

ORDINANCE NO. 8028

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE"  
B.R.C. 1981 BY AMENDING THE BUILDING HEIGHT  
REGULATIONS AND REQUIREMENTS FOR CERTAIN  
AREAS OF THE CITY; AND SETTING FORTH RELATED  
DETAILS.

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

Section 1. The City Council finds and recites the following facts leading to the adoption  
of interim development regulations related to the height of buildings.

a. The city values its built environment, as is reflected in the Boulder Valley  
Comprehensive Plan. 2010 BVCP, pages 18 to 32.

b. The voter approved a height limit for buildings no greater than 55 feet in  
1971.

c. City Charter Section 84 provides the purposes of the height limitation,  
which applies to buildings at 55 feet and below.

d. The Boulder Revised Code allows buildings to be constructed up to 55  
feet in all zoning districts, subject to a site review approval.

e. Increasingly, more buildings are being approved at heights up to 55 feet in  
multiple areas of the community.

f. The city council intends to limit the areas where buildings can be up to 55  
feet to those areas where previous planning efforts have resulted in the adoption of a plan  
or clear policy intent that supports more intensive forms of development or in instances  
where important community values are implemented or site topography may result in  
height-compliance hardship.

g. The council intends to study other areas in the community where buildings  
that exceed the underlying permitted or conditional height may be appropriate.

h. The City Council determined that it is in the interest of the public health  
safety and welfare to consider whether existing zoning standards will result in  
development consistent with the goals and policies of the Boulder Valley Comprehensive  
Plan.

Section 2. Paragraphs 9-2-14 (c)(1) is amended and a new paragraph (2) is added and  
subsequent paragraphs renumbered, to read:

**9-2-14 Site Review.**

...

1 (c) Modifications to Development Standards: The following development standards of  
2 B.R.C. 1981 may be modified under the site review process set forth in this section:

3 (1) 9-7-1, "Schedule of Form and Bulk Standards" and standards referred to in that  
4 section except that the standards referred to as "FAR Requirements" may not be  
5 modified under this paragraph and are subject to Section 9-8-2, B.R.C. 1981 and the  
6 maximum height or conditional height for principal buildings or uses, except as  
7 permitted in paragraph (c)(2) below.

8 (2) The maximum height or conditional height for principal buildings or uses may be  
9 modified in any of the following circumstances:

10 (A) For building or uses designated in Appendix J "Areas Where Height  
11 Modifications May Be Considered."

12 (B) Industrial General, Industrial Service, and Industrial Manufacturing districts  
13 if the building has two or fewer stories or if the height is necessary for a  
14 manufacturing, testing or other industrial process or equipment.

15 (C) In all zoning districts, if the height modification is to allow the greater of two  
16 stories or the maximum number of stories permitted in Section 9-7-1 in a  
17 building and the height modification is necessary because of the topography  
18 of the site.

19 (D) In all zoning districts if at least forty percent of the floor area of the building  
20 is used for units that meet the requirements for permanently affordable units  
21 in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.<sup>1</sup>

22 (E) For emergency operations antenna.

23 Section 3. The council adopts Attachment A, titled, "Appendix J to Title 9 - Areas Where  
24 Height Modifications May Be Considered," as an amendment to Title 9, "Land Use Code,"  
25 B.R.C. 1981.

Section 4. The council orders the city manager to add those areas north of Canyon  
Boulevard and within the DT-4 and DT-5 zoning districts, to the map designated as Appendix J,  
"Areas Where Height Modifications May be Considered," B.R.C. 1981 after the final completion  
and adoption by the City Council of amendments that are presently under review for the 2002  
Downtown Urban Design Guidelines.

<sup>1</sup> The provisions adopted pursuant to Ordinance No. 8028 expire on April 19, 2017.

1        Section 5. The provisions of this ordinance will expire on April 19, 2017. The council  
2 intends that this ordinance will expire, be amended, or replaced with subsequent legislation after  
3 further study of appropriate building heights in the city.

4        Section 6. This ordinance shall apply to all building permits or land use approvals for  
5 which an application is made on January 21, 2015 or thereafter, unless specifically exempted.  
6 Building permit applications for a development that received a site review approval for height  
7 that exceeds the permitted height on or prior to January 21, 2015 may apply for and receive  
8 building permits that are necessary to construct the approved development.

9        Section 7. Complete site review applications that have been submitted to the city prior to  
10 January 21, 2015 that request additional height in areas that would not permit such height under  
11 this ordinance will be permitted to continue through the process under the height regulations in  
12 place at the time such application is made. Complete site review applications that have been  
13 submitted to the city after January 21, 2015 and before February 20, 2015 that request additional  
14 height in areas that would not permit such height under this ordinance will be permitted to  
15 continue through the process under the height regulations in place at the time such application  
16 was made, including the standards and requirements for the version this Ordinance No 8028  
17 introduced and read on first reading at the January 20, 2015 city council meeting. Such  
18 applicants shall be required to pursue such development approvals and meet all requirements  
19 deadlines set by the city manager and the Boulder Revised Code. Pending developments may  
20 apply for and receive building permits that are necessary to construct the approved development.  
21

22        Section 8. For the limited purposes of this ordinance, the city council suspends the  
23 provisions of Subsection 9-1-5(a), "Amendments and Effect of Pending Amendments," B.R.C.  
24 1981 for the limited purpose of adopting this ordinance.  
25

1        Section 9. 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 10. This ordinance is necessary to protect the public health, safety, and welfare  
5 of the residents of the city, and covers matters of local concern.

6        Section 11. The city council deems it appropriate that this ordinance be published by title  
7 only and orders that copies of this ordinance be made available in the office of the city clerk for  
8 public inspection and acquisition.  
9

10        INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
11 TITLE ONLY this 23<sup>rd</sup> day of JAN, 2015.

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14 Attest:

  
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Mayor  
PRO TEM

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City Clerk

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18        READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY  
19 TITLE ONLY this ~~1<sup>st</sup>~~ day of ~~MARCH~~, 2015.

20        3<sup>rd</sup> Feb

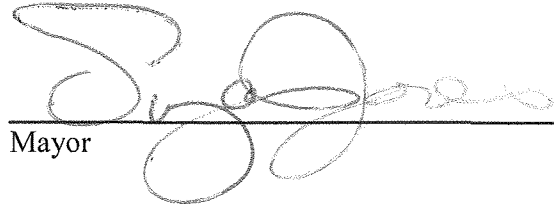
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RE-DO

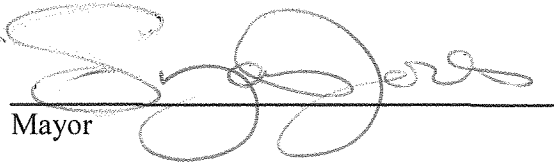
1 READ ON THIRD READING, AMENDED, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 17<sup>th</sup> day of MARCH, 2015.

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Mayor 

Attest:

City Clerk 

10 READ ON FOURTH READING, PASSED, ADOPTED, AND ORDERED  
11 PUBLISHED BY TITLE ONLY this 7<sup>th</sup> day of APRIL, 2015.

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Mayor 

Attest:

City Clerk 

### Areas Where Height Modifications May be Considered

