	-	10-20%	60	0.5
IS-1	11	-	-	-	-	10-20%	60	0.5
RH-1, RH-2	12	-	-	-	40%	40%	-	0.67 ^(f)
RM-2, RM-3	13	6,000	3,500	-	-	10-20%	-	-
RH-3	14	-	-	-	30%	30%	60	-
RH-7	14.5	-	-	-	60% ^(d)	60% ^(d)	60	-
RH-4, BT-1	15	-	-	-	30%	30%	-	1.0 ^(g)
BR-2	16	-	-	-	40% ^(c)	10-20% ^(c)	60	-
BMS	17	-	-	-	15% ^(c)	15% ^(c)	60	0.67 (1.85 if within CAGID or UHGID) ^(c)
RH-6	17.5	-	1,800	600	-	-	-	-
MU-1, MU-2, IMS	18	-	-	-	15% ^(c)	15% ^(c)	60	0.6
RH-5, BC-1, BC-2	19	-	-	-	15%	15%	-	1.5 (2.0 if within a BC zoned area identified in Appendix N)
IM	20	-	-	-	30%	10-20%	60	0.4
BT-2	21	-	-	600	-	10-20%	-	0.5 ^(h)
IG	22	-	-	-	30%	10-20%	60	0.5
BR-1	23	-	-	-	-	10-20%	-	2.0 ^(c)
MU-3	24	-	-	-	15% ^(c)	15% ^(c)	60	1.0
MU-4	24.5	-	-	-	15%	15%	60	2.0
DT-1	25	-	-	-	-	10-20% ^(c)	60	1.0
DT-2	26	-	-	-	-	10-20% ^(c)	60	1.5
DT-3, DT-4, DT-5	27	-	-	-	-	10-20% ^(c)	60	1.7
BCS	28	-	-	-	-	10-20%	-	-

Footnotes:

- (a) This requirement may increase based on building height pursuant to Subsection 9-9-11(c), B.R.C. 1981.
- (b) For properties within an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," the footnoted requirement is not applicable. Refer to Appendix M, "Form-Based Code," for specific form, bulk, intensity, and outdoor space requirements.
- (c) This requirement may be modified pursuant to Section 9-2-14(h)(6)(C), B.R.C. 1981, for specified zoning districts.
- (d) ~~Open space per lot in the RH-7 zoning district may be reduced from sixty percent to thirty percent of the lot as part of a site review if at least half of the open space provided meets the open space requirements of Subparagraph 9-9-11(e)(3), B.R.C. 1981. Except as allowed under the additional density standards in Section 9-8-3, "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981. Any dwelling units created under this exception shall not be considered nonconforming to the intensity standards of Chapter 9-8, "Intensity Standards," B.R.C. 1981.~~
- (e) Dwelling units per acre on a lot or parcel in the RMX-2 zoning district are limited to 10 dwelling units per acre. This limitation may be modified up to 20 dwelling units per acre pursuant to a site review.
- (f) Floor area ratio (FAR) in the RH-2 zoning district may be increased up to a maximum FAR of 1.07 in a site review.
- (g) FAR in the BT-1 zoning district may be increased up to a maximum FAR of 1.4 in a site review.
- (h) FAR in the BT-2 zoning district may be increased up to a maximum FAR of 0.9 in a site review.

Section 7. Section 9-8-2, "Floor Area Ratio Requirements", B.R.C. 1981, is amended to read as follows:

...

(d) District-Specific Standards:

(1) Maximum Floor Area in the RR-1, RR-2, RE, RL-1, RL-2, and RMX-1 Zoning Districts:

(A) Purpose: The purpose of a floor area ratio standard is to address the proportionality of building size to lot size and allow variation in building form within the established building envelope.

(B) Scope: All construction related to principal and accessory buildings shall comply with the floor area ratio requirements of this section. This section applies to all construction related to residential buildings, including new construction, building additions, or modification of existing buildings as follows:

- (i) All ~~residential and~~ principal and accessory buildings in the RR-1, RR-2, RE, and RL-1 zoning districts, including lots located in planned developments, planned residential developments, and planned unit developments.

- (ii) All principal and accessory buildings ~~that are used as a detached single-family land use~~ in the RMX-1 zoning district, including lots located in planned developments, planned residential developments, and planned unit developments.
- (iii) In the RL-2 zoning district, the floor area ratio requirements shall apply to lots that are 8,000 square feet or larger, used for detached single-family land uses that are not within the boundaries of a planned development, planned residential development, planned unit development, or an approved site review.
- (iv) In the RL-2 zoning district, the floor area ratio requirements shall apply to all lots and parcels used for detached single family land uses that are within the boundaries of a planned development, planned residential development, and planned unit development that are shown on Appendix H to this title.
- (v) For projects subject to site review in Section 9-2-14, "Site Review," B.R.C. 1981, the floor area shall be calculated based upon each lot or parcel.

(C) Maximum Floor Area Permitted: The maximum floor area shall be the floor area that is in Table 8-3, "Maximum Floor Area Ratio in the RR, RE, RL-1, and RMX-1 Zoning Districts for Residential Land Uses."

TABLE 8-3: MAXIMUM FLOOR AREA RATIO IN THE RR, RE, RL, AND RMX-1 FOR ZONING DISTRICTSRESIDENTIAL LAND USES

Lot Size:	< 5,000 SF	5,000 to 10,000 SF		10,001 to 22,500 SF	> 22,500 SF
RR-1, RR-2, RE, RL-1 and RL-2	0.62	(Lot Size x 0.2) + 2,100		(Lot Size x 0.122) + 2,880	0.25
Lot Size:	< 4,000 SF	4,000 to 4,999 SF	5,000 to 6,499 SF	6,500 to 10,000 SF	> 10,000 SF
RMX-1	0.74	(Lot Size x 0.20) + 2,150	(Lot Size x 0.20) + 2,320	(Lot Size x 0.195) + 2,450	0.42

Section 8. Section 9-8-3, "Density in the RH-1, RH-2, and RH-7 Districts", B.R.C. 1981, is amended to read:

9-8-3. Density in the RR-1, RR-2, RL-1, RMX-1 ~~RH-1, RH-2,~~ and RH-7 Districts.

(a) ~~Additional Density in the RH-7 District: In the RH-7 zoning district, the open space per lot may be reduced from sixty percent to thirty percent of the lot if at least half of the open space provided meets the open space requirements of Paragraph 9-9-11(e)(3), B.R.C. 1981.~~

1 Duplexes or Two Detached Dwelling Units in the RR-1, RR-2, and RL-1 zoning districts: A
2 duplex or two detached dwelling units may be developed in the RR-1, RR-2, and RL-1 zoning
3 districts if the lot or parcel meets the following standards:

4 (1) Location Near Transit Corridors: The lot or parcel is located within 350 feet of a transit
5 corridor identified in Appendix J, "Duplexes Along Transit Corridors," B.R.C. 1981. The
6 distance shall be measured on an official city map, identified by the city manager, from the
7 closest point on the perimeter of the applicant's property to the closest point on the edge of
8 the public right-of-way of the transit corridor; and

9 (2) Minimum Lot Area: The lot or parcel meets the minimum lot area of the applicable
10 zoning district established in Table 8-1, "Intensity Standards," or is a nonstandard lot that
11 meets the minimum lot size established for development of such lot in Subsection 9-10-3(b),
12 "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C.
13 1981.

14 ~~(b) Minimum Lot Area for Two Dwelling Units in the RH-1 and RH-2 zoning districts: Two~~
15 ~~attached units may be developed on a lot in the RH-1 and RH-2 districts without a site~~
16 ~~review if the lot is a minimum of five thousand square feet in area and the structures meet~~
17 ~~the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards,"~~
18 ~~B.R.C. 1981, or the requirements of Section 9-7-12, "Two Detached Dwellings on a~~
19 ~~Single Lot," B.R.C. 1981, are met~~

20 Additional Density in the RMX-1 District: In the RMX-1 zoning district, the minimum
21 lot area per dwelling unit requirement is reduced from 6,000 square feet to 2,500 square
22 feet, except on a lot or parcel under the following circumstance:

23 (1) Following the demolition of a principal building without permits required for such
24 demolition under the Boulder Revised Code.

25 ~~(c) Additional Density in the RH-7 District: In the RH-7 zoning district, the open space per~~
~~lot may be reduced from sixty percent to thirty percent of the lot if at least half of the~~
~~open space provided meets the open space requirements of Paragraph 9-9-11(e)(3),~~
~~B.R.C. 1981.~~

Section 9. Section 9-9-2(b), "General Provisions", B.R.C. 1981, is amended to read as

follows:

9-9-2. General Provisions.

No person shall use or develop any land within the city except according to the following standards, unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review, Section 9-2-14, "Site Review," B.R.C. 1981, or a variance granted under Section 9-2-3, "Variances and Interpretations," B.R.C., 1981.

1 (a) Fire and Life Safety: All development shall meet the applicable requirements of Chapter 10-
2 8, "Fire Code," B.R.C. 1981.

3 (b) Maximum Permitted Buildings on a Lot: No more than one principal building shall be
4 placed on a lot in the RR, RE, and RL-1, and RM zoning districts unless approved under the
5 provisions of Section 9-8-3(a), "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7
6 Districts" B.R.C. 1981, Section 9-2-14, "Site Review," or Section 9-7-12, "Two Detached
7 Dwellings on a Single Lot," B.R.C. 1981.

8 ...
9 Section 10. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and
10 Nonconforming Uses", B.R.C. 1981, is amended to read as follows:

11 Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall
12 comply with the following requirements:

13 ...
14 (b) Nonstandard Lots or Parcels:

15 (1) Development Requirements: Vacant lots in all residential districts except RR-1
16 and RR-2 which are smaller than the lot sizes indicated in Section 9-8-1,
17 "Schedule of Intensity Standards," B.R.C. 1981, but larger than one-half of the
18 required zoning district minimum lot size, may be developed with a ~~single-family~~
19 detached dwelling unit or, pursuant to the standards in Subsection 9-8-3(b),
20 "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981,
21 with a duplex or two detached dwelling units, if the building or buildings meets
22 the setback requirements of Section 9-7-1, "Schedule of Form and Bulk
23 Standards," B.R.C. 1981. In RR-1 and RR-2 districts, lots which are smaller than
24 the minimum lot size but larger than one-fourth of the minimum lot size may be
25 developed with a detached dwelling unit or, pursuant to the standards in
subsection 9-8-3(b), with a duplex or two detached dwelling units, if the building
or buildings meets the setback requirements. In all other zoning districts, vacant
lots which are below one-half of the required minimum lot size for the zoning
district shall not be eligible for construction of principal buildings.

26 Section 11. Section 9-13-4, "Affordable Housing Design Review", B.R.C. 1981, is
27 amended to read as follows:

28 **9-13-4. Affordable Housing Design Review.**

29 (a) Purpose: The affordable housing design review is established to provide a uniform and
30 consistent method for evaluating proposals for meeting inclusionary housing requirements
where site review or form-based code review is not required.

1 (b) Affordable Housing Design Review Required: All developments with more than forty units
2 providing permanently affordable units on or off-site to meet an inclusionary housing
3 requirement and all off-site developments in excess of forty units providing permanently
4 affordable units shall be subject to the affordable housing design review unless the
5 development is approved pursuant to a site or form-based code review. Residential projects
6 seeking to be exempt from site review pursuant to Subparagraph 9-2-14-(b)(3)(G), B.R.C.
7 1981, may be reviewed under the affordable housing design review process regardless of
8 the number of units proposed in the development.

9 Section 12. Section 9-16, "General Definitions", B.R.C. 1981, is amended to read as
10 follows:

- 11 (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title
12 unless a term is defined differently in this chapter.
- 13 (b) Terms identified with the references shown below after the definition are limited to those
14 specific sections or chapters of this title:

- 15 (1) Airport influence zone (AIZ).
- 16 (2) Floodplain regulations (Floodplain).
- 17 (3) Historic preservation (Historic).
- 18 (4) Inclusionary housing (Inclusionary Housing).
- 19 (5) Solar access (Solar).
- 20 (6) Wetlands Protection (Wetlands).
- 21 (7) Signs (Signs).

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

24 **A—E**

25 ...

26 *Conforming use* means any use of a building or use of a lot that is permitted by Section 9-6-1,
27 "Schedule of Permitted Land Uses," B.R.C. 1981 and meets any applicable specific use
28 standards. A conforming use also includes:

- 29 (1) A legal existing use that is not prohibited but was not approved as a conditional use
30 or use review use;
- 31 (2) A use approved pursuant to a valid use review or special review, except where the
32 review was a nonconforming use review.

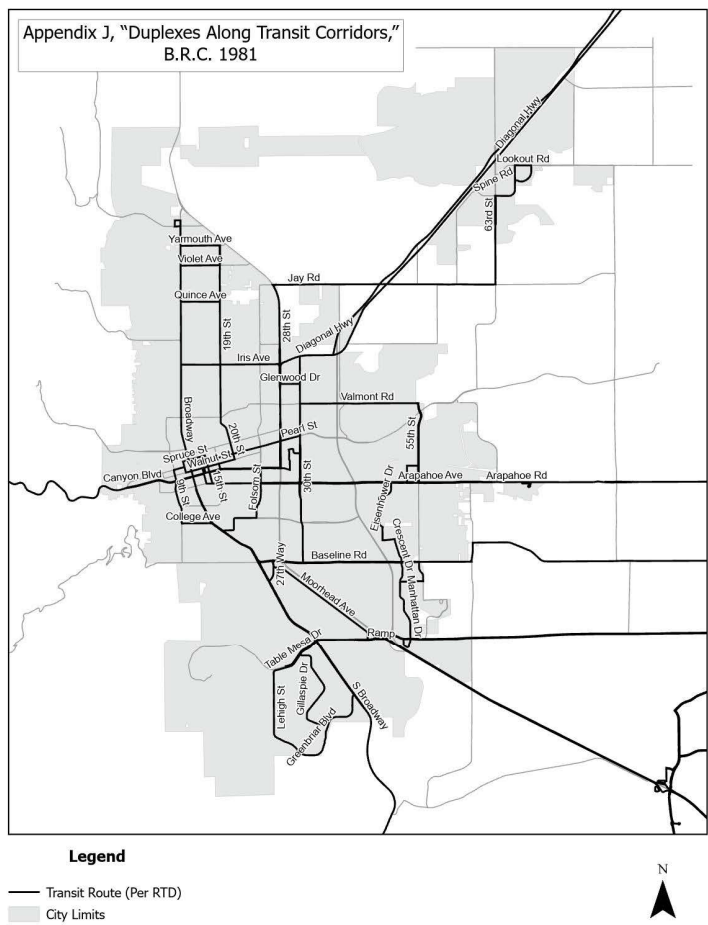
33 ...

34 *Nonconforming use* means any legally established use of a building or use of a lot that is
35 prohibited by Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981. A

1 nonconforming use also includes an otherwise conforming use, except a single dwelling unit
2 on a lot, that, as a result of adoption of or amendments to zoning standards, does not meet the
3 following parking or residential density requirements, including, without limitation, the
4 requirements for minimum lot area per dwelling unit, or useable open space per dwelling unit
5 requirements of Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, or the required
6 off-street parking requirements of Sections 9-8-1, "Schedule of Intensity Standards," or 9-9-6,
7 "Parking Standards," B.R.C. 1981.

8 ...

9 Section 13. Appendix J, "Reserved", B.R.C. 1981, is amended to read as follows:




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22 Section 14. This ordinance is necessary to protect the public health, safety, and welfare of
23 the residents of the city, and covers matters of local concern.

1 Section 15. The city council deems it appropriate that this ordinance be published by title
2 only and orders that copies of this ordinance be made available in the office of the city clerk for
3 public inspection and acquisition.

4
5 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
6 TITLE ONLY this 19th day of December 2024.

7
8 
9 Aaron Brockett,
Mayor


10 Attest:

11 
12 Elesha Johnson,
City Clerk

13
14 READ ON SECOND READING, AMENDED AND PASSED, this 9th day of January
15 2025.

16
17 
18 Aaron Brockett,
Mayor

19 Attest:

20 
21 Elesha Johnson,
22 City Clerk

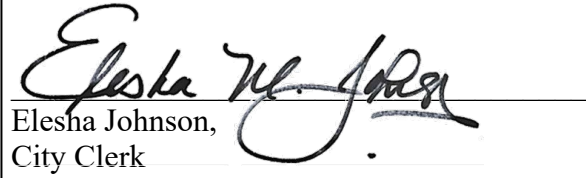
1 READ ON THIRD READING, PASSED, AND ADOPTED, this 6th day of February

2 2025.

3
4 

5 Aaron Brockett,
6 Mayor

7 Attest:

8 
9 Elesha Johnson,
10 City Clerk

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