

**Mayor**  
Aaron Brackett

**Council Members**  
Taishya Adams  
Matt Benjamin  
Lauren Folkerts  
Tina Marquis  
Ryan Schuchard  
Nicole Speer  
Mark Wallach  
Tara Winer



Council Chambers  
1777 Broadway  
Boulder, CO 80302  
June 12, 2025  
6:00 PM

**City Manager**  
Nuria Rivera-Vandermyde

**City Attorney**  
Teresa Taylor Tate

**City Clerk**  
Elesha Johnson

## AGENDA FOR THE SPECIAL MEETING OF THE BOULDER CITY COUNCIL

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**1. Call to Order and Roll Call**

**2. Public Hearings**

- A. CONTINUED TO THE 6/12 MEETING - Second reading and consideration of a motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details**
- 75 min  
- 20 min  
presentation / 55 min  
public hearing and council discussion*

**3. Matters from the City Attorney**

- A. Consideration of a motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and**
- 60 min*

Consideration of a motion to convene the Executive Session of the board of directors of the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) on Thursday, June 12, 2025, at 6:00 p.m. to discuss a potential real property purchase, acquisition, lease, transfer, or sale as authorized by §24-6-402(4)(a), C.R.S., Concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and §24-6-402(4)(e), C.R.S., Determining positions relative to matters that may be subject to negotiations, developing strategy for

negotiations, and instructing negotiators

- B. Consideration of a motion to adjourn as the Boulder Downtown Commercial District Board of Directors and reconvene as the Boulder City Council and;**

**45 min**

**Consideration of a motion to call an Executive Session of the City Council to receive legal advice on representing the city in emerging federal administrative actions regarding sanctuary cities**

- 4. Discussion Items**
- 5. Debrief**
- 6. Adjournment**

**3:00 hrs**

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This meeting can be viewed at [www.bouldercolorado.gov/city-council](http://www.bouldercolorado.gov/city-council). Meetings are aired live on Municipal Channel 8 and the city's website and are re-cablecast at 6 p.m. Wednesdays and 11 a.m. Fridays in the two weeks following a regular council meeting.

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The council chambers is equipped with a T-Coil assisted listening loop and portable assisted listening devices. Individuals with hearing or speech loss may contact us using Relay Colorado at 711 or 1-800-659-3656.

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If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. Si usted necesita interpretacion o cualquier otra ayuda con relacion al idioma para esta junta, por favor comuniquese al (303) 441-1905 por lo menos 3 negocios dias antes de la junta.

Send electronic presentations to email address: [CityClerkStaff@bouldercolorado.gov](mailto:CityClerkStaff@bouldercolorado.gov) no later than 2 p.m. the day of the meeting.



## **COVER SHEET**

### **MEETING DATE**

**June 12, 2025**

### **AGENDA ITEM**

CONTINUED TO THE 6/12 MEETING - Second reading and consideration of a motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details

### **PRIMARY STAFF CONTACT**

Geoff Solomonson

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to adopt Ordinance 8697, amending Title 4, "Licenses and Permits," Title 9, "Land Use Code," and Title 10, "Structures," B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details

### **ATTACHMENTS:**

#### **Description**

- ▣ **5B - 2nd Rdg Ord 8697 2025 Code Cleanup**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: June 12, 2025**

**AGENDA TITLE**

Second reading and consideration of a motion to adopt Ordinance 8697, amending Title 4, “Licenses and Permits,” Title 9, “Land Use Code,” and Title 10, “Structures,” B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details.

**REQUESTING DEPARTMENT / PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Brad Mueller, Director of Planning & Development Services  
Charles Ferro, Senior Planning Manager  
Karl Guiler, Senior Policy Advisor  
Geoff Solomonson, City Planner

**EXECUTIVE SUMMARY**

Staff has identified a list of proposed changes to clarify the Land Use Code, fix errors, simplify language, update graphics, clarify intent, remove certain restrictions, and codify existing practices. The city periodically corrects technical errors to avoid confusion and to ensure that the Land Use Code is administered and enforced in a manner consistent with the intent and department practices. The last ordinance addressing similar “clean-up” issues was adopted in 2024. The City Council voted on the June 5, 2025 meeting to continue this item to the June 12, 2025 meeting.

The ordinance is found in [Attachment A](#). An annotated version of the ordinance with footnotes describing the purpose of each change is in [Attachment B](#).

## **STAFF RECOMMENDATION**

### **Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8697, amending Title 4, “Licenses and Permits,” Title 9, “Land Use Code,” and Title 10, “Structures,” B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development restrictions to allow flexibility in project design and in certain locations; and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- **Economic** – Ordinance 8697 is intended to clarify code language and correct errors in the code, which may ease processing of development review applications.
- **Environmental** – These updates are not anticipated to have direct environmental impacts.
- **Social** – The changes are not expected to have direct social impact.

## **OTHER IMPACTS**

- **Fiscal** – This project is being completed using existing resources.
- **Staff time** – This project is being completed using existing staff resources. Clarifying and correcting these parts of the code may reduce staff time by ensuring the code language is accurate and interpretations are more predictable for applicants.

## **BOARD AND COMMISSION FEEDBACK**

**Planning Board** – Ordinances changing the Land Use Code require Planning Board recommendation to City Council. Due to a clerical error in the posting of a Planning Board packet, Planning Board voted to move its public hearing and consideration of a recommendation regarding the proposed ordinance from its original schedule on April 15, 2025 to May 27, 2025 to give board members adequate time to review the proposed changes. On May 27, 2025, Planning Board reviewed Ordinance 8697 and recommended approval of the ordinance, with a number of recommended amendments, to City Council with the following motion:

*C. Hanson Thiem made a motion seconded by M. McIntyre that Planning Board recommends that City Council adopt Ordinance 8697, amending Title 4, “Licenses and Permits,” Title 9, “Land Use Code,” and Title 10, “Structures,” B.R.C. 1981, related to development activities, to correct errors and omissions, update graphics and formatting, clarify standards and procedures, create consistency with certain state regulations, and remove certain development*

*restrictions to allow flexibility in project design and in certain locations, as amended by Planning Board below; and setting forth related details. Planning Board voted 7-0. Motion passed.*

*Proposed Amendment: L. Kaplan made a motion seconded by J. Boone to amend the ordinance to edit section 9-2-14(h)(4)(B)(i)(b)(4)(i) to include, "an inviting outdoor garden or landscaped courtyard is provided, at or close to grade level" and strike, "and is not elevated above the building's first story" from (vii) in the same section. Planning Board voted 5-2. Motion passed. C. Hanson-Thiem and M. McIntyre opposed.*

*Proposed Amendment: L. Kaplan made a motion seconded by ml Robles to amend the ordinance to read: "Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is consistent with the applicable site-specific guidance such as a transportation network plan, place type, character district, area development guidelines, or similar. The project is generally consistent with overarching plan goals, policies, or guidelines that apply to all sites covered by the applicable plan." Planning Board voted 4-3. Motion passed. C. Hanson-Thiem, K. Nordback, M. McIntyre opposed.*

*Proposed Amendment: L. Kaplan made a motion seconded by ml Robles to amend the ordinance regarding 9-2-16 Form Based Code exceptions to make the section consistent with the previous change "the project is consistent with the applicable site-specific guidance such as a transportation network plan, place type, character district, area development guidelines, or similar. The project is generally consistent with overarching plan goals, policies, or guidelines that apply to all sites covered by the applicable plan." Planning Board voted 4-3. Motion passed. C. Hanson-Thiem, K. Nordback, M. McIntyre opposed.*

*Proposed Amendment: Ml Robles made a motion seconded by M. McIntyre to amend the ordinance to retain the original language on Appendix C of the IPMC (c 101.1 Scope #3) to retain the SmartRegs exception of attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981. Planning Board voted 7-0. Motion passed.*

*Proposed Amendment: J. Boone made a motion seconded by M. McIntyre to remove the addition of (ix) under 9-2-14 Site Review. Planning Board voted 7-0. Motion passed. This proposed amendment would remove a code change proposed by staff that would allow a building in the public zoning district exclusively used for hospital and medical office uses and parking structures*

*serving those uses obtain a height modification, regardless of proposed number of stories and without a requirement for community benefit.*

Planning Board members also added additional suggestions to City Council.

K. Nordbeck suggested that Section 9-8-3(a)(2)(A) be modified to allow for the conversion of a building to a duplex that does not meet the setback standards. Planning Board held a straw vote with 7-0 in agreement.

K. Nordbeck also suggested removing the definition in Section 9-16-1 of *Boarding House* and incorporate the use into other existing uses. This suggestion was not fully supported by all board members, some advised staff to take this into consideration and revisit at a later time. City Staff has specified there are still current *Boarding House* uses in the City that would be necessary to regulate and while there could be further modifications to the definition, Staff would need to determine and analyze any possible impacts of removing the definition from the land use code to enforcement and rental licensing of existing boarding houses.

L. Kaplan suggested modifying the proposed change in Section 9-2-14(h)(6)(A)(i)(a) regarding the one hundred percent reduction of required open space to include the language “where existing development remains.” This suggestion was not supported by other Planning Board members as the applicable areas predate auto-oriented development and already have a rich public realm that makes up for less open space. Staff also noted that this allowance had been in the code previously and is proposed to be readded to the code for flexibility in development.

L. Kaplan made a suggestion to the proposed change in Section 9-2-14(h)(1)(F) to modify the language to read “and bedroom type shall mean units with different numbers of bedrooms (e.g., studios, one-and-two bedroom units are different types).”

L. Kaplan suggested replacing “horseshoe pits” with “lawn games” in Section 9-2-14(h)(4)(B)(i)(b)(4)(v).

L. Kaplan made a suggestion to modify the proposed language of Section 9-10-3(b)(1) to read “Vacant lots or parcels”. (This language has already been reflected in the attached ordinance.)

Due to the timing of Planning Board’s analysis and the second reading of this proposed ordinance for City Council, Staff has not had the opportunity to analyze all proposed Planning Board amendments and suggestions in detail. Therefore, Staff has not made any modifications to the attached proposed ordinance based on the Board’s recommendations. The ordinance is presented for second reading as originally presented to the Planning Board.

## **PUBLIC FEEDBACK**

As the changes are primarily focused on clarifying existing language, fixing errors, and aligning the code with existing practices, this code change project is implementing an “inform” level of public engagement.

## **BACKGROUND**

The proposed changes were identified during previous land use review processes where implementation of the code raised questions about interpretation and issues of clarity, where code language resulted in unintended consequences, or where mistakes were found. Staff accumulates a list of these issues and compiles an ordinance to update the code accordingly.

## **SUMMARY OF PROPOSED CHANGES IN ORDINANCE 8697**

The ordinance can be found in [Attachment A](#). Footnotes are provided in the ordinance in [Attachment B](#) to describe the purpose of each change in more detail. The updates generally consist of:

- **Corrections.** Corrects inaccuracies, such as incorrect citations or typographical errors.
- **Clarifications.** Updates that make the code language clearer.
- **Graphics.** Changes to graphics to address common misunderstandings.
- **Consistency.** Updates to ensure consistency with state or other requirements or existing city practices.

### ***Title 4, Chapter 4 – “Building Contractor License”***

- **Section 4-4-2, “Definition of Contractor”**  
Clarifies the homeowner exception to the contractor licensing requirements, consistently with similar exceptions under state law.

### ***Title 9, Chapter 2 – “Review Processes”***

- **Section 9-2-1, “Types of Reviews”**  
Changes “Site access variance” to “Site access exception” to clarify the type of review requested and for continuity with Section 9-9-5, “Site Access Control”.
- **Section 9-2-6, “Development Review Application”**  
Adds a waiver to the survey requirements for minor review procedures where the city manager has the option to determine that surveys are not needed for more minor scopes of work such as a use review with no site changes or minor modifications to prior approvals.
- **Section 9-2-14, “Site Review”**  
The following updates to the Site Review section are proposed:
  - Adds a height modification option for hospitals or medical office in a P (Public) zoning district to account for necessary operational floor heights in those type of uses.
  - Adds language for development projects to be ‘generally’ consistent with subcommunity and area plans or design guidelines consistent with current and past practice.

- Clarifies currently ambiguous language on housing types in the Site Review criteria to include a greater variety of dwelling unit types and bedroom quantities.
- Clarifies application of the additional open space requirements for height bonus requests.
- Modifies the open space reduction for more flexibility of design in more urban situations in the DT, BMS, and MU-3 zoning districts.
- **Section 9-2-16, “Form-Based Code Review”**  
Adds subcommunity plans for form-based code exceptions along with the existing exception for area plans and adds language for exceptions to be generally consistent with goals and intents of a subcommunity or area plan.
- **Section 9-2-21, “Required Improvements and Financial Guarantees”**  
Adds language to make the requirements, expiration, and renewal of letters of credit for financial guarantee requirements consistent with other code sections that require financial guarantees (e.g., subdivision).

#### *Title 9, Chapter 5 – “Modular Zone System”*

- **Section 9-5-2, “Zoning Districts”**  
Removes reference to Boulder Urban Renewal Plan, which is no longer applicable to this section.

#### *Title 9, Chapter 6 – “Use Standards”*

- **Section 9-6-2, “Specific Use Standards – General”**  
Clarifies conditional uses in Appendix N for the BC zoning district.
- **Section 9-6-3, “Specific Use Standards – Residential Uses”**
- The following updates to the Specific Use Standards (Residential Uses) section are proposed:
  - Removes an erroneous reference to allowed residential uses in IS-1 and IS-2 districts, which were removed as allowed uses to protect service industrial uses as part of the Use Standards and Table project. Live/work uses are still allowed.
- Removes the separation requirement for congregate, custodial, and residential care facilities as it was deemed too restrictive for these types of uses.
- **Section 9-7-1, “Schedule of Form and Bulk Standards”**  
The following updates to the Specific Use Standards (Residential Uses) section are proposed:
  - Clarifies the maximum percentage of floor area in floors above the third floor to account for fourth or fifth floor building designs. Adds footnotes as a row to the table to be consistent with other tables.
  - Clarifies that a property, not part of a subdivision, will not have its nonstandard setbacks modified as a result of an adjacent subdivision if the property changes the platting pattern of the block.
- **Section 9-7-2, “Setback Standards”**  
The following updates to the Setback Standards section are proposed:

- Adds a reference to the definition of “yard” in Chapter 9-16, “Definitions,” B.R.C. 1981 to this section for greater visibility and continuity.
- Updates and moves setbacks relative to building height diagram from Appendix B to this section for greater visibility and continuity.

#### *Title 9, Chapter 8 – “Intensity Standards”*

- **Section 9-8-3, “Density in the RH-1, RH-2, and RH-7 Districts”**  
Clarifies the eligibility of allowing duplexes and two detached dwelling units on nonstandard lot based upon the minimum lot size requirements and fixes an incorrect code reference.

#### *Title 9, Chapter 9 – “Development Standards”*

- **Section 9-9-2, “General Provisions”**  
Clarifies the zoning standard language for lots in two or more zoning districts by determining use based upon majority of building and a separate category for building additions or site improvements based upon form, bulk and intensity. Also, clarifies language about entire uses located on one lot.
- **Section 9-9-5, “Site Access Control”**  
Clarifies language whether site access and curb cuts are modified under Site Review or granted exceptions under an administrative review.
- **Section 9-9-6, “Parking Standards”**  
Corrects reference in table to parking reductions for religious assembly.
- **Section 9-9-11, “Useable Open Space”**  
Adds language for useable, countable open space to include outdoor short term bicycle parking areas for greater flexibility in accommodating bicycle storage in active open space areas.

#### *Title 9, Chapter 10 – “Nonconformance Standards”*

- **Section 9-10-3, “Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses”**  
Clarifies the code language related to development requirements of vacant nonstandard lots or parcels in residential districts for detached dwelling units, duplexes, and two detached dwelling units.

#### *Title 9, Chapter 12 – “Subdivision”*

- **Section 9-12-5, “Minor Subdivision”**  
Clarifies the section is for residentially zoned properties only. Combines the standards and limitations for a minor subdivision and clarifies the standards required for minor subdivision, including language that any required public improvement, including streets, alleys, sidewalks, water mains or sewer mains, will not be considered a minor subdivision.

#### *Title 9, Chapter 14, “Form-Based Code”*

- **Section 9-14-8, “Definitions”**

Adds new definitions of “Impervious Coverage”, “Semi-Pervious Coverage”, “Permeable Surface”, “Semi-Pervious Surface”, and “Impervious Surface”. Removes definitions of “Impervious Site Coverage”, “Permeable Surface” and “Semi-Pervious Surface or Material” for clarity on the differences of the types of coverages and surfaces.

- **Section 9-14-10, “Streetscape and Paseo Design Requirements”, Section 9-14-11, “Site Design Requirements”, Section 9-14-12, “Outdoor Space Requirements”**

Clarifies language of impervious, semi-pervious, and permeable surface area in place of coverage area for trees, landscape, and open areas for continuity and consistency with definition terms throughout the form-based code.

- **Section 9-14-14, “Requirements Applicable to All Building Types”**

Removes the section for particular modifications due to difficulty measuring how they substantially meet intent of the requirement and considering that any modification can already be requested through the existing exception process.

- **Section 9-14-16, “Main Street Storefront Building Type”, Section 9-14-17, “Commercial Storefront Building Type”, Section 9-14-18, “General Building Type”, Section 9-14-19, “Row Building Type”, Section 9-14-20, “Workshop Building Type”, Section 9-14-21, “Civic Building Type”**

Clarifies impervious coverage instead of site impervious coverage for consistency with the definition terms and clarifies additional semi-pervious coverage as a maximum percentage.

- **Section 9-14-26, “Measurement of Building Type Requirements”**

Clarifies impervious coverage instead of site impervious coverage for consistency with the definition terms.

#### *Title 9, Chapter 16, “Definitions”*

- Clarifies “Boarding House” is subject to regulations in the International Building Code and does not include detached dwelling units.
- Clarifies “Hostel” from a residence to offering temporary lodging, as consistent with code definition of “Hotel or motel”
- Updates diagrams of “Yard” to Section 9-7-2, B.R.C 1981, for improved clarity.

#### *Title 9, Appendix B*

- Moves and updates diagram from Appendix B to Section 9-7-2, B.R.C for greater visibility and continuity. Renames Appendix B to “Reserved”.

#### *Title 9, Appendix I*

- Updates diagram for consistency in design with other appendix items.

#### *Title 10, Chapter 2, “Property Maintenance Code”*

- **Section 10-2-2, “Adoption of International Property Maintenance Code with Modifications”**

Removes the exception of the application of rental dwelling unit energy efficiency to attached accessory dwelling units following adoption of [Ordinance 8650](#).

## **ANALYSIS**

Staff has identified the following key issues for the City Council's consideration:

1. Does the City Council find that the proposed ordinance implements the adopted policies of the Boulder Valley Comprehensive Plan?
2. Does the City Council suggest any modifications to the proposed ordinance?

Staff finds that the proposed ordinance implements the adopted policies of the comprehensive plan. The following analysis is provided to demonstrate how the project objective is met through the proposed ordinance. **Attachment A** includes the ordinance and includes detailed footnotes that describe the rationale of each proposed change.

### *What is the reason for the ordinance and what public purpose will be served?*

This ordinance fixes errors in the code, clarifies common issues of interpretation, and updates graphics to improve communication of code requirements. The changes will improve the accuracy of the code by correcting typographical errors and by providing clarity where existing provisions have been misinterpreted.

### *How is the ordinance consistent with the purpose of the zoning districts or code chapters being amended?*

The ordinance would affect many different code sections. The changes will improve the comprehension of the code overall, both for customers and code administrators and may ease review of development applications.

### *Are there consequences in not passing this ordinance?*

If this ordinance is not passed, clerical errors in the code would not be corrected and improvements in code clarity would not be adopted.

### *What adverse effects may result with the adoption of this ordinance?*

Adverse effects are not anticipated as a result of this amendment. Staff has intentionally included only minor changes like fixing errors, clarifying existing language, or ensuring consistency with state or other requirements or existing city practices.

### *What factors are influencing the timing of the proposed ordinance? Why?*

While many of the proposed code corrections are relatively minor fixes, the ordinance does include corrections that should be completed as soon as practical to avoid confusion among code users. Some of the changes involve issues with recently adopted ordinances. Staff aims to ensure these corrections are adopted prior to code change projects that may be more comprehensive and substantive.

*How does the ordinance compare to practices in other cities?*

As the limited changes are primarily minor clarifications and corrections, comparisons to other communities are not instructive in this circumstance. All communities have an interest in keeping their code updated, clear, and accurate.

*How will this ordinance implement the comprehensive plan?*

The ordinance will implement the following applicable policy from the Boulder Valley Comprehensive Plan.

**Local Governance & Community Engagement Policy 10.01: High-Performing Government**

The city and county strive for continuous improvement in stewardship and sustainability of financial, human, information and physical assets. In all business, the city and county seek to enhance and facilitate transparency, accuracy, efficiency, effectiveness and quality customer service. The city and county support strategic decision-making with timely, reliable and accurate data and analysis.

**ATTACHMENTS**

Attachment A: Ordinance 8697

Attachment B: Ordinance 8697 with annotations

## ORDINANCE 8697

AN ORDINANCE AMENDING TITLE 4, "LICENSES AND PERMITS," TITLE 9, "LAND USE CODE," AND TITLE 10, "STRUCTURES," B.R.C. 1981, TO CORRECT ERRORS, UPDATE GRAPHICS AND SUBSECTION FORMATS CREATING CONSISTENCY, IMPROVE THE CLARITY OF THE CODE AND UPDATE TO REFLECT CURRENT REVIEW PROCEDURES ALREADY IN USE, CLARIFY SECTION INTENT, COMPLY WITH STATE REGULATIONS AND TO REMOVE CERTAIN DEVELOPMENT RESTRICTIONS PROVIDING FLEXIBILITY IN PROJECT DESIGN AND IN CERTAIN LOCATIONS; AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 4-4-2, "Definition of Contractor," B.R.C. 1981, is amended to read as follows:

**4-4-2. Definition of Contractor.**

- (a) For purposes of this chapter, a contractor has the same meaning as contractor in Subsection 1-2-1(b), "Definitions," B.R.C. 1981, and includes without limitation any person who undertakes with or for another person to inspect pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981, any building or structure, or any portion thereof.
- (b) The following persons are not contractors within the meaning of this chapter:
  - (1) Subcontractors working for and under the supervision of a general contractor licensed under this chapter;
  - (2) Plumbers, electricians, mechanical, and fire or other specialized tradespeople for whom another license is required by the city; and
  - (3) A homeowner who builds, constructs, alters, repairs, adds to, moves, or wrecks any building or structure regulated by the Residential Code of the City of Boulder, or any portion thereof, that constitutes the owner's residence or a building or

structure accessory thereto, that is intended for the owner's personal use. This exception is available only as to one such building or structure during a calendar year. This exception does not apply to such activities on a building or structure intended to be used or used as a long-term or short-term rental property, owned by a business entity, or intended to be used for a home occupation that includes visits by customers or other visitors related to the home occupation.

Section 2. Footnote 15 to Section 4-8-1, "Legislative Intent," B.R.C. 1981 is amended to read as follows:

<sup>[15]</sup>§ ~~12-115-101~~~~12-23-101~~, et seq., C.R.S.; Century Electric Service and Repair, Inc. v. Stone, 193 Colo. 181, 564 P.2d 953 (1977).

Section 3. Section 4-8-2, "Registration Required," B.R.C. 1981, is amended to read as follows:

#### **4-8-2. Registration Required.**

- (a) No person required by § ~~12-115-109~~~~12-23-105~~, C.R.S., to be licensed shall perform any services covered by such license in the city or any building outside the city that is served by city sewer or water utility service or subject to city building inspection without registering with the city manager on forms provided thereby and filing the evidence of insurance required by Section 4-1-8, "Insurance Required," B.R.C. 1981.

...

Section 4. Section 4-15-3, "License Required," B.R.C. 1981, is amended to read as follows:

#### **4-15-3. License Required.**

- (a) No person shall conduct the business of a plumbing contractor in the city without first obtaining a license under this chapter from the city manager.
- (b) No person required by § ~~12-155-108~~~~12-58-105~~, C.R.S., to be licensed shall perform any work as a master, journeyman or residential plumber in the city unless such person holds a valid state license to perform such work.

Section 5. Section 4-15-9, "Revocation or Suspension of License," B.R.C. 1981, is amended to read as follows:

#### **4-15-9. Revocation or Suspension of License.**

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- ...
- (b) No person engaged in the plumbing contractor business shall employ or continue to employ for work in the city covered by the city plumbing code an apprentice who is not licensed under this chapter or a person required to be licensed under § ~~12-155-108~~~~12-58-405~~, C.R.S., who is not so licensed.

Section 6. Section 9-2-1, "Types of Reviews," B.R.C. 1981, is amended to read as follows:

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

- (a) Purpose: This section identifies the numerous types of administrative and development 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><b>I. ADMINISTRATIVE REVIEWS</b></i>	<i><b>II. DEVELOPMENT REVIEW AND BOARD ACTION</b></i>
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning
Building permits	BOZA variances
Change of address	Concept plans
Change of street name	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
Conditional uses, as noted in Table 6-1: Use Table	Form-based code review
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	Geophysical exploration permit
Easement vacation	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
Extension of development approval/staff level	

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1	Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Lot line adjustments
2		Lot line elimination
3		Minor Subdivisions
4	Landscape standards variance	Out of city utility permit
5	Minor modification to approved site plan	Rezoning
6	Minor modification to approved form-based code review	Site review
7	Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981	Subdivisions
8		Use review
9	Nonconforming use extension	Vacations of street, alley, or access easement
10	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	
11		
12	Parking reduction of up to twenty-five percent per Subsection 9-9-6(f), B.R.C. 1981	
13		
14	Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	
15		
16	Parking stall variances	
17	Public utility	
18	Rescission of development approval	
19	Revocable permit	
20	Right-of-way lease	
21	Setback variance	
22	Site access <del>variance</del> <u>exception</u>	
23	Substitution of a nonconforming use	
24	Solar exception	
25	Zoning verification	

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Section 7. Section 9-2-6, "Development Review Application," B.R.C. 1981, is amended to read as follows:

**9-2-6. Development Review Application.**

(a) Application Requirements for Use Review, Site Review, and Form-Based Code Review: A person having a demonstrable property interest in land to be included in a development review may file an application for approval on a form provided by the city manager that shall include the following:

- (1) The written consent of the owners of all property to be included in the development;
- (2) An improvement survey of the land. The city manager may waive this application requirement for a minor modification, minor amendment, use review, or minor use review;
- (3) Development plans including site, landscaping, building plans, and building elevations as applicable;
- (4) A written statement addressing the criteria for approval;
- (5) All information required in Sections 9-2-14, "Site Review," 9-2-15, "Use Review," and 9-2-16, "Form-Based Code Review," B.R.C. 1981, for the type of review requested;
- (6) Any other information that the applicant wishes to submit; and
- (7) The fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, for the type of review requested.

...

(e) Inactive Applications:

- (1) If, at any point in a development review process, the city manager has notified the applicant that additional or corrected materials are required, and the applicant has not submitted those materials within sixty days after the date of such notification, the application will be considered withdrawn. The city manager may extend the sixty-day period if requested by the applicant prior to its expiration and upon the applicant's demonstrating good cause for the additional delay.
- (2) Any ~~re-submittal~~ resubmittal of the application after the ~~sixty days~~ sixty-day deadline will be treated as a new application for purposes of review, scheduling, public notice, and payment of application fees.

Section 8. 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:

(1) Development Review Thresholds:

...

- (E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, or of Paragraph 9-10-3(b)(2), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height requirements of Section 9-7-5 or 9-7-6, B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:

...

- (ix) The building is in the public zoning district and is exclusively used for hospital or medical office uses or is a parking structure serving those uses.

...

- (h) Criteria: No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:

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(1) Boulder Valley Comprehensive Plan (BVCP) criteria:

...

(B) Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is generally consistent with the applicable plan and guidelines.

...

(F) Housing Diversity and Bedroom Unit Types: Except in the RR, RE and RL-1 zoning districts, projects that are more than 50 percent residential by measure of floor area, not counting enclosed parking areas, meet the following housing and bedroom unit type requirements in ~~Subparagraph~~sections (i) through (vi). For the purposes of this subparagraph, qualifying housing type shall mean duplexes, attached dwelling units, townhouses, live-work units, or efficiency living units, and bedroom type shall mean studios, or units with different numbers of bedrooms such as one-bedroom units, and two-bedroom units, ~~or three-bedroom units.~~

...

(4) Additional Criteria for Buildings Requiring Height Modification or Exceeding the Maximum Floor Area Ratio: Any building exceeding the by-right or conditional zoning district height as permitted by Section 9-2-14(b)(1)(E), B.R.C. 1981, and any building exceeding the by-right floor area limits as permitted by Section 9-2-14(h)(6)(B), B.R.C. 1981, shall meet the following requirements:

(A) Building Form and Massing: The building's form and massing are consistent with the character established in any adopted plans or guidelines applicable to the site or, if none apply, are compatible with the character of the area or improves upon that character, consistent with the intent of paragraph (3), Building Design Criteria. The building's form, massing and length are designed to a human scale and to create visual permeability into and through sites. In determining whether this is met, the approving authority will consider the following factors:

(i) The building does not exceed 200 feet in length along any public right-of-way.

(ii) All building facades exceeding 120 feet in length along a public street, excluding alleys, are designed to appear as at least two distinct buildings. To achieve this, façade segments vary in at least two of the following design elements:

- a. Type of dominant material or color, scale, or orientation of that material;
- b. Facade recessions and projections;
- c. Location of entrance and window placements;
- d. Roof forms; and
- e. Building height.

(B) Building and Site Design Requirements for Height Modifications:

(i) Buildings requiring a height modification shall meet the following requirements:

- a. Height Modification Other than Height Bonus: For buildings no taller than three stories and subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(i) through (vii) and (ix), the building's height, mass, and scale is compatible with the character of the surrounding area.
- b. Height Bonus: For buildings taller than three stories subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(viii), B.R.C. 1981:

...

3. Additional Requirements for a Height Bonus - Views: The project preserves and takes advantage of prominent mountain views from public spaces and from common areas within the project. In determining whether this is met, the approving authority will consider the following factors:

- i. If there are prominent mountain views from the site, usable open spaces on the site or elevated common areas on the building are located and designed to allow users of the site access to such views;
- ii. If the proposed building is located adjacent to a ~~city-managed~~ city-managed public park, plaza, or open space, buildings are sited or designed in a manner that avoids or minimizes blocking of prominent public views of the mountains from these spaces;

4. Additional Requirements for a Height Bonus - Open Space:

- i. If the project site is greater than one acre in size, an inviting ~~grade level~~ outdoor garden or landscaped courtyard is provided, designed as a gathering space for the building users. In determining whether this requirement is met, the approving authority will consider the following factors as ~~The following are considered elements of~~ successful design elements for such a space, as practicable considering site conditions and location;
- ii. The ~~width~~ horizontal dimensions of the space ~~is~~ are no less than the height of building walls enclosing the space;
- iii. Seating and other design elements are integrated with the circulation pattern of the project;
- iii~~v~~. The space has southern exposure and sunlight;
- vi. Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If poured-in-place materials are used, they are of decorative color or textures;
- vi. Amenities, such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting are incorporated into the space;
- vii. The space is visible from an adjoining public sidewalk and is not elevated above the builder's first story; and
- viii. At least one tree is planted per 500 square feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.

(6) Land Use Intensity and Height Modifications: Modifications to minimum open space on lots, floor area ratio (FAR), maximum height, and number of dwelling units per acre requirements will be approved pursuant to the standards of this subparagraph:

(A) Land Use Intensity Modifications with Open Space Reduction:

(i) In the DT, BMS, BR-2, and MU-3 Zoning Districts: The open space requirements in Chapter 9-8, "Intensity Standards," B.R.C. 1981, may be reduced in all DT districts and the BR-2, BMS, and MU-3 districts subject to the following standards:

a. In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is inconsistent with the urban context of neighborhood buildings or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys: maximum one hundred ~~fifty~~ percent reduction.

...

Section 9. Section 9-2-16, "Form-Based Code Review, "B.R.C. 1981, is amended to read as follows:

**9-2-16. Form-Based Code Review.**

(a) Purpose: The purpose of form-based code review, is to improve the character and quality of new development to promote the health, safety and welfare of the public and the users of the development. The form-based code review regulations are established to create a sense of place in the area being developed or redeveloped and ensure a site and building design that:

...

(d) Application Requirements: An application for approval of a form-based code review, may be filed by any person having a demonstrable property interest in land to be included in a form-based code review on a form provided by the city manager that includes, without limitation:

...

(4) Site Plan: A site plan with a north arrow showing the major details of the proposed development, prepared on a scale of not less than one inch equals one hundred feet, providing sufficient detail to evaluate the features of the

development required by this section. The site plan shall contain, insofar as applicable, the information set forth as follows:

- (A) Topography. The existing topographic character of the land, showing contours at two-foot intervals;
- (B) Flood Areas. If applicable, the areas subject to the ~~one-hundred-year~~ one-hundred-year flood as defined in Chapter 9-16, "Definitions," B.R.C. 1981, and any area of the site that is within a designated space conveyance zone or ~~high-hazard~~ high-hazard zone;

...

(14) Architectural Plans. Detailed architectural plans that include the following:

- (A) Building Schematic Floor plans. Building floor plans shall be included for each floor, illustrating the location of uses, common spaces, doors, and windows;
- (B) Building Details. Plans, sections, and elevations illustrating compliance with Sections M-1-13 through M-1-28 of Appendix M, "Form-Based Code," to this title;
- (C) Building Elevations. Building elevations, at a scale of ~~one-sixteenth~~ one-sixteenth inch equals one foot or larger, illustrating the following:

...

- (i) Exceptions: Exceptions to the requirements of Appendix M, "Form-Based Code," may be approved under the form-based code review process pursuant to the following standards:

...

(2) Exceptions:

- (A) An exception may be granted by the approving authority if the following criteria are met:

- (i) The proposed exception is generally consistent with the goals and intents of the adopted subcommunity or area plan applied to the area, and

...

Section 10. Section 9-2-21, "Required Improvements and Financial Guarantees," B.R.C.

1981, is amended to read as follows:

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**9-2-21. Required Improvements and Financial Guarantees.**

...

(g) Letter of Credit: If any letter of credit is due to expire before the end of the guarantee period and is not replaced no less than sixty days before its expiration with another letter of credit which is valid until the end of the guarantee period or for an additional year, whichever is less, the city manager shall call the letter of credit and shall hold the funds thereby received in a separate account, and shall return such funds as are not expended or to be expended for guarantee work to the applicant at the end of the guarantee period.

(hg) Additional Requirements ~~In Addition:~~ The requirements of this section are in addition to any requirements for financial guarantees under any other provision of this code.

Section 11. Section 9-5-2, "Zoning Districts," B.R.C. 1981, is amended to read as follows:

**9-5-2. Zoning Districts.**

(a) Classification: Zoning districts are classified according to the following classifications based on the predominant character of development and current or intended use in an area of the community:

- (1) R: Residential;
- (2) M: Mixed Use, a mix of residential and business;
- (3) B: Business;
- (4) DT: Downtown business zones;
- (5) I: Industrial;
- (6) P: Public;
- (7) A: Agricultural.

...

(c) Zoning District Purposes:

...

(3) Business Districts:

- (E) Business - Regional 1 and Business - Regional 2: Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; ~~and where the goals of the Boulder Urban Renewal Plan are implemented.~~

...

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Section 12. Section 9-6-2, "Specific Use Standards-General," B.R.C. 1981, is amended to read as follows:

**9-6-2. Specific Use Standards - General.**

(a) Purpose: The purpose of this chapter is to set forth additional requirements for specified uses of land. The requirements are intended to ensure that the use is compatible with the surrounding area.

...

(c) Specific Use Standards that Apply to Several Use Types: The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).

(1) Specific Use Standards for Uses in the BC Zoning Districts:

(A) Review Process: In the BC-1 and BC-2 zoning districts, the following standards apply to the uses listed in Table 6-2:

...

(i) Allowed Use: The uses listed in Table 6-2 are allowed by right unless the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions."

(ii) Conditional Use: If located in one of the mapped areas in Appendix N, the use may be approved as a conditional use if it meets all of the following standards:

a. The use shall not be located on the ground floor, with the exception of minimum necessary ground level access.

b. The combined floor area of any nonresidential uses in Table 6-2 shall be limited to ten percent of the total floor area on the lot or parcel except that if the use is located within an approved site review or planned unit development, the combined floor area of any nonresidential uses subject to this section shall be limited to ten percent of the total floor area within the boundaries of the site review

or planned unit development approval in the BC zoning district.

- c. A principal use of any automobile parking lot or garage shall be a park and ride facility.

...  
Section 13. 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.**

...  
**HOUSEHOLD LIVING**

...  
**(d) Dwelling Unit, Attached:**

- (1) In the RH-6 Zoning District:

- (A) In the RH-6 zoning district, attached dwelling units shall be located in a development that includes townhouse dwelling units. Attached dwelling units may only be located on a corner that has street frontage on two sides.

- (2) In the BT-1, and BT-2, ~~IS-1, and IS-2~~ Zoning Districts:

- (A) Review Process: In the BT-1, and BT-2, ~~IS-1, and IS-2~~ zoning districts, attached dwelling units are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

...  
**(f) Efficiency Living Unit:**

- ~~(3) In the IS-1 and IS-2 Zoning Districts:~~

- ~~(A) Review Process: In the IS-1 and IS-2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and the use is not located on the ground floor facing a street, with the exception of minimum necessary ground~~

level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

(34) In the IMS Zoning District:

(A) Review Process: In the IMS zoning district, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and at least fifty percent of the floor area of the building is for nonresidential use. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

...

## GROUP LIVING

...

(j) **Congregate Care Facility, Custodial Care Facility, and Residential Care Facility:**

(1) Applicability: This subsection (j) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Standards: The following standards apply to any such facility that may be approved as a conditional use or pursuant to a use review:

~~(B) In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential, or congregate care facility may locate within seven hundred fifty feet of another custodial, residential, or congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all custodial, residential, or congregate care facilities in the city.~~

...

Section 14. 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.**

The purpose of this chapter is to indicate the requirements for lot dimensions and building form, bulk, location and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in Table 7-1 of this section with the exception of structures located in an area designated in Appendix L, "Form-Based Code Areas," subject to the standards of Appendix M, "Form-Based Code." No person shall use any land within the City authorized by Chapter 9-6, "Use Standards," B.R.C. 1981, except according to the following form and bulk requirements unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C. 1981, or granted a variance under Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or as approved under the provisions of Section 9-2-16, "Form-based code review," B.R.C. 1981.

**TABLE 7-1: FORM AND BULK STANDARDS**

Zoning District	A R R-1	R R-2 R E	R H-2 R H-5 P	RL-1 RM-2 RM X-1	B T-2	B T-1 B C B R IS -1 IS -2 IG I M	R L-2 R M-1	R H-4	M U-1	R M-3 R H-1 R H-6	RM X-2	R H-3 R H-7	B CS	M U-3	B M S M U-4	D T-1 D T-2 D T-3 D T-5	D T-4	M U-2 IM S	M H
Form module	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s
BUILDING DESIGN REQUIREMENTS <sup>(n)</sup>																			
Maximum % of 3 <sup>rd</sup> story floor area that can be in <u>any story above the 3<sup>rd</sup> story</u>	n/a				n/a				n/a			70 % (j)	n/a	n/a	n/a			n/a	n/a
Footnotes to Table 7-1, Form and Bulk Standards:																			

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In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, side yard must meet principal building front yard setback where adjacent lot fronts upon the street, unless the subject yard was platted as a side yard at a time when the adjacent lot did not front upon the street.
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Section 9-7-2 (b)(8), "Setback Relative to Building Height," B.R.C. 1981.
- (j) The maximum percentage of the third story floor area that can be in any story above the third story standard may not be modified as part of a site review.
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right-of-way.
- (l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height,

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Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code."  
Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.

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

In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.
- (j) The maximum percentage of the third floor area that can be in a fourth story standard may not be modified as part of a site review.
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right of way.
- (l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(e), B.R.C. 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form Based Code Areas," and subject to the

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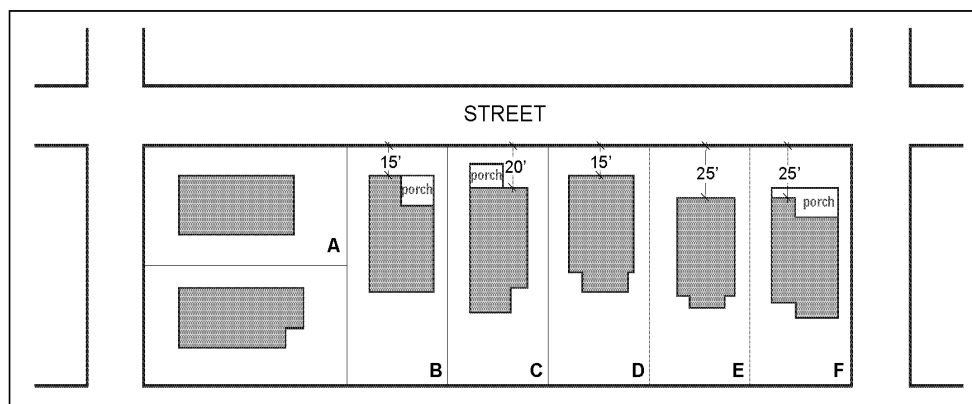
standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code." Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.

Section 15. Section 9-7-2, "Setback Standards," B.R.C. 1981, is amended to read as follows:

**9-7-2. Setback Standards.**

(a) Front, Rear, and Side Yards: Front, rear, and side yards shall be identified consistent with the yard definition in Section 9-16-1, B.R.C. 1981.

(ba) Front Yard Setback Reductions: The front yard setback required in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, may be reduced for a principal structure on any lot if more than fifty percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face. (See Figure 7-1 of this section.)



**Figure 7-1: Setback Averaging Example**

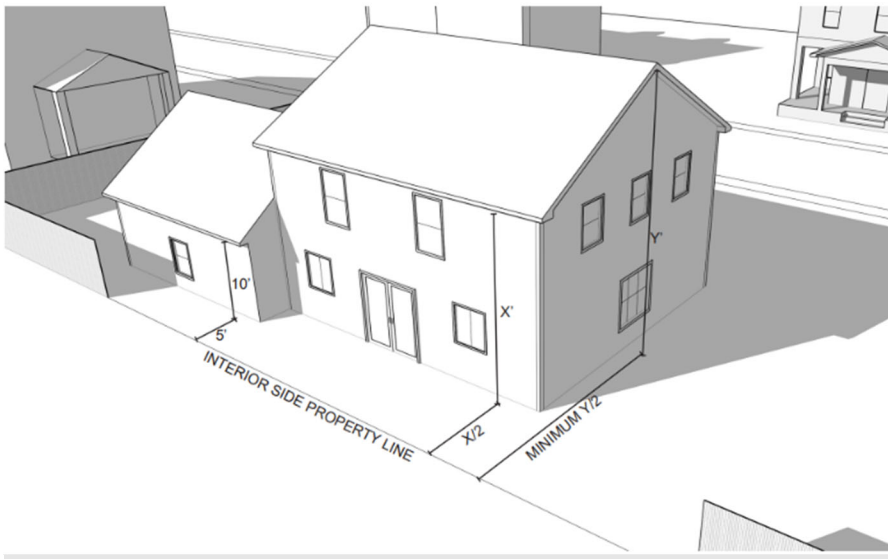
*In this example, lots "B" through "F" are the face block. Lot "A" is not included in the face block, as the front of this lot is on a different street. Setback averaging is measured to the bulk of the buildings and does not include porches.*

*Assuming this block is zoned RL-1, the minimum required front yard setback would be twenty-five feet. The block face shown would qualify for setback averaging, as more than fifty percent of the principal buildings do not meet the required front yard setback. An addition to the front of lot "E" would require the averaging of the setbacks of lots "D" and "F", the two closest buildings on the same block face. In this example the resulting setback would be 20 feet - the average of lot "D" (fifteen feet) and lot "F" (twenty-five feet). An addition to the front of lot "F" would be based on the average of the two closest buildings on the same block face; in this case, lots "D" and "E."*

**(c) Side Yard Setback Standards:**

...

**(8) Setback Relative to Building Height: For buildings subject to the side yard setback requirements based on building height, the setback shall be determined consistent with Figure 7-3**



**Figure 7-3: Setback Relative to Building Height**

**(d) Rear Yard Setbacks:** Where a rear yard backs on a street, the rear yard shall have a minimum landscaped setback equal to the minimum front yard landscaped setback from a street for all buildings and uses required for that zone.

**(e) Open Parking Areas, Flagpoles, and Detached Garages and Carports:** Open parking areas, flagpoles, and detached garages and carports may be located in compliance with either the required principal building setbacks or accessory building setbacks.

(fe) Swimming Pools, Spas, and Hot Tubs: Swimming pools, spas, and hot tubs shall be located according to the applicable accessory structure setbacks on a lot except that pools, spas, or hot tubs may be located in compliance with the required front yard principal building setback.

(gf) Oil and Gas Operations and Other Uses: Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-7(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in pre-production, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in pre-production, closer than five hundred feet from any well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-7(b)(16), B.R.C. 1981.

Section 16. Section 9-7-5, "Building Height," B.R.C. 1981, is amended to read as follows:

**9-7-5. Building Height.**

...

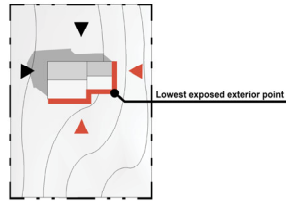
(b) Measurement of Height: Height shall be measured as the vertical distance from the lowest point within twenty-five horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building (see Figure 7-43 Measurement of Height).

...

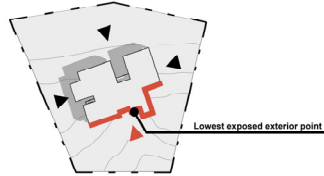
**1 DETERMINE TALLEST SIDE**

Determine the building side with the lowest exposed exterior point. This is the tallest side per the code.

- When the lowest exposed exterior point is at a corner, all adjoining sides are considered the tallest side.

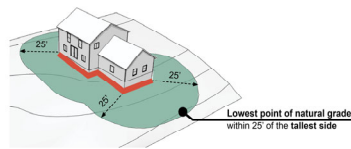


- Buildings are considered to have four sides, regardless of layout or complexity of design.

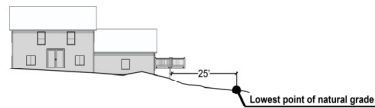
**2 FIND LOWEST POINT OF NATURAL GRADE**

Find the lowest point of natural grade anywhere within 25' of the tallest side.

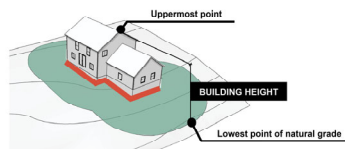
- Natural grade includes depressions, but does not include features like ditches or pools.
- The lowest point could be off-site on adjacent property or city right-of-way.



- Building additions or elevated building elements like decks or porches are considered part of the building side and may impact the lowest point of natural grade.

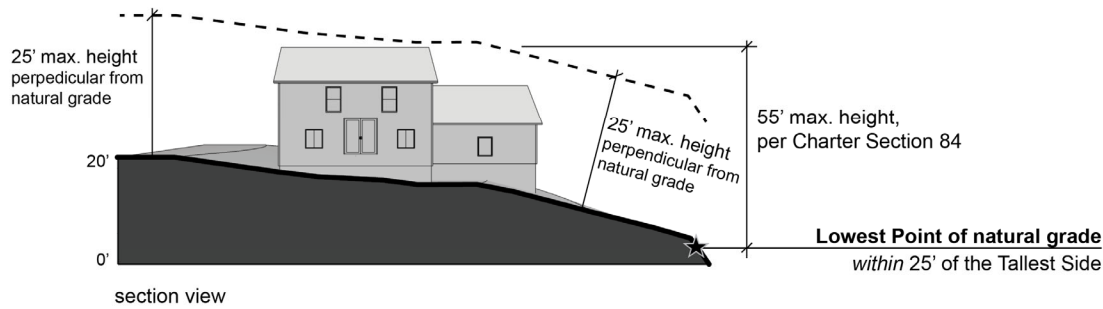
**3 MEASURE TO UPPERMOST POINT**

Measure the height from the lowest point of natural grade to the uppermost point of the roof or structure.



**Figure 7-43: Measurement of Height**

- (2) Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet measured perpendicular from the natural grade below. (See Figure 7-54 of this section.) However, under no circumstances shall a structure exceed fifty-five feet as measured under charter section 84 except as provided for poles in Section 9-2-14, "Site Review," B.R.C. 1981. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points.

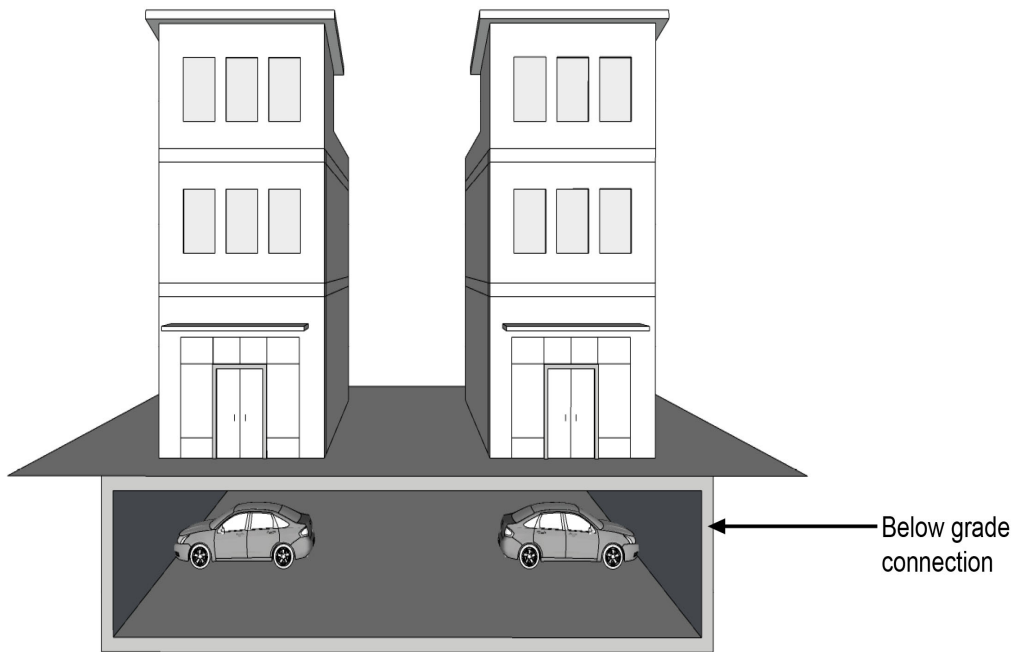


See section 9-7-5(b)(2), Slopes Greater than Twenty Degrees.

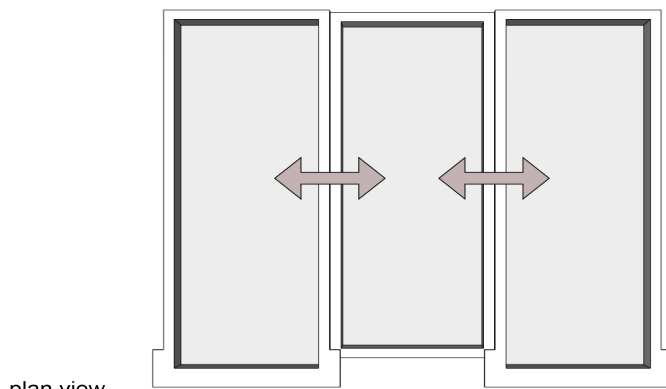
**Figure 7-54: Building Height on a Slope Greater than Twenty Degrees**

(e) Height Calculations for Attached Buildings:

- (1) The following shall be considered separate buildings for the purposes of calculating building height:
  - (A) Buildings that are connected only below grade (see Figure 7-65 of this section).
  - (B) Separate abutting buildings that may have an internal connection (see Figure 7-76 of this section).
  - (C) Buildings built to the common property line that may have an internal connection (see Figure 7-76 of this section).
  - (D) Buildings attached by an at-grade open or enclosed connection not more than fifteen feet high and twelve feet deep (see Figure 7-87 of this section).



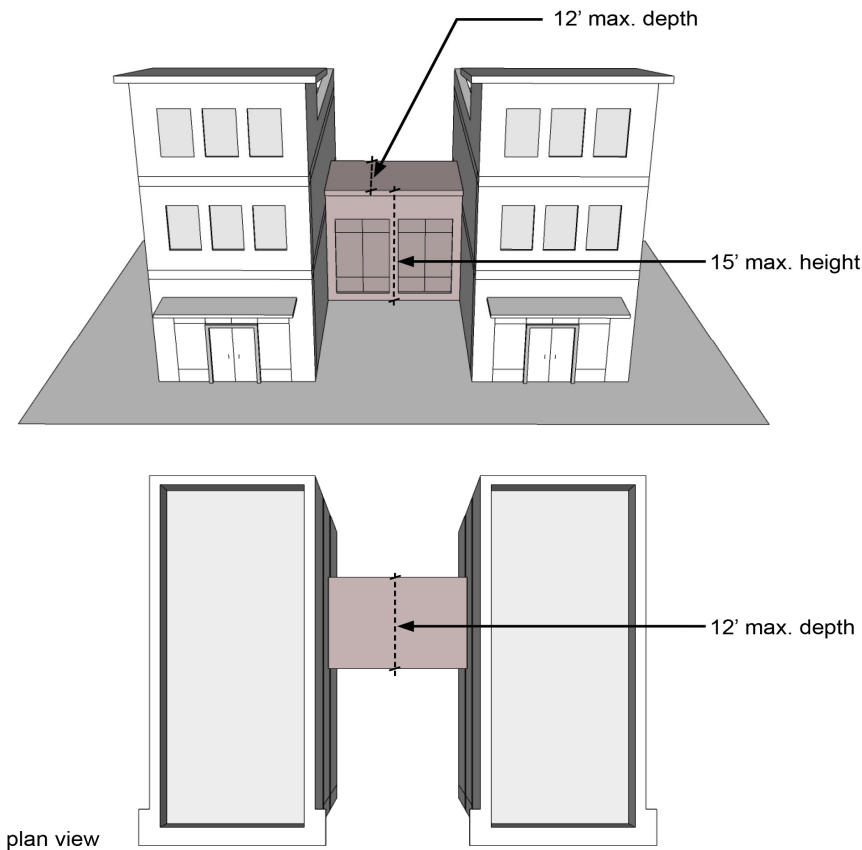
**Figure 7-65: Below Grade Connection**



plan view

**Figure 7-76: Internal Connection**

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**Figure 7-87: At-Grade Open or Enclosed Connection**

Section 17. Section 9-7-8, “Accessory Buildings in Residential Zones,” B.R.C. 1981, is amended to read as follows:

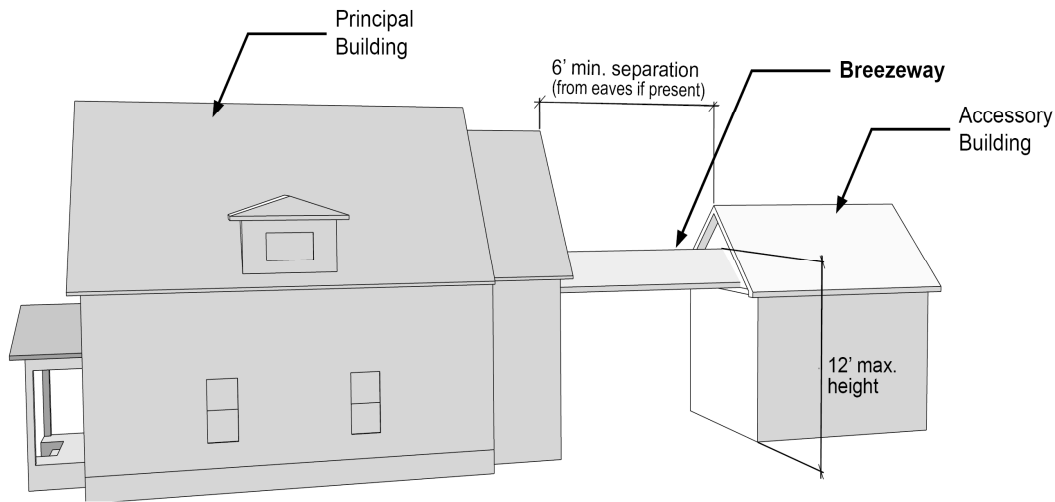
**9-7-8. Accessory Buildings in Residential Zones.**

...

- (c) Breezeway Connections Between Accessory and Principal Buildings: In a residential zoning district, a single-family detached dwelling unit may be connected to an accessory building which is located partially or entirely within principal building rear yard setback by a breezeway if the breezeway meets the following standards:

- (1) No portion of the roof shall exceed a height of twelve feet, measured to the finished grade directly below it, or the height of the accessory building to which it is attached, whichever is less. (See Figure 7-98 of this section.)

...



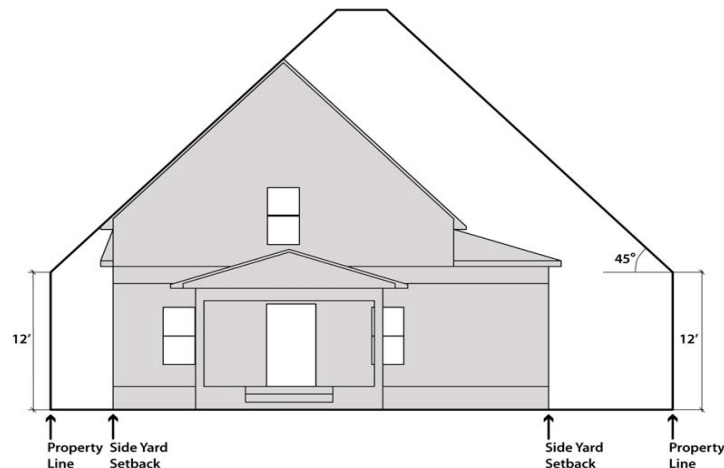
**Figure 7-98: Breezeway**

Section 18. Section 9-7-9, “Side Yard Bulk Plane,” B.R.C. 1981, is amended to read as follows:

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

...

- (c) Measurement standards: The bulk plane is a plane that begins twelve feet above the side lot lines of a lot or parcel, then rises over a slope at a forty-five-degree angle until it reaches the permitted height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel. See Figure 7-109.



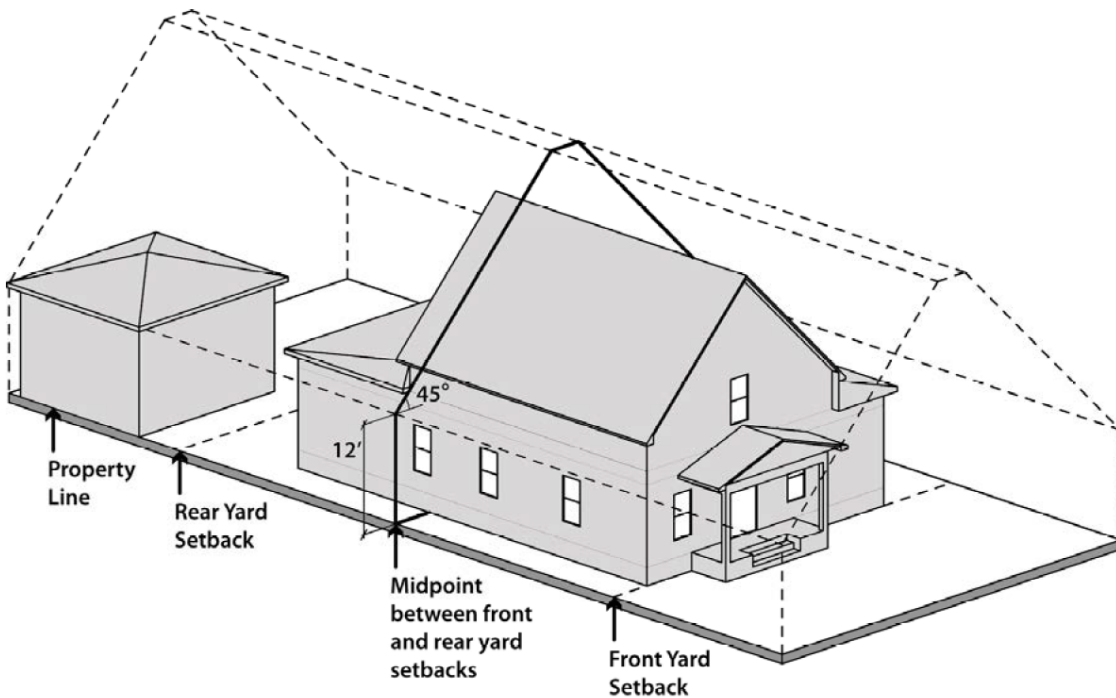
**Figure 7-109: Side Yard Bulk Plane**

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*The bulk plane begins at a point twelve feet above the side yard property line and then angles forty-five degrees until the bulk plane reaches the maximum building height or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel.*

The bulk plane shall be measured from the points described in Paragraph (1) or (2) below using one of the following methods:

- (1) Grade level point method: The bulk plane shall be measured from the grade level elevation points, which are found along the side property lines, that coincide with location of the midpoint of the lot or parcel, described as points that are equal distance between the front and rear yards. The grade level points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the ground level point shall be taken from the base of the wall. See Figure 7-110. An applicant may request that the city manager determine the location of the grade level points and corresponding bulk plane for irregularly shaped lots or parcels, including flag lots; or

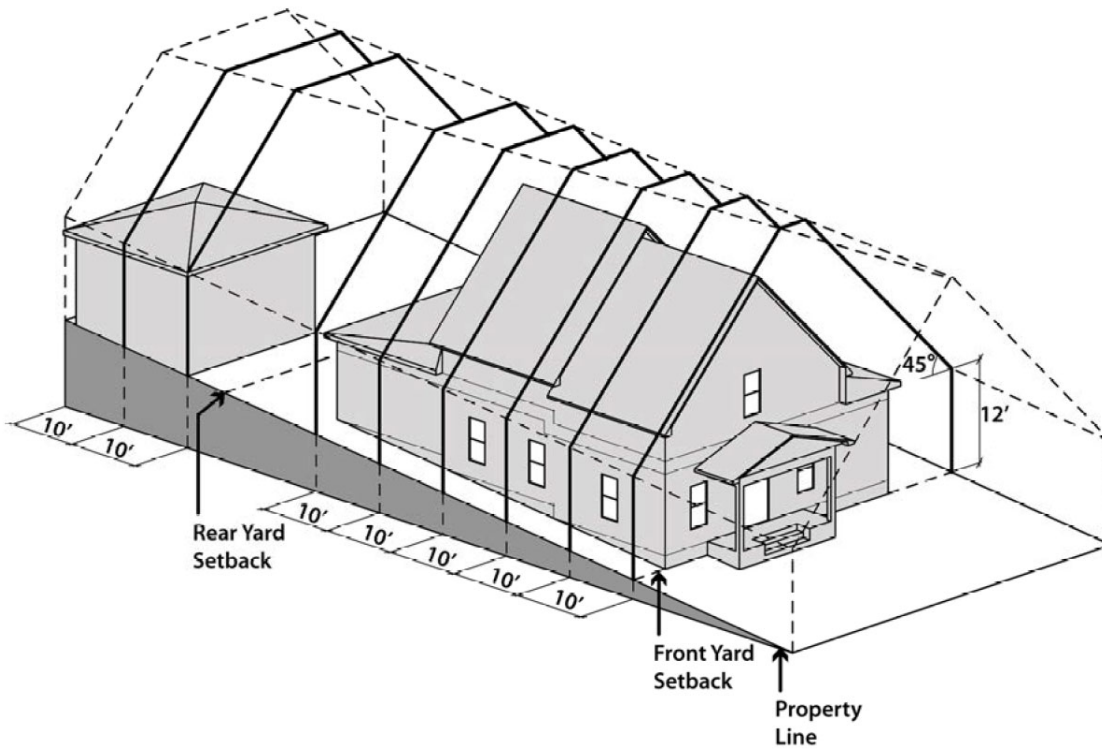


**Figure 7-110: Side Yard Bulk Plane Measurement Using the Grade Level Point Method**

*Using the grade level point method, the bulk plane is measured from the midpoint between the front and rear yard setbacks.*

- (2) Parallel points method: The bulk plane shall be measured from a series of measurement points that are separated horizontally by ten feet along the side yard property line. The measurement points shall be as close as possible to the natural

grade, and in case a retaining wall is located on the side property line, the measurement point shall be taken from the base of the wall. See Figure 7-124.



**Figure 7-124: Side Yard Bulk Plane Measurement Using the Parallel Point Method**

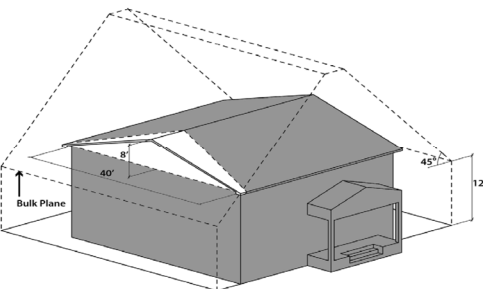
*Using the parallel point method, the bulk plane is measured from a series of measurement points that are separated by ten feet along the side yard property line.*

- (d) Encroachments: No building or portion thereof shall be constructed or maintained beyond the required bulk plane except as provided for below:

...

- (4) The gable end of a sloping roof form (see Figure 7-132), provided that:

...



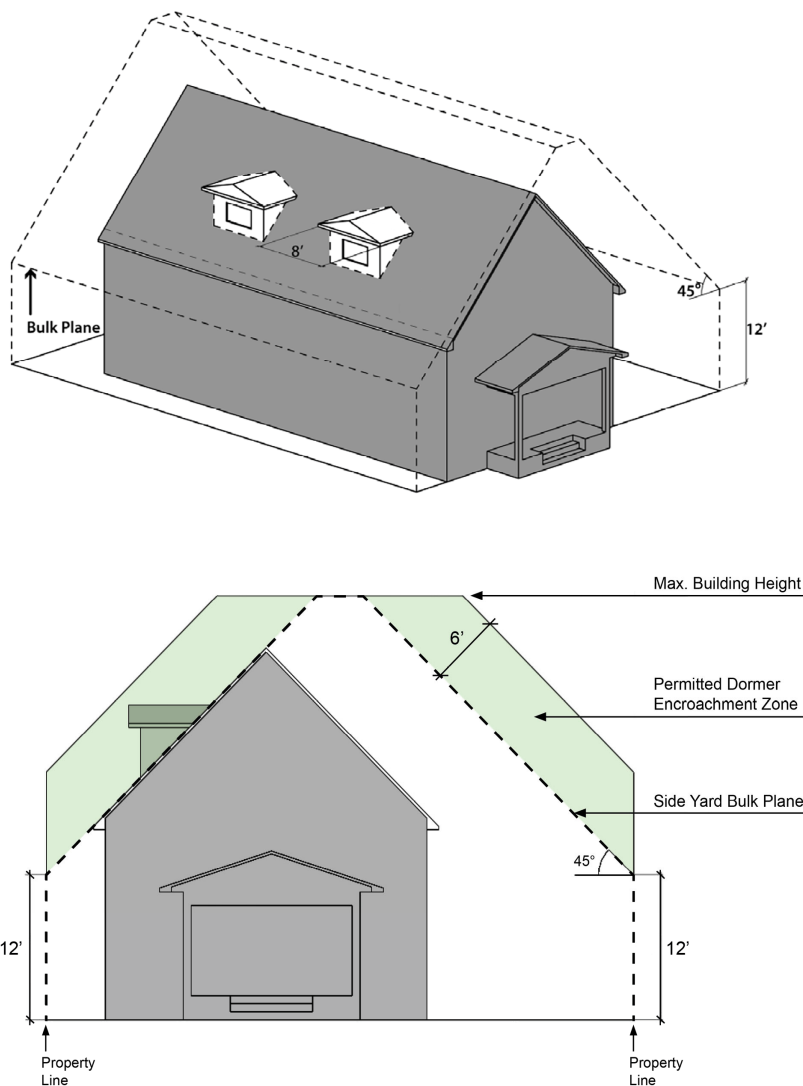
**Figure 7-132: Gable Roof End Encroachment into the Side Yard Bulk Plane**

The gable end of a sloping roof form may project through the side yard bulk plane by up to eight feet. Gable ends that project through the side yard bulk plane may be no more than forty feet wide.

(5) Dormers (see Figure 7-143), provided that:

(A) The highest point of any dormer is at or below the height of the primary roof ridge.

(B) The portion of any dormer that extends beyond the bulk plane limit does not exceed a maximum width of eight feet, including any roof overhang, and does not extend beyond the bulk plane more than six feet, measured as shown in Figure 7-143.



**Figure 7-143: Dormer Encroachment beyond the Side Yard Bulk Plane**

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### 9-7-10. Side Yard Wall Articulation.

...



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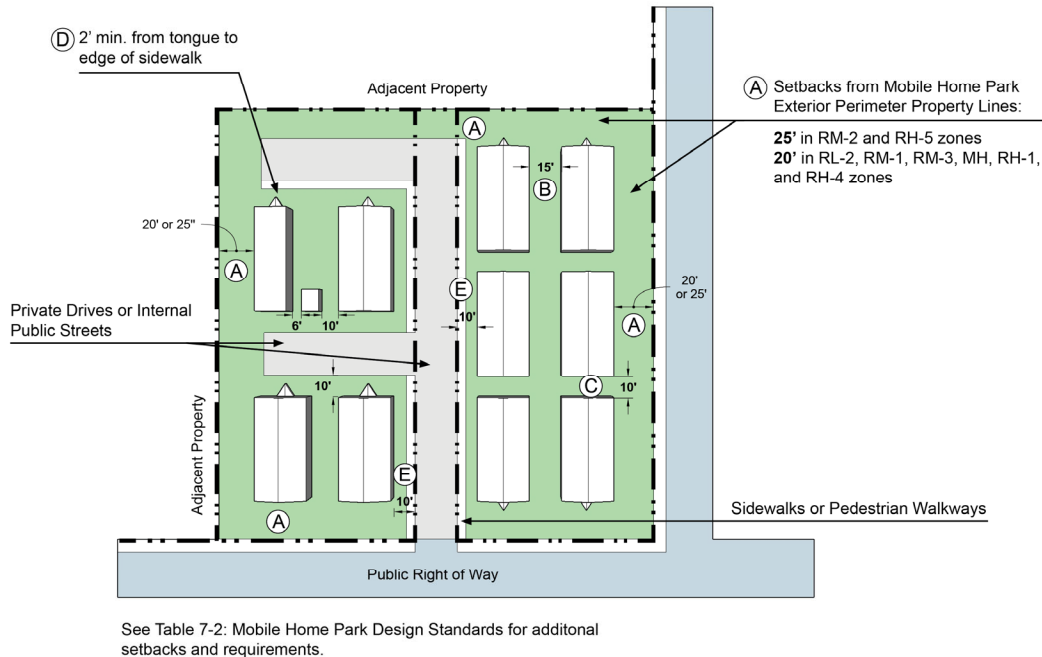
Section 20. Section 9-7-13, "Mobile Home Park Form and Bulk Standards," B.R.C.

1981, is amended to read as follows:

**9-7-13. Mobile Home Park Form and Bulk Standards.**

No person shall establish or maintain a mobile home park or mobile home on a lot within a mobile home park except in accordance with the following standards:

...



**Figure 7-165: Mobile Home Park Setback & Separation Standards**

*The minimum setback from the exterior perimeter property lines of the mobile home park depends on the zoning district. All other setback requirements apply in all mobile home parks. The required setback from a private drive or internal public street is measured from the edge of pavement. The required tongue setback is measured to the edge of the sidewalk or pedestrian walkway. See Table 7-2 for corresponding setbacks and separation standards.*

...

Section 21. Section 9-8-3, "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7

Districts," B.R.C. 1981, is amended to read as follows:

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

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

...

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

(A) The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and

(B) In the RR-1 and RR-2 zoning districts, the lot or parcel is at least 7,500 square feet, or

(C) In the RL-1 zoning district, the lot or parcel is at least 3,500 square feet.

...

Section 22. Section 9-9-2, "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.

...

(d) Zoning Standards for Lots in Two or More Zoning Districts:

(1) Uses: Existing buildings located in more than one zoning district shall ~~be regulated according to the~~ meet the applicable use standards for the zoning district in which the majority of the existing building is located. ~~Any building additions or site improvements shall be regulated according to the zoning district in which such additions or improvements are located. In the event that~~ If an existing

building is split in half between two zoning districts, the city manager shall determine which zoning district's use standards shall apply based upon the historic use of the building and the character of the surrounding area.

(2) Form, Bulk, and Intensity: On lots or parcels located in two or more zoning districts, any building additions or site improvements shall meet the form, bulk, and intensity standards of the zoning district where additions or improvements are located.

(e) Entire Use Located on One Lot: All lot area, open space, off-street parking area, or yard requirements must be met on the lot or parcel creating the requirement for each building and use ~~No person shall include as part of a lot area, open space, off-street parking area, or yard required by this title for any building or use any part of a lot area, open space, off-street parking area, or yard required by this title for any other building or use, unless modified~~ approved under the provisions of Section 9-2-14, "Site Review," B.R.C. 1981.

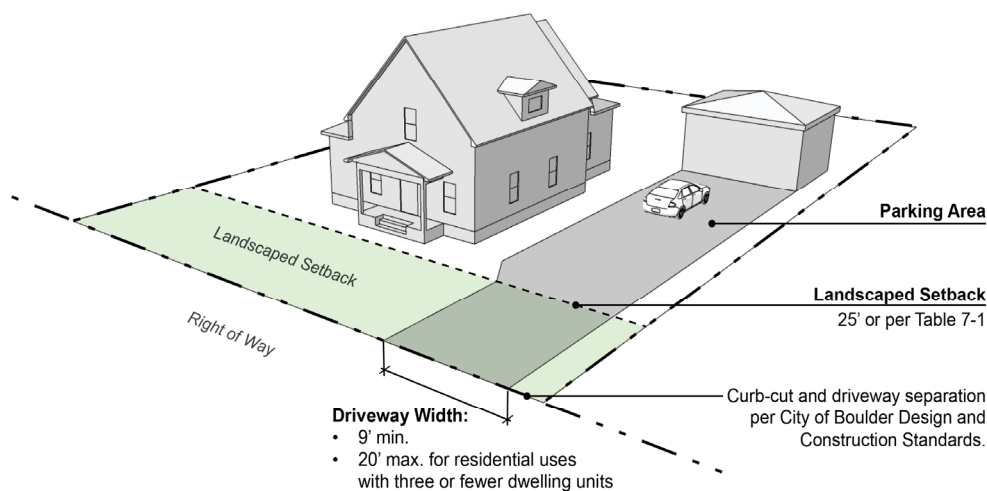
Section 23. Section 9-9-5, "Site Access Control," B.R.C. 1981, is amended to read as follows:

#### **9-9-5. Site Access Control.**

...

(c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and Construction Standards and the following standards and criteria:

...



**Figure 9-1: Driveway Width**

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(9) Modification: The standards of this section may be modified under the process of Section 9-2-14, "Site Review," B.R.C. 1981.

(10) Exceptions: The city manager may grant an exception to the requirements of this section ~~may be modified~~ under the provisions of Section 9-2-14~~2~~, "Site Administrative Review," B.R.C. 1981, to provide for safe and reasonable access. Exceptions to this section may be made if the city manager determines that following criteria are met:

...  
Section 24. Section 9-9-6, "Parking Standards," B.R.C. 1981, is amended to read as follows:

**9-9-6. Parking Standards.**

(a) Rationale: The intent of this section is to provide adequate off-street parking for all uses, to prevent undue congestion and interference with the traffic carrying capacity of city streets, and to minimize the visual and environmental impacts of excessive parking lot paving.

**TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
Large daycare (less than 50 children)	Determined through review; parking needs of the use must be adequately served through on-street or off-street parking
Nonresidential uses in General Improvement Parking Districts	No parking required
Restaurant, brewpub, or tavern - outside of retail centers greater than 50,000 square feet	Indoor Seats: 1 space per 3 seats.
	Outdoor Seats:
	1. If outdoor seats do not exceed 20% of the indoor seats, no additional parking is required.
	2. For the portion of the outdoor seats exceeding 20% of indoor seats: 1 space per 3 seats.
	3. Notwithstanding the requirements of (1) and (2) above, the following applies to uses that are

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		nonconforming as to parking for indoor seats and the sole principal use of the site: No additional parking is required if the number of outdoor seats does not exceed 60% of the existing number of parking spaces on the site.
	Retail centers over 50,000 square feet of floor area that:	Less than 30 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 250 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
	i) Are under common ownership, or	
	ii) management, or	30 percent or more and less than 60 percent of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 175 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
	iii) Are approved through a common site review approval, and	
	iv) Contain a mix of some or all of the following uses: retail, commercial, office, restaurants, brewpubs, and taverns, which	
	v) together comprise more than 50 percent of the total floor area, and	60 percent or more of the total floor area is occupied by restaurants, taverns, or brewpubs: 1 space per 100 square feet of floor area for retail, commercial, and office uses and restaurants, brewpubs, and taverns.
	vi) Where written consent of all property owners within the retail center are included with the application.	This use-specific parking standard shall not apply to other uses for which a use-specific parking standard is created in this Table 9-4 or to uses other than retail, commercial, and office uses, restaurants, brewpubs, and taverns. For those uses, parking shall be provided as required for each such use under this Section 9-9-6, B.R.C. 1981, and in addition to the requirement above.
	Restaurants in a regional park	Determined through review; parking needs of the use must be adequately served through on-street or off-street parking.
	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
	Theater	Greater of 1 parking space per 3 seats, or the parking ratio for the zone district
	Fuel service station	General ratio for the use zone plus storage of 2 vehicles per service bay
	Religious assembly:	(See Paragraph (f)(38)(C) of this section for permitted parking reductions)
	a. Religious assemblies created prior to 9/2/1993	1:300
	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

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		the largest room plus any adjacent rooms that could be used as part of the assembly area
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
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
Small recycling collection facility		1 space for attendant if needed
Large recycling collection facility		General parking ratio for the zone plus 1 space for each commercial vehicle operated by the facility
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
Warehouse or distribution facility or uses in industrial zones with accessory warehouse spaces		1 space per 1,000 square feet of floor area used for warehousing or storage of goods, merchandise, or equipment. Parking for floor area used for associated office space or production areas and not for warehousing or storage as outlined above shall be provided consistent with Table 9-3.
Self-service storage facility		3 spaces for visitor parking, plus parking for any floor area used as office space or otherwise not used for self-service storage shall be provided consistent with Table 9-3.
Airport and aircraft hangers		1 space per outside airplane or glider tie down space;
		1 space per 1,000 square feet of floor area of private airplane hangar space (with or without external or internal walls);
		1 space per 2,000 square feet of floor area of commercial or executive airplane hangar space; and
		Parking for floor area used as office space or otherwise not used for airport hanger shall be provided consistent with the requirements of Table 9-3.

...

## (d) Motor Vehicle Parking Design Standards:

...

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(3) Drive Aisles:

- (A) There is a definite and logical system of drive aisles to serve the entire parking area. Drive aisles shall have a minimum eighteen-foot width clearance for two-way traffic and a minimum ~~ten-foot~~ ten-foot width clearance for one-way traffic unless the city manager finds that the parking stalls to be served require a greater or lesser width. A physical separation or barrier, such as vertical curbs, may be required in order to separate parking areas from the travel lanes. (See Figure 9-4 of this section.)

...

Section 25. Section 9-9-11, "Useable Open Space," B.R.C. 1981, is amended to read as follows:

**9-9-11. Useable Open Space.**

- (a) Purpose of Open Space: The purpose of useable open space is to provide indoor and outdoor areas for passive and active uses to meet the needs of the anticipated residents, tenants, employees, customers and visitors of a property, and to enhance the environment of a development or building. Open space can be used to:

...

- (b) Open Space Requirements: Open space shall be provided in the quantities specified in Chapter 9-8, "Intensity Standards," B.R.C. 1981.

...

- (c) Types of Useable Open Space: Useable open space includes:

...

- (5) Exterior paved surfaces, except public sidewalks less than five feet in width and those paved areas specifically prohibited in subsection (i) of this section, may be used as open space subject to meeting the following additional standards:

...

- (B) The paved areas shall be accessible and open for use by the tenants, occupants or visitors of the building. To enhance the use of such areas, the paved areas shall include passive recreation amenities which include, without limitation, benches, tables, outdoor short-term bicycle parking areas, ornamental lighting, sculpture, landscape planters or movable planting containers, trees, tree grates, water features, or active recreation

amenities which include, without limitation, areas for basketball, volleyball or racquet sports.

(f) Special Open Space Requirements Applicable to Residential Uses: Useable open space for residential uses also includes:

...

(6) In the BMS, MU, IMS, ~~and BR-2~~, and DT zoning districts, individual balconies, decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony, deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area. In the BR-2 zoning district, the dimensions and locations of private open space may be varied if the private open space adequately meets the needs of the occupants of the dwelling units and is approved as part of a site review pursuant to section 9-2-14, "Site Review," B.R.C. 1981.

...

Section 26. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, is amended to read as follows:

**9-10-3. Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.**

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

(a) Nonstandard Buildings and Structures:

...

(2) Maintaining a Nonstandard Setback: If a foundation and the exterior walls above it that encroach into a required setback are removed and replaced, such foundation and wall shall be reconstructed in compliance with Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981. As part of any activity requiring a building permit, in order to maintain a nonstandard setback, at a minimum, the applicant shall:

(A) Retain the exterior wall and the existing foundation that it rests upon. The exterior wall shall, at a minimum, retain studs and retain either the inner or exterior sheathing of the exterior wall. Interior sheathing includes, without limitation, plaster, ~~dry wall~~ drywall, or paneling; or

...

(b) Nonstandard Lots or Parcels:

- (1) Development Requirements: Vacant lots and parcels in all residential districts ~~except RR-1 and RR-2 which~~ that are smaller than the minimum lot size area indicated in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, ~~but larger than one-half of the required zoning district minimum lot size,~~ may be developed with a detached dwelling unit or, if in the RR and RL-1 zoning districts, pursuant to the standards in Subsection 9-8-3(~~ab~~), "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981, with a duplex or two detached dwelling units, if the following criteria are met:
- a. The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981; and
- b. In RR-1 and RR-2 districts, the lots or parcels is at least 7,500 square feet, or which are smaller than the minimum lot size but larger than one-fourth of the minimum lot size may be 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 meet the setback requirements.
- c. In all other zoning districts, the vacant lots which are is below- at least one-half of the required minimum lot size area for the zoning district shall not be eligible for construction of principal buildings.

...

Section 27. Section 9-12-5, "Minor Subdivision," B.R.C. 1981, is amended to read as follows:

**9-12-5. Minor Subdivision.**

- (a) Scope: A minor subdivision is a division of residentially zoned land that is already served by city services, will not require ~~the extension of streets or any~~ public improvements and will not result in more than one additional lot.
- (b) Standards for Minor Subdivisions: The approving authority will approve a minor subdivision after finding that the following standards have been met: ~~Limitations: The provisions of this section shall not apply to a replat that:~~
- (1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
- (2) The resulting lots will contain either no more than two detached dwelling units or one duplex per lot as allowed under this title;

- 1       (3)     The division of land will create no more than one additional lot;
- 2       (41)    ~~The subdivision does not r~~Requires any modifications-waivers pursuant to  
3       Subsection 9-12-12(b), "Standards for Lots and Public Improvements Waiver of  
4       Lot Standards," B.R.C. 1981;
- 5       (52)    ~~The subdivision does not r~~Requires the dedication of public or private access  
6       easements or public right-of-way for new streets, alleys or shared access  
7       driveways;
- 8       (63)    ~~The subdivision does not r~~Requires the extension of a construction of any public  
9       improvement such as a street, alley, sidewalk, water main or sewer main; or  
10       requires any engineering plans, including but not limited to drainage reports for  
11       any public or private improvement;
- 12       (7)     The subdivision does not require a drainage report for any public or private  
13       improvement;
- 14       (84)    ~~The subdivision is not~~ Is located on lands containing slopes of fifteen percent or  
15       greater;
- 16       (95)    ~~The subdivision does not r~~Requires the removal of an existing principal building;  
17       or
- 18       (10)    If the minor subdivision is a replat of a previously approved subdivision, the  
19       document is named with the same name as that part of the original subdivision  
20       and indicates that it is a replat of the original subdivision. Newly adjusted or  
21       created lots are designed to adequately indicate that original lot lines have been  
22       adjusted with a similar lot name;
- 23       (11)    The lots and existing structures will comply with the lot standards of Section 9-  
24       12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar  
25       access requirements of Section 9-9-17, "Solar Access," B.R.C. 1981; and
- 26       (12)    No portion of the property is located in the high-hazard zone or the conveyance  
27       zone.
- 28       (6)     ~~Is located in a nonresidential zone district described in Section 9-5-2, "Zoning~~  
29       ~~Districts," B.R.C. 1981.~~
- 30       (c)     Application Requirements: The subdivider shall submit to the City the following items:
- 31       (1)     An application for a minor subdivision on a form provided by the city manager  
32       and the fee prescribed by Section 4-20-43, "Development Application Fees,"  
33       B.R.C. 1981;

- 1 (2) A preliminary plat meeting all of the requirements of Section 9-12-6,  
2 "Application Requirements for a Preliminary Plat," B.R.C. 1981;
- 3 (3) A final plat meeting all of the requirements of Section 9-12-8, "Final Plat,"  
4 B.R.C. 1981;
- 5 (4) A title commitment or attorney memorandum based upon an abstract of title,  
6 current as of the date of submitting the minor subdivision;
- 7 (5) A lot line and boundary verification required by Section 9-12-9, "Lot Line and  
8 Boundary Verification," B.R.C. 1981, if the requirements of Section 9-12-9, "Lot  
9 Line and Boundary Verification," B.R.C. 1981, have not been met on the original  
10 plat; and
- 11 (6) A shadow analysis for any existing buildings that is drawn in compliance with  
12 Section 9-9-17, "Solar Access," B.R.C. 1981, and any other standards as may be  
13 required by the city manager.
- 14 (d) Notice Requirements: The subdivider shall satisfy the notice requirements in section 9-  
15 12-7, "Staff Review and Approval of Preliminary Plat," B.R.C. 1981.
- 16 ~~(e) Standards for Minor Subdivisions: The city manager will approve the minor subdivision~~  
17 ~~after finding that the following standards have been met:~~
- 18 ~~(1) The land is in a residential zoning district described in Section 9-5-2, "Zoning~~  
19 ~~Districts," B.R.C. 1981;~~
- 20 ~~(2) The division of land will create no more than one additional lot;~~
- 21 ~~(3) The division of land will not require the extension of any public improvements,~~  
22 ~~including, without limitation, the extension of roads or utilities to serve the~~  
23 ~~property;~~
- 24 ~~(4) If the minor subdivision is a replat of a previously approved subdivision, the~~  
25 ~~document shall be named with the same name as that of the original subdivision~~  
~~and shall indicate thereon that it is a replat of the original subdivision. Newly~~  
~~adjusted or created lots shall be designated to adequately indicate that original lot~~  
~~lines have been adjusted with a similar lot name; and~~
- 26 ~~(5) The lots and existing structures will comply with the lot standards of section 9-12-~~  
~~12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar~~  
~~access requirements of section 9-9-17, "Solar Access," B.R.C. 1981.~~
- 27 ~~(f) Existing Streets or Alleys, Dedication and Vacation of Easements: Right-of-way~~  
~~necessary to bring an existing street or alley up to a current City standard, or public~~  
~~easements for utilities or sidewalks may be dedicated on a minor subdivision plat. The~~  
~~City may approve the vacation of City utility easements on the replat.~~
- 28 ~~(g) Minor Subdivision Review Procedure: If the final plat and the required plans,~~  
~~specifications, agreements, and guarantees meet the requirements of this code, the City of~~

Boulder Design and Construction Standards, and other ordinances of the City or requirements determined by the city manager to be necessary to protect the public health, safety, or welfare, the manager shall approve the final plat in accordance with the procedure set forth in Section 9-12-10, "Final Plat Procedure," B.R.C. 1981. ~~If there are no public improvements associated with the minor subdivision, the city manager can waive the requirements for a subdivision agreement. A subdivision agreement is not required for a minor subdivision.~~

Section 28. Section 9-14-8, "Definitions," B.R.C. 1981, is amended to read as follows:

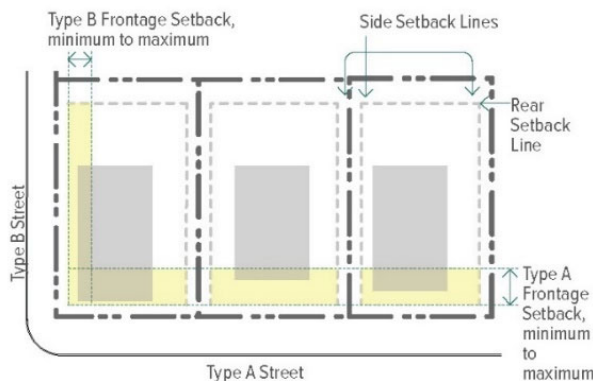
## 9-14-8. DEFINITIONS

The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this chapter unless a term is defined different in this chapter or the context clearly indicates otherwise. For the purposes of this chapter, the following terms shall have the following meanings:

(c) **Coverage, Impervious.** Impervious coverage means the percentage of a lot or parcel developed with principal or accessory structures or other impervious surfaces.

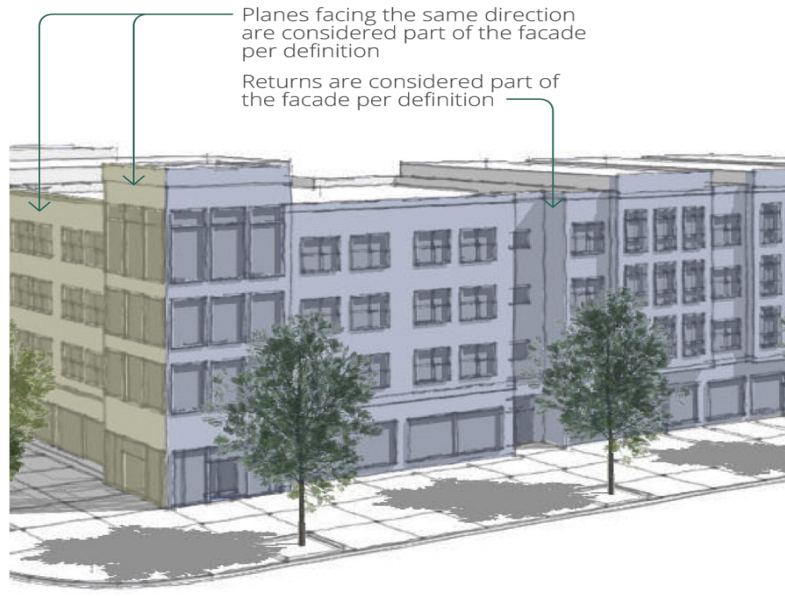
(d) **Coverage, Semi-pervious.** Semi-pervious coverage means the percentage of a lot or parcel developed with semi-pervious surfaces.

(ee) **Expression Line.** Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or recessed at least two inches from the exterior facade of a building. Vertical elements may include a column, pilaster, or other vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other horizontal ornamentation and projections. Expression lines are typically utilized to delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections. Expression lines are also subject to the following:



**Figure 14-10. Minimum and Maximum Frontage Setback Lines**

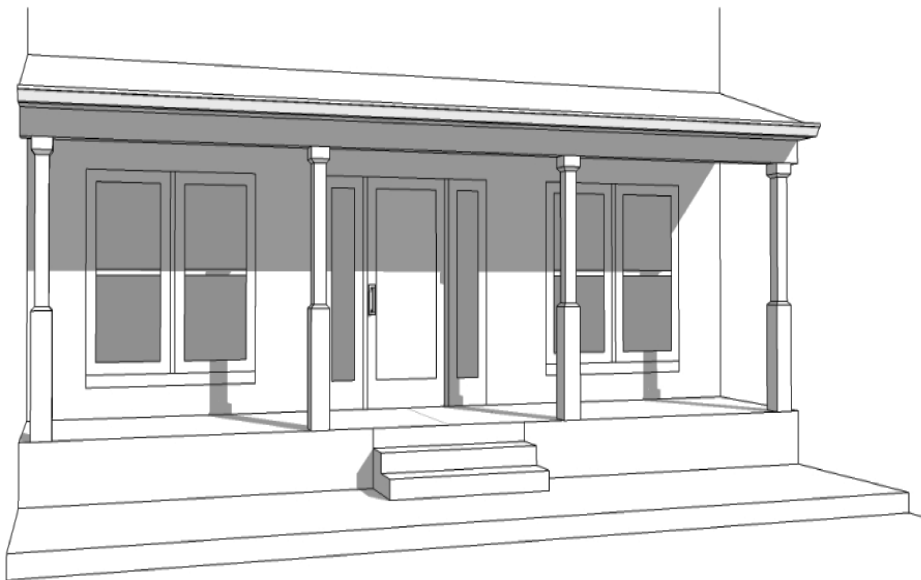
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**Figure 14-11. Facade Definition**

- (f) **Facade.** Facade means the exterior walls of a building exposed to public view and includes walls as shown in Figure 14-11. Facade Definition.
- (g) **Frontage Setback.** Frontage setback means a minimum and maximum setback and is the area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The frontage setback dictates the minimum and maximum distance a structure may be placed from a lot or parcel line, easement, or outdoor space in accordance with the measurement requirements of Subsection 9-14-2(b), Frontage Setback,” B.R.C. 1981. Refer to Figure 14-10. Minimum and Maximum Frontage Setback Lines, and Figure 14-11. Facade Definition.
- ~~(f) **Impervious Site Coverage.** Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.~~
- (h) **Major Material.** Major material means a façade material meeting the standards for major materials established in Section 9-14-28 "Façade Materials," B.R.C. 1981.
- (i) **Minor Material.** Minor material means a façade material meeting the standards for minor materials established in Section 9-14-28, "Façade Materials," B.R.C. 1981.
- (j) **Mobility Hub.** Mobility hub means a designated, easily accessible outdoor space where people can access and transfer between multiple transportation modes, such as public transit, bike share, ride-share, taxis, and micromobility devices.

- (kj) **Occupied Building Space.** Occupied building space means interior building spaces regularly occupied by the building users. It does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.
- (lk) **Parking Yard.** Parking yard means an area extending from the rear building facade to the rear property line between the side yards or, on a corner property, between the street adjacent side and side yards. Parking yards are fully screened from Type A frontages by the building and do not extend to any side lot line or street lot line.
- (ml) **Paseo.** Paseo means a path designed for use by pedestrians and by vehicles that may generally be operated on a sidewalk in the city. The paseo is located mid-block, allowing pedestrian movement through the block from one street to another without traveling along the block's perimeter.
- ~~(m) **Permeable Surface.** Permeable surface means a surface that allows water and air to permeate through it, for example, soil or a semi-pervious material.~~
- (n) **Porch.** Porch means a roofed, raised structure at the entrance to the building, providing a transition between the interior of the building and the exterior yard or adjacent sidewalk. Refer to Figure 14-12. Example of a Porch.
- (o) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- ~~(p) **Semi-Pervious Surface or Material.** Semi-pervious surface or material means a material such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for absorption of water into the ground or roof.~~



**Figure 14-12. Example of a Porch**

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**Figure 14-13. Example of a Stoop**

- (pq) **Stoop.** Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. A stoop may be covered by a canopy or awning. Refer to Figure 14-13. Example of a Stoop.
- (qr) **Story, Ground.** Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C. 1981, for a definition for basement.
- (rs) **Story, Half.** Half story means either a story in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
- (st) **Story, Upper.** Upper story means a story located one story or more above the ground story of a building.
- (tw) **Streetwall.** Streetwall means the portion of the building façade that is located generally parallel to and facing the street right-of-way line. Refer to definition of facade.
- (uv) **Street Yard.** Street yard means any yard located between the principal building and a street right-of-way.
- (v) **Surface, Permeable.** Permeable surface means a non-paved, landscape surface that allows water and air to freely permeate to the ground including, without limitation, soil, mulch, turf, and planting areas.

(w) **Surface, Semi-Pervious.** Semi-pervious surface means a porous surface or material that allows for water to pass through the soil including, without limitation, permeable pavers, permeable concrete, and a green roof.

(x) **Surface, Impervious.** Impervious surface means solid surface or material that prevents the absorption of water into the soil including, without limitation, asphalt, concrete, and building elements designed to shed water.

(yw) **Transparency.** Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows with

(1) on a storefront base, a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, and

(2) on any façade other than a storefront base, a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.

(zx) **Type A Frontage.** Type A frontage means a frontage along a Type A street or other feature as defined in this chapter that receives priority over other frontages in terms of locating principal entrances, prioritizing facade design elements, and incorporating design requirements associated with pedestrian orientation.

(ay) **Type A Street.** Type A street means a street designated on the regulating plan that receives priority over other streets in terms of setting front lot lines and locating building entrances.

(abz) **Type B Frontage.** Type B frontage means a frontage along a Type B street or other feature as defined in this chapter that allows for a lower level of facade treatment as well as permits limited locations for garage and parking lot driveway entrances.

(aca) **Type B Street.** Type B street means a street designated on the regulating plan that receives lower priority than Type A street in terms of building frontage and facade requirements; it allows for a lower level of facade treatment as well as permits locations for garage and parking lot driveways entrances.

(adb) **Type C Frontage.** Type C frontage means a frontage along a Type C street or other feature as defined in this chapter that allows for a lower level of façade treatment as well as typically permits limited locations for multiple garage and parking lot driveway entrances.

(aee) **Type C Street.** Type C street means a street designated on the regulating plan that receives lower priority than Type A and Type B street in terms of building frontage and facade requirements.

(afd) **Visible Basement.** Visible basement means a half story partially below grade and partially exposed above.

(age) **Yard Definition.** Yard is defined in Section 9-16-1, “General Definitions,” B.R.C. 1981. For the purposes of this chapter, the following standards shall supplement and, where inconsistent, supersede the definition of Section 9-16-1, B.R.C. 1981:

...

Section 29. Section 9-14-10, “Streetscape and Paseo Design Requirements,” B.R.C. 1981, is amended to read as follows:

#### **9-14-10. STREETSCAPE AND PASEO DESIGN REQUIREMENTS**

(a) **General Requirements.** In addition to the requirements of the Boulder Revised Code and the City of Boulder Design and Construction Standards, the streetscape of all new and existing streets, and the design of all paseos and enhanced paseos shall meet the standards of this section.

...

(3) **Additional Design Requirements.** The streetscape and paseo design shall meet the following standards:

...

(D) **Permeable Surface Area for Trees.** For each tree planted, permeable surface area shall be provided meeting the minimum size requirements established in Table 14-1. Permeable surface means the ground surface above the tree’s critical root area that allows water and air to penetrate down to the roots.

(i) Per Tree. Permeable surface area for one tree shall not count towards that of another tree.

(ii) Suspended Pavement System. When the required permeable surface area of a tree extends below any ~~non-permeable~~ impervious hardscape, a modular suspended pavement system, such as (Silva Cells, Root Space, or an ~~approved~~ approved-equivalent system,) shall be used below that hardscape to ensure root growth and access to air and water.

...

Section 30. Section 9-14-11, “Site Design Requirements,” B.R.C. 1981, is amended to read as follows:

## 9-14-11. SITE DESIGN REQUIREMENTS

(a) **Site Access.** Site access locations shall be consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, except as modified below:

...

(b) **Street Yard Design.** Street yards, including courtyards and streetscape plazas designed to meet the requirements of Subsection 9-14-14(h), "Required Streetwall Variation," B.R.C. 1981, shall be designed consistent with the following:

...

(3) **Trees.** At least one tree is planted for every 1,000 square feet of any street yard, courtyard, or streetscape plaza area, located in planting areas or tree wells. Street yard trees meet the minimum permeable surface area requirements in Paragraph 9-14-10(a)(3)(D), B.R.C. 1981.

...

(c) **Yards and Setbacks.** Setbacks and yards, with the exception of street yards, courtyards, street yard plazas, parking areas, driveways, loading zones, mechanical equipment, and refuse and recycling areas, shall meet the following standards:

(1) **Trees.** To the extent practical and achievable, trees shall be planted at a minimum of one per 1,500 square feet, located in planting areas or tree wells.

(2) **Landscape Areas.** Yards and setbacks shall be designed for a mix of paved and landscaped areas, consistent with the maximum impervious and semi-pervious coverage areas allowed per the building type.

...

Section 31. Section 9-14-12, "Outdoor Space Requirements," B.R.C. 1981, is amended to read as follows:

## 9-14-12. OUTDOOR SPACE REQUIREMENTS

(a) **Intent.** The intent of the outdoor space requirements is the provision of common outdoor spaces for gathering and socializing between neighbors as well as to provide breaks in the urban fabric of the area buildings. Outdoor spaces are intended to be directly accessible from the street and other public ways.

...

- (k) **Improvements.** When determining the specific improvement standards applicable to each outdoor space type, the following shall apply:

...

- (6) **Maximum Impervious and Semi-Pervious Surface.** Limitations on impervious and semi-pervious surfaces are provided separately for each ~~open outdoor space~~ type to allow an additional amount of semi-pervious surface area, ~~such as permeable paving, above the maximum permitted impervious surfaces area permitted, including, but not limited to, sidewalks, paths, and structures as permitted.~~

...

**Table 14-3. PLAZA REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.10 acres
Maximum Size	1 acre
Minimum Dimension	80 feet
Minimum Percentage of Street or Public Way Frontage Required	25%
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum <u>Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface</u>	60%+ 20%
Maximum Percentage of Open Water	30%

...

- (n) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be

designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

**Table 14-4. GREEN REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.25 acres
Maximum Size	2 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Impervious Surface + Semi-Pervious Surface	20% + 15%
Maximum Percentage of Open Water	30%

...

- (o) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

**Table 14-5. COMMONS REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet

Minimum Percentage of Street or Public Way Frontage Required	0%; requires a minimum of two access points (minimum 20 feet wide)
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Not permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space that is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%

- ...
- (p) **Pocket Park.** The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza.

**Table 14-6. POCKET PARK REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.10 acres
Maximum Size	1
Minimum Dimension	None
Minimum Percentage of Street Frontage Required	30%
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Required
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted

Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface <del>Impervious Surface + Semi- Pervious Surface</del>	30% + 10%
Maximum Percentage of Open Water	30%

- ...
- (q) **Park/Greenway.** The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

**Table 14-7. PARK/GREENWAY REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size
<b>Improvements</b>	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface <del>Impervious Surface + Semi- Pervious Surface</del>	20% + 10%
Maximum Percentage of Open Water	50%

Section 32. Section 9-14-14, "Requirements Applicable to all Building Types," B.R.C. 1981, is amended to read as follows:

## **BUILDING TYPES**

### **9-14-14. REQUIREMENTS APPLICABLE TO ALL BUILDING TYPES**

- (a) **Purpose.** The purpose of the building type requirements is to establish standards for building design, building form, siting of buildings, and specific uses based on the building type that may be utilized on a property pursuant to the applicable regulating plan or as otherwise authorized.

(m) **Modifications.** The approving authority may approve the following modifications to building type requirements if it finds the proposed design substantially meets the intent of the requirement being modified:

(1) **Building Location.** The location of the building within up to one foot from any minimum setback or frontage setback width or location requirement.

(2) **Impervious Coverage.** Up to a ten percent increase in total impervious coverage, not to exceed the total amount of allowed impervious plus semi-pervious coverage.

(3) **Type A Frontage Streetwall.** For the commercial storefront building only, up to ten percent decrease in Type A frontage streetwall requirements.

(4) **Story Height.** An additional height of any floor-to-floor story height up to two feet, provided the overall building height does not exceed the maximum permitted height.

(5) **Transparency.** Up to two percent reduction of the required transparency on a non-Type A frontage facade; and up to four square feet increase of the blank wall area limitation of paragraph 9-14-26(g)(2) on a non-Type A frontage facade.

Section 33. Section 9-14-16, “Main Street Storefront Building Type,” B.R.C. 1981, is amended to read as follows:

#### 9-14-16. MAIN STREET STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure 14-25.			
1	Type A Frontage Streetwall, minimum	90%	Refer to Subsection 9-14-14(g), B.R.C. 1981, for courtyard allowance.
2	Type A Frontage Setback, minimum to maximum	0 ft. to 5 ft.	Refer to Subsection 9-14-26(b), B.R.C. 1981, for measuring minimum and maximum setbacks.

3	<b>Type B Frontage Setback,</b> minimum to maximum	0 ft. to 5 ft.	
4	<b>Side Yard Setback,</b> minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	<b>Rear Yard Setback,</b> minimum	10 ft.; minimum 25 ft. if no alley; 0 ft. required at paseo or multi-use path	
6	<b>Building Length along any Type A &amp; B Frontage,</b> maximum	150 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
7	<b>Site Impervious Coverage,</b> maximum	70%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
8	<b>Additional Semi-Pervious Coverage,</b> <u>maximum</u>	25%	
9	<b>Surface or Accessory Parking Location</b>	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
10	<b>HEIGHT</b> Refer to Figure 14-26.		
11	<b>Overall:</b> Minimum Height Maximum Height	2 stories minimum 3 stories maximum and up to 40' in height north of Goose Creek and west of Junction Place; 5 stories maximum elsewhere up to 55'	Refer to subsection 9-14-26(e) for height measuring requirements and section 9-14-31 for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
12		Heights shown may be otherwise regulated by Section 9-14-6, "Regulating Plans," and/or Section 9-14- 7, "View Corridors," B.R.C. 1981	

10	Story: Minimum Height Maximum Height	9' 12'	Stories are measured floor to floor. Refer to subsection 9-14-26(f) for explanation of measurement.
		Refer to allowed base types for story height requirements in the ground story.	

...

Section 34. Section 9-14-17, “Commercial Storefront Building Type,” B.R.C. 1981, is amended to read as follows:

### 9-14-17. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure 14-28.			
1	Type A Frontage Streetwall, minimum	60% required	
2	Type A Frontage Setback, minimum to maximum	12 ft. to 20 ft. along Valmont and 30th Street; 0 ft. to 10 ft. along new streets	
3	Type B Frontage Setback, minimum to maximum	0 ft. to 10 ft.	
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Rear Yard Setback, minimum	15 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	
6	Building Length any Type A & B Frontage, maximum	90 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.

7	<b>Site Impervious Coverage, maximum</b>  <b>Additional Semi-Pervious Coverage, <u>maximum</u></b>	70%  25%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
8	<b>Surface or Accessory Parking</b>	Parking yard & interior side yard	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
<b>HEIGHT</b> Refer to Figure 14-29.			
9	<b>Overall:</b> Minimum Height Maximum Height	1 story 3 stories, 35 ft.	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint. 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
10	<b>Ground Story:</b> Minimum Height Maximum Height	12 ft. 18 ft.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.
11	<b>Story Height:</b> Minimum Height Maximum Height	9 ft. 14 ft.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.

...

Section 35. Section 9-14-18, “General Building Type,” B.R.C. 1981, is amended to read as follows:

### 9-14-18. GENERAL BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	ALPINE- BALSAM	EAST BOULDER	REFERENCES/ ADDITIONAL REQUIREMENTS
BUILDING SITING Refer to FIGURE 14-31.					
1	Type A Frontage Streetwall, minimum	90%	80%	80%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) for definition of required streetwall variation.
2	Streetwall Variation for Type A and Type B Frontages	--	--	Required for buildings over 180 ft. in width	
3	Type A Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	10 ft. to 25 ft.	Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.
4	Type B Frontage Setback, minimum to maximum	5 ft. to 10 ft.	5 ft. to 20 ft.	5 ft. to 20 ft.	
5	Type C Frontage Setback, minimum to maximum	--	--	0 to 15 ft.	
6	Side Yard Setback, minimum	5'; 0' required at paseo or multi-use path			For paseos and multi-use path locations, refer to the regulating plans and the connections plans for the form-based code area.
7	Rear Yard Setback, minimum	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path		15 ft.; 0 ft. required at paseo or multi-use path	
8	Building Length along Type A & B Frontage, maximum	150 ft.	65 ft. in General Mix 2 area; none in General	---	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.

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			Mix 1 area; refer to map, Figure 14-2.		
<b>9</b>	<b>Site Impervious Coverage, maximum</b>	70%	65%	65%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
	<b>Additional Semi-Pervious Coverage, maximum</b>	25%	25%	25%	
<b>10</b>	<b>Surface or Accessory Parking Location</b>	Parking yard only	No surface parking allowed	Parking yard only except limited side yard parking allowed in Valmont Park West, Valmont Park East, and Flatiron Business Park	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements.  Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.
<b>HEIGHT</b> Refer to FIGURE 14-32.					
<b>11</b>	Overall: Minimum Height	2 stories	2 stories	2 stories	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
	Maximum Height	3 stories, 40 ft. north of Goose Creek and west of Junction Place; 5 stories, 55 ft. elsewhere	3 stories and 35' without pitched roof; 3 stories and 55' with pitched roof; or 4 stories and 55'; see regulati	5 stories, 55 ft.	

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			ng plan for maximu m height location s		
	Location-Specific Maximum Height	Heights shown may be otherwise regulated by Section 9-14-6, B.R.C., "Regulating Plans," and/or Section 9-14-7, "View Corridors," B.R.C. 1981.			
12	All Stories:				Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of
	Minimum Height	9 ft.	9 ft.	9 ft.	
	Maximum Height	18 ft.	--	18 ft.	
		Base Types: See allowances for additional height within specific base types allowed, line of this table			measurement.

...

Section 36. Section 9-14-19, "Row Building Type," B.R.C. 1981, is amended to read as follows:

#### 9-14-19. ROW BUILDING TYPE

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

		BOULDER JUNCTION PHASE I	ALPINE- BALSAM	EAST BOULDER	REFERENCES/ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to FIGURE 14-34. For the purposes of the Row Building, a building consists of multiple vertical units.					
1	Type A Frontage Streetwall, minimum	80%	80%	65%	Each unit shall have a facade located within the frontage setback, except 1 of every 2 units may front a courtyard or outdoor space type. Courtyards, minimum 30 feet wide and 30

					feet deep, may count towards Type A streetwall.
2	Type A Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	Frontage setbacks are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access easement for sidewalk and streetscape is required or exists, or from the outside edge of any flood or drainage easement, where the frontage is along a flood or drainage area. Refer to subsections 9-14-26(b) for additional information.
3	Type B Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	
4	Side Yard Setback, minimum	7.5 ft.; 0 ft. required at paseo or multi-use path			
5	Rear Yard Setback, minimum	20 ft.; 30 ft. if no alley; 5 ft. for detached garage			
6	Building Length, minimum to maximum	3 to 6 units or 120 ft., whichever is less			
	Space between Buildings, minimum	10 ft.			
7	Site Impervious Coverage, maximum	60%	60%	60%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.
	Additional Semi-Pervious Coverage, <u>maximum</u>	20%	20%	20%	
8	Yard Area, minimum	225 square feet rear yard required for each unit not fronting a courtyard or outdoor space type.			
9	Surface or Accessory Parking Location	Parking yard only	Parking yard only	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14

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(j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

...

Section 37. Section 9-14-20, “Workshop Building Type,” B.R.C. 1981, is amended to read as follows:

### **9-14-20 WORKSHOP BUILDING TYPE**

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		EAST BOULDER	REFERENCES/ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to FIGURE 14-37.			
1	2	65%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) definition of required streetwall variation.
3	4	Required	
5	6	5 ft. to 25 ft.	Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.
7	8	5 ft.	
9	10	5 ft.	
11	12	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and section 9-14-6 for locations and details.
13	14	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	
15	16	70%	Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for semi-pervious coverage.
17	18	25%	
19	20	Limited side yard & parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening
21	22		

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			requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.
<b>HEIGHT</b> Refer to FIGURE 14-38.			
10	Overall: Minimum Height	1 story	Refer to Subsection 9-14-26(e), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981, allows additional height in a limited footprint.
	Maximum Height	3 stories, 55 ft.	
11	All Stories: Minimum Height Maximum Height	9 ft. 18 ft.	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.
		Base Types: See allowances for additional height within specific base types allowed, line of this table	

...

Section 38. Section 9-14-21, "Civic Building Type," B.R.C. 1981, is amended to read as follows:

#### **9-14-21. CIVIC BUILDING TYPE**

The Civic building type is not mapped on the regulating plans. It is permitted in any location in any of the form-based code areas except it is prohibited in East Boulder. The uses permitted in this building type are very limited. Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981.

	BOULDER JUNCTION PHASE I	ALPINE- BALSAM	REFERENCES/ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to FIGURE 14-40.			

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1	Minimum Type A Streetwall, minimum	None required	None required	
2	Type A Frontage Setback, minimum	20'	20'	
3	Type B Frontage Setback, minimum	15'	15'	
4	Side Yard Setback, minimum	15'; 0' required at paseo or multi-use path		For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Rear Yard Setback, minimum	15'; 0' required at paseo or multi-use path		
6	Building Length, maximum	None required	None required	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
7	Site Impervious Coverage, minimum	50%	50%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi- pervious coverage.
	Additional Semi-Pervious Coverage, <u>maximum</u>	20%	20%	
8	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection 9-14-11(a), B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
HEIGHT Refer to FIGURE 14-41.				
9	Overall: Minimum Height Maximum Height	1 story 5 stories up to 55'	1 story 5 stories up to 55'	Refer to Subsection 9-14-26(2), B.R.C. 1981, for height measuring requirements and Section 9-14-31, B.R.C. 1981, for building massing requirements. Subsection 9-14-25(g), "Towers," B.R.C. 1981,

				allows additional height in a limited footprint.
10	<b>All Stories:</b> Minimum Height Maximum Height	9' 18'; 24' on single story building	9' 18'; 24' on single story building	Stories are measured floor to floor. Refer to Subsection 9-14-26(f), B.R.C. 1981, for explanation of measurement.

...

Section 39. Section 9-14-26, "Measurement of Building Type Requirements," B.R.C.

1981, is amended to read as follows:

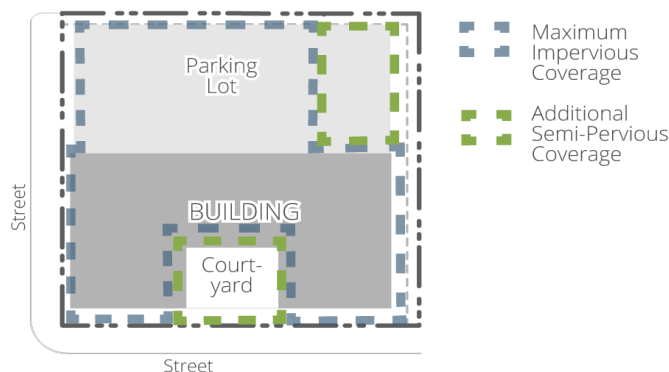
**9-14-26. MEASUREMENT OF BUILDING TYPE REQUIREMENTS**

The standards outlined in the tables in Sections 9-14-16 through 9-14-21, B.R.C. 1981, applicable to each building type, shall be measured and calculated consistent with the following standards:

...

(d) **Maximum Site-Impervious and Additional Semi-Pervious Coverage.** ~~Site-Impervious~~ and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 14-53. ~~Site-Impervious and Semi-Pervious Coverage.~~

- (1) **Maximum Site-Impervious Coverage.** The maximum ~~site~~-impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.
- (2) **Additional Semi-Pervious Coverage.** In addition to the allowable impervious coverage on a site, a maximum amount of additional semi-pervious coverage is permitted.



**Figure 14-53. Site-Impervious and Semi-Pervious Coverage**

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1 ...

2 Section 40. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as  
3 follows:

4 **9-16-1. General Definitions.**

- 5 (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title  
6 unless a term is defined differently in this chapter.
- 7 (b) Terms identified with the references shown below after the definition are limited to those  
8 specific sections or chapters of this title:
- 9 (1) Airport influence zone (AIZ).
  - 10 (2) Floodplain regulations (Floodplain).
  - 11 (3) Historic preservation (Historic).
  - 12 (4) Inclusionary housing (Inclusionary Housing).
  - 13 (5) Solar access (Solar).
  - 14 (6) Wetlands Protection (Wetlands).
  - 15 (7) Signs (Signs).
- 16 (c) The following terms as used in this title have the following meanings unless the context  
17 clearly indicates otherwise:

18 ...

19 ***A—E***

20 ...

21 *Boarding house* means an establishment subject to the City of Boulder Building Code  
22 where, for direct or indirect compensation, lodging, with or without meals, is offered for one  
23 month or more. A boarding house does not include a fraternity, ~~or~~ sorority, or detached dwelling  
24 unit.

25 ...

26 ***F—J***

27 ...

28 *Hostel* means a facility ~~for residence~~ that offers temporary lodging of under one month  
29 that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting,  
30 recreational, and educational use; that is chartered or approved by the International Hostel  
31 Federation or its national or regional affiliates, or similar organizations; and that is supervised by

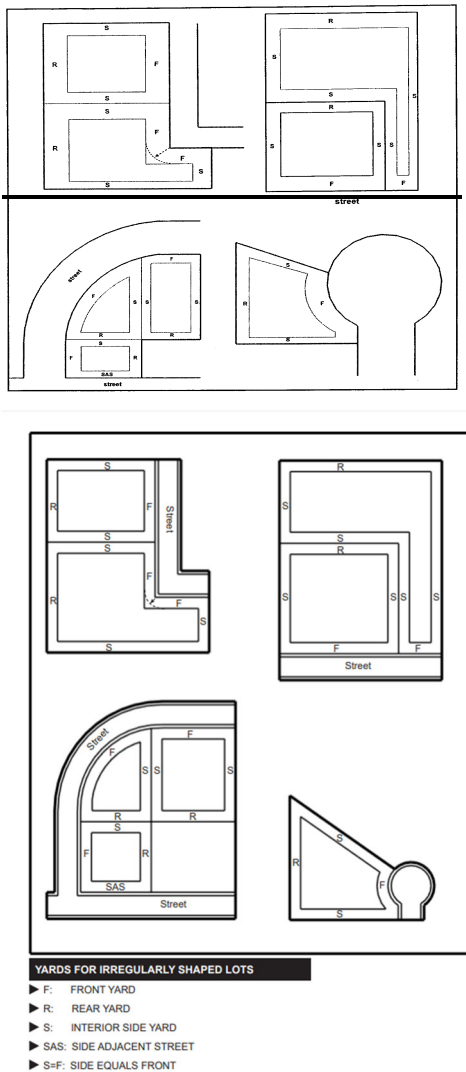
resident house-parents or managers who direct the guests' participation in the domestic duties and activities of the hostel.

...

## ***U—Z***

...

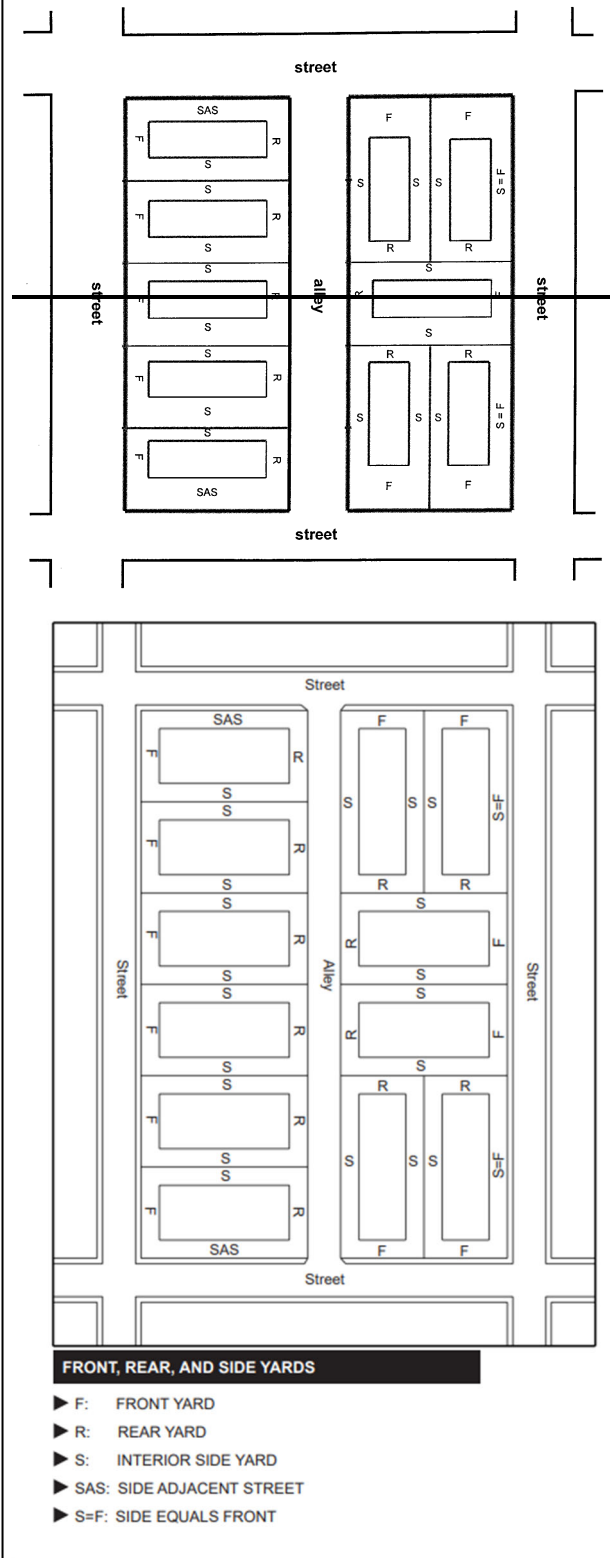
*Yard, front, rear, and side* means the open space between the buildings and the property lines at the front, rear, and sides of the property, respectively and consistent with Figures 16-4 and 16-5 of this section. On a corner lot, the open space adjacent to the shorter street right-of-way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. ~~(See Figures 16-4 and 16-5 of this section.)~~



**Figure 16-4: Yards for Irregularly Shaped Lots**

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To the extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.



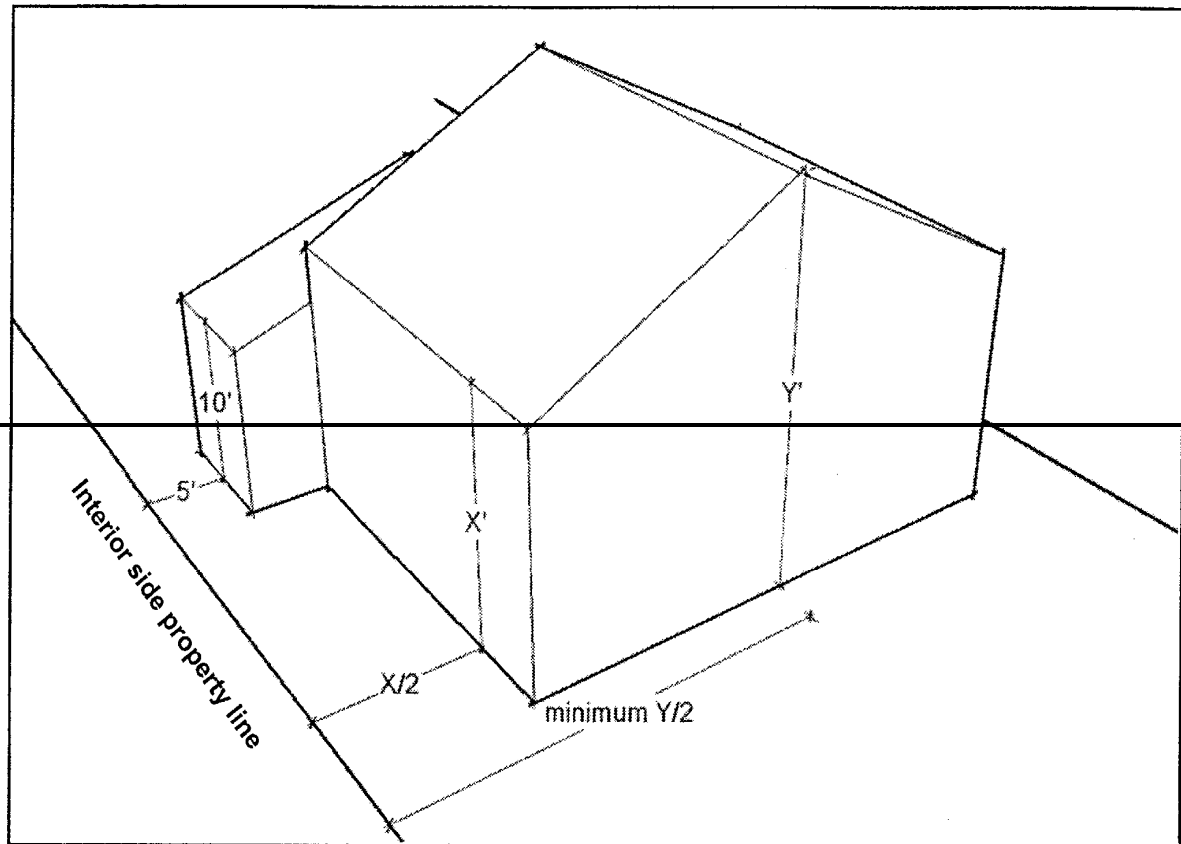
**Figure 16-5: Front, Rear, and Side Yards**

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1 F:— FRONT YARD  
 R:— REAR YARD  
 2 S:— INTERIOR SIDE YARD  
 SAS:— SIDE ADJACENT STREET  
 3 S=F:— SIDE EQUALS FRONT

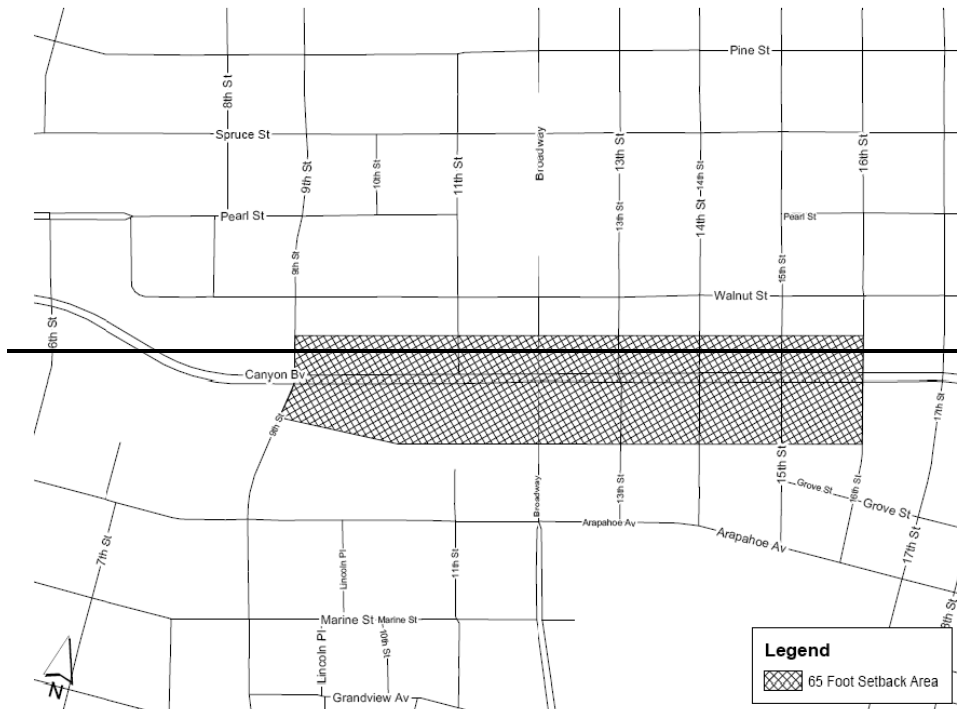
4 Section 41. Appendix B in Chapter 16, “Definitions,” B.R.C. 1981, is repealed and  
 5 reserved as follows:

6 **APPENDIX B. SETBACK RELATIVE TO BUILDING HEIGHT RESERVED**

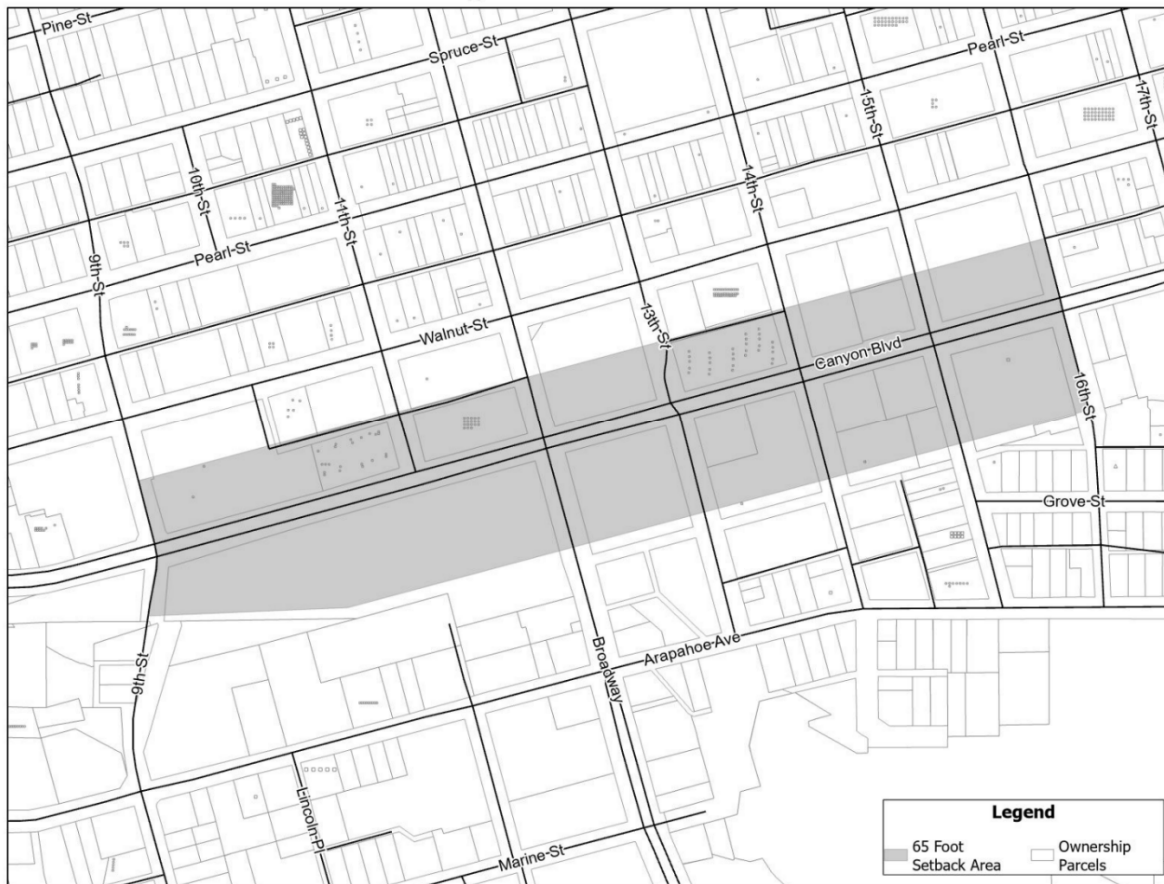


20 Section 42. Appendix I in Title 9, “Land Use Code,” B.R.C. 1981, is amended to read as  
 21 follows:

22 **Appendix I – FORM AND BULK STANDARDS**



Appendix I - Form and Bulk Standards



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Section 43. Section 10-2-2, "Adoption of International Property Maintenance Code With Modifications," B.R.C. 1981, is amended to read as follows:

**10-2-2. Adoption of International Property Maintenance Code With Modifications.**

(a) The 2024 edition of the *International Property Maintenance Code* (IPMC) of the International Code Council is hereby adopted by reference as the City of Boulder Property Maintenance Code and has the same force and effect as though fully set forth in this chapter, except as specifically amended for local application by this chapter.

...

**APPENDIX C  
ENERGY EFFICIENCY REQUIREMENT  
EXISTING RESIDENTIAL RENTAL STRUCTURES  
ENERGY CONSERVATION**

**C101**

**SCOPE**

**C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy efficiency. ~~Effective January 2, 2019, the~~ The energy efficiency requirements of this section ~~shall~~ apply to all residential rental dwelling units licensed according to Chapter 10-3, "Rental Licenses," B.R.C. 1981, except:

1. Buildings that can be verified as meeting or exceeding the energy efficiency requirements of the Energy Conservation Code, Chapter 10-7, B.R.C. 1981; and
2. Any manufactured home; ~~and~~
3. ~~Attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981.~~

...

Section 44. This ordinance removes an exception in Section C101.1, Scope, of Chapter 10-2, "Property Maintenance Code, Appendix C – Energy Efficiency Requirements," B.R.C. 1981, for attached accessory dwelling units. The exception exempted attached accessory

1 dwelling units licensed under Chapter 10-3, "Rental Licenses," B.R.C. 1981, from the energy  
2 efficiency requirements for residential rental dwelling units. Upon the effective date of this  
3 ordinance, issuance of any new or renewal license under Chapter 10-3, "Rental Licenses,"  
4 B.R.C. 1981, for an attached accessory dwelling unit requires meeting the energy efficiency  
5 requirements of Chapter 10-2, "Property Maintenance Code, Appendix C – Energy Efficiency  
6 Requirements," B.R.C 1981. Attached accessory dwelling units with a current valid rental  
7 license on the effective date of this ordinance are not required to comply with the energy  
8 efficiency requirements for residential dwelling units during the remaining term of such license,  
9 but issuance of a new or renewal license for the unit requires meeting the energy efficiency  
10 requirements.  
11

12 Section 45. This ordinance is necessary to protect the public health, safety, and welfare  
13 of the residents of the city and covers matters of local concern.

14 Section 46. The city council deems it appropriate that this ordinance be published by title  
15 only and orders that copies of this ordinance be made available in the office of the city clerk for  
16 public inspection and acquisition.  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 15th day of May, 2025.

3  
4  
5  
6 Attest: \_\_\_\_\_  
Aaron Brockett,  
Mayor

7  
8 \_\_\_\_\_  
Elesha Johnson,  
City Clerk

9 READ ON SECOND READING AND CONTINUED this 5<sup>th</sup> day of June 2025.

10  
11  
12  
13 Attest: \_\_\_\_\_  
Aaron Brockett,  
Mayor

14  
15  
16 \_\_\_\_\_  
Elesha Johnson,  
City Clerk

17 READ ON CONTINUED SECOND READING AND ADOPTED this 12<sup>th</sup> day of June  
18 2025.

19  
20  
21  
22 Attest: \_\_\_\_\_  
Aaron Brockett,  
Mayor

23  
24  
25 \_\_\_\_\_  
Elesha Johnson,  
City Clerk

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ORDINANCE 8697, AMENDING TITLE 4, “LICENSES AND PERMITS,” TITLE 9, “LAND USE CODE,” AND TITLE 10, “STRUCTURES,” B.R.C. 1981, RELATED TO DEVELOPMENT ACTIVITIES, TO CORRECT ERRORS AND OMISSIONS, UPDATE GRAPHICS AND FORMATTING, CLARIFY STANDARDS AND PROCEDURES, CREATE CONSISTENCY WITH CERTAIN STATE REGULATIONS, AND REMOVE CERTAIN DEVELOPMENT RESTRICTIONS TO ALLOW FLEXIBILITY IN PROJECT DESIGN AND IN CERTAIN LOCATIONS; AND SETTING FORTH RELATED DETAILS.

#### 4-4-2. Definition of Contractor.

...

- (b) The following persons are not *contractors* within the meaning of this chapter:
- (1) Subcontractors working for and under the supervision of a general contractor licensed under this chapter;
  - (2) Plumbers, electricians, mechanical, and fire or other specialized tradespeople for whom another license is required by the city; and
  - (3) A homeowner who builds, constructs, alters, repairs, adds to, moves, or wrecks any building or structure regulated by the Residential Code of the City of Boulder, or any portion thereof, that constitutes the owner's residence or a building or structure accessory thereto, that is intended for the owner's personal use. This exception is available only as to one such building or structure during a calendar year. This exception does not apply to such activities on a building or structure intended to be used or used as a long-term or short term rental property, owned by a business entity, or intended to be used or used for a home occupation that includes visits by customers or other visitors related to the home occupation.<sup>1</sup>

#### 9-2-1. Types of Reviews.

- (a) Purpose: This section identifies the numerous types of administrative and development 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:

<b><i>I. ADMINISTRATIVE REVIEWS</i></b>	<b><i>II. DEVELOPMENT REVIEW AND BOARD ACTION</i></b>
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning

<sup>1</sup> The intent of the additional language is to be consistent with the type of work excepted by state licensing requirements for electricians and plumbers for both long-term and short-term rental properties. CRS 12-115-109, CRS 12-115-101 and CRS 12-155-108

Building permits	BOZA variances
Change of address	Concept plans
Change of street name	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
Conditional uses, as noted in Table 6-1: Use Table	Form-based code review
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	Geophysical exploration permit
Easement vacation	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
Extension of development approval/staff level	Lot line adjustments
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Lot line elimination
Landscape standards variance	Minor Subdivisions
Minor modification to approved site plan	Out of city utility permit
Minor modification to approved form-based code review	Rezoning
Noise barriers along major streets per Paragraph 9-9-15(c)(7), B.R.C. 1981	Site review
Nonconforming use extension	Subdivisions
Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	Use review
Parking reduction of up to twenty-five percent per Subsection 9-9-6(f), B.R.C. 1981	Vacations of street, alley, or access easement
Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	
Parking stall variances	
Public utility	
Rescission of development approval	

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Revocable permit	
Right-of-way lease	
Setback variance	
Site access <del>variance</del> <u>exception</u> <sup>2</sup>	
Substitution of a nonconforming use	
Solar exception	
Zoning verification	

### 9-2-6. Development Review Application.

- (a) Application Requirements for Use Review, Site Review, and Form-Based Code Review: A person having a demonstrable property interest in land to be included in a development review may file an application for approval on a form provided by the city manager that shall include the following:

...

- (2) An improvement survey of the land. The city manager may waive this application requirement for a minor modification, minor amendment, use review, or minor use review;<sup>3</sup>

...

### 9-2-14. Site Review.

...

- (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:

- (1) Development Review Thresholds:

...

- (E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, or of Paragraph 9-10-3(b)(2), "Maximum Height," B.R.C. 1981, to the extent permitted by that paragraph for existing buildings on nonstandard lots, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review. A development that exceeds the permitted height

<sup>2</sup> The change from variance to exception is to be consistent with language proposed in 9-9-5, "Site Access Control" with the intent to distinguish the review process that is not handled through the standard variance procedure of the Board of Zoning Adjustment (BOZA).

<sup>3</sup> Staff has found that requiring a survey of the project for minor development procedures has been unnecessary and cumbersome to applicants. This proposed change is to be consistent with process changes that staff is already undertaking.

requirements of Section 9-7-5 or 9-7-6, B.R.C. 1981, must meet any one of the following circumstances in addition to the site review criteria:

...

(ix) The building is in the public zoning district and is exclusively used for hospital or medical office uses or is a parking structure serving those uses.<sup>4</sup>

...

(h) Criteria: No site review application shall be approved unless the approving agency finds that the project is consistent with the following criteria:

(1) Boulder Valley Comprehensive Plan (BVCP) criteria:

...

(B) Subcommunity and Area Plans or Design Guidelines: If the project is subject to an adopted subcommunity or area plan or adopted design guidelines, the project is generally<sup>5</sup> consistent with the applicable plan and guidelines.

...

(F) Housing Diversity and Bedroom Unit Types: Except in the RR, RE and RL-1 zoning districts, projects that are more than 50 percent residential by measure of floor area, not counting enclosed parking areas, meet the following housing and bedroom unit type requirements in ~~Subparagraphs~~sections (i) through (vi). For the purposes of this subparagraph, qualifying housing type shall mean duplexes, attached dwelling units, townhouses, live-work units, or efficiency living units, and bedroom type shall mean studios, or units with different numbers of bedrooms such as one-bedroom units; and two-bedroom units. ~~or three-bedroom units.~~<sup>6</sup>

...

(4) Additional Criteria for Buildings Requiring Height Modification or Exceeding the Maximum Floor Area Ratio: Any building exceeding the by-right or conditional zoning district height as permitted by Section 9-2-14(b)(1)(E), B.R.C. 1981, and any building exceeding the by-right floor area limits as permitted by Section 9-2-14(h)(6)(B), B.R.C. 1981, shall meet the following requirements:

...

<sup>4</sup> The Community Benefit requirements apply when a building is over the by-right height limit (typically 35 or 38 feet) up to 55 feet and for buildings that have a 4<sup>th</sup> or 5<sup>th</sup> story. The bonus floor area used to determine the amount of community benefit is based on the floor area within 4<sup>th</sup> or 5<sup>th</sup> stories. Buildings that are over the height and less than 4 stories are only permitted if the criteria for angled roof pitch, restrictive topography near the building, or if a building has to be raised above a minimum flood elevation. This is problematic for the hospital and associated buildings because hospitals often require higher floor to floor heights for medical apparatuses and ventilation. This new criterion would permit buildings up to 55 feet that are less than 4 stories that are for the hospital or medical office use in the public zone. The hospital in and of itself is considered a community benefit and therefore, no additional community benefit would be required for the hospital use to expand.

<sup>5</sup> Compliance with adopted subcommunity or area plans or adopted design guidelines are not expected to meet every policy or guideline and is often a balancing of issues and different degrees of compliance. This addition of “generally” is intended to make that clear and be consistent with how the city has administered plans and guidelines for years.

<sup>6</sup> Issues have been brought up previously about four-bedroom units or larger not being considered under this section. This language is to clarify that the original intent was to cover all bedroom unit sizes. A correction of paragraph language is also proposed for consistency.

## (B) Building and Site Design Requirements for Height Modifications:

## (i) Buildings requiring a height modification shall meet the following requirements:

... a.

- a. Height Modification Other than Height Bonus: For buildings no taller than three stories and subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(i) through (vii) and (ix), the building's height, mass, and scale is compatible with the character of the surrounding area.
- b. Height Bonus: For buildings taller than three stories subject to a height modification pursuant to Subparagraph 9-2-14(b)(1)(E)(viii), B.R.C. 1981:

## 4. Additional Requirements for a Height Bonus - Open Space:

- ~~i.~~ If the project site is greater than one acre in size, an inviting ~~grade-level~~ outdoor garden or landscaped courtyard is provided, designed as a gathering space for the building users. In determining whether this requirement is met, the approving authority will consider the following factors as  
~~The following are considered elements of~~ successful design elements for such a space, as practicable considering site conditions and location;  
~~i.~~
- ii. The ~~width~~ horizontal dimensions of the space ~~is~~ are no less than the height of building walls enclosing the space;<sup>7</sup>
- iii. Seating and other design elements are integrated with the circulation pattern of the project;
- ~~iv-iii~~ The space has southern exposure and sunlight;
- vi. Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If poured-in-place materials are used, they are of decorative color or textures;
- vi. Amenities, such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting are incorporated into the space;
- vi. The space is visible from an adjoining public sidewalk and is not elevated above the building's first story; and
- viii. At least one tree is planted per 500 square feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.

...

- (6) Land Use Intensity and Height Modifications: Modifications to minimum open space on lots, floor area ratio (FAR), maximum height, and number of dwelling units per acre requirements will be approved pursuant to the standards of this subparagraph:

<sup>7</sup> This section is slightly reorganized to follow the pattern of other code criteria sections where the criteria are meant as best practices and administered in "on balance" with others. Language is also clarified about the size and made more flexible as to not require the space "at grade", as before, but close to grade level.

## (A) Land Use Intensity Modifications with Open Space Reduction:

- (i) In the DT, BMS, BR-2, and MU-3 Zoning Districts: The open space requirements in Chapter 9-8, "Intensity Standards," B.R.C. 1981, may be reduced in all DT districts and the BR-2, BMS, and MU-3 districts subject to the following standards:

- a. In the DT, BMS, or MU-3 zoning districts, the reduction in open space is necessary to avoid siting of open space that is inconsistent with the urban context of neighborhood buildings or the character established in adopted design guidelines or plans for the area, such as along a property line next to zero-setback buildings or along alleys: maximum ~~fifty-one hundred~~<sup>8</sup> percent reduction.

...

**9-2-16. Form-Based Code Review.**

...

- (i) Exceptions: Exceptions to the requirements of Appendix M, "Form-Based Code," may be approved under the form-based code review process pursuant to the following standards:
  - (1) Application Requirements: If an application includes a request for an exception to the requirements of Appendix M, "Form-Based Code," the requested exceptions shall be noted on the plans and the application shall include a written statement describing how the standards applicable to the exception are being met.
  - (2) Exceptions:

- (A) An exception may be granted by the approving authority if the following criteria are met:

- (i) The proposed exception is generally consistent with the goals and intents of the adopted subcommunity or<sup>9</sup> area plan applied to the area, and

...

**9-2-21. Required Improvements and Financial Guarantees.**

...

- (f) Collection: If the improvements are not completed within the required time, the city manager may cause them to be completed and collect against the financial guarantee, or, if the guarantee is exhausted, against the developer for their full cost of completion.
- (g) Letter of Credit: If any letter of credit is due to expire before the end of the guarantee period and is not replaced no less than sixty days before its expiration with another letter of credit which is valid until the end of the guarantee period or for an additional year, whichever is less, the city manager shall call the letter of credit

<sup>8</sup> Staff has found situations where the open space requirement, even after the existing reduction, cannot be met due to the building's construction being prior to development code standards, such as downtown buildings with no setbacks. The intent is to provide flexibility to development projects for open spaces in these areas.

<sup>9</sup> Compliance with adopted subcommunity or area plans or adopted design guidelines are not expected to meet every policy or guideline and is often a balancing of issues and different degrees of compliance. This addition of "generally" is intended to make that clear and be consistent with how the city has administered plans and guidelines for years.

and shall hold the funds thereby received in a separate account, and shall return such funds as are not expended or to be expended for guarantee work to the applicant at the end of the guarantee period.<sup>10</sup>

- (hg) ~~In Addition~~**Additional Requirements:** The requirements of this section are in addition to any requirements for financial guarantees under any other provision of this code.

## 9-5-2. Zoning Districts.

...

- (c) Zoning District Purposes:

...

- (3) Business Districts:

...

- (E) Business - Regional 1 and Business - Regional 2: Business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development ~~and where the goals of the Boulder Urban Renewal Plan are implemented.~~<sup>11</sup>

...

## 9-6-2. Specific Use Standards - General.

...

- (c) **Specific Use Standards that Apply to Several Use Types:** The specific use standards in this chapter are generally organized by use classification, use category, and use type. Some specific use standards apply to several use types that are part of different use classifications and use categories. Such standards that apply to use types within different classifications are set forth within this subsection (c).

- (1) Specific Use Standards for Uses in the BC Zoning Districts:

- (A) Review Process: In the BC-1 and BC-2 zoning districts, the following standards apply to the uses listed in Table 6-2:

- (i) Allowed Use: The uses listed in Table 6-2 are allowed by right unless the use is located within an area designated in Appendix N "Business Community (BC) Areas Subject to Special Use Restrictions."
- (ii) Conditional Use: If located in one of the mapped areas in Appendix N, the use may be approved as a conditional use if it meets all of the following standards:

...

- b. The combined floor area of any nonresidential uses in Table 6-2 shall be limited to ten percent of the total floor area on the lot or parcel except that if the use is located within an approved site review or planned unit development, the combined floor area of any nonresidential uses subject to this section shall be limited to ten percent of the total floor area

<sup>10</sup> This section was rewritten to align the financial guarantees with Section 9-12-14(c) for consistency. It was also to address the situation where a letter of credit will expire. The section was renumbered and added additional requirements as a new header to accommodate the additional descriptive language.

<sup>11</sup> The reference to the Boulder Urban Renewal Plan is proposed to be removed as it is no longer applicable to this section of code.

within the boundaries of the site review or planned unit development approval in the BC zoning district.<sup>12</sup>

...

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

...

#### (d) Dwelling Unit, Attached:

...

##### (2) In the BT-1, and BT-2, ~~IS 1, and IS 2~~ Zoning Districts:

- (A) Review Process: In the BT-1, and BT-2, ~~IS 1, and IS 2~~ zoning districts, attached dwelling units are allowed by right if the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Attached dwelling units that are not allowed by right may be approved only pursuant to a use review.

...

#### (f) Efficiency Living Unit:

...

##### ~~(3) In the IS 1 and IS 2 Zoning Districts:~~

- ~~(A) Review Process: In the IS 1 and IS 2 zoning districts, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and the use is not located on the ground floor facing a street, with the exception of minimum necessary ground level access. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.~~<sup>13</sup>

##### ~~(34)~~ In the IMS Zoning District:

- (A) Review Process: In the IMS zoning district, efficiency living units are allowed by right if less than 40 percent of total units in the building are efficiency living units and at least fifty percent of the floor area of the building is for nonresidential use. Efficiency living units that are not allowed by right may be approved only pursuant to a use review.

### GROUP LIVING

#### (j) Congregate Care Facility, Custodial Care Facility, and Residential Care Facility:

- (1) Applicability: This subsection (j) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.
- (2) Intensity: The number of dwelling units or sleeping rooms or accommodations shall be consistent with Section 9-8-6, "Density Equivalencies for Group Residences and Hostels," B.R.C. 1981.
- ~~(B) In order to prevent the potential creation of an institutional setting by concentration of custodial, residential or congregate care facilities in a neighborhood, no custodial, residential, or congregate~~

<sup>12</sup> This is a clarification that a use may be approved as a conditional use in the mapped area of Appendix N area if it is in the BC zoning District.

<sup>13</sup> As a part of the Use Standards and Table updates, certain dwelling types were removed from the IS districts in Section 9-7-1. This is correcting an erroneous section from that change. Live/work units are still allowed in these zoning districts.

~~care facility may locate within seven hundred fifty feet of another custodial, residential, or congregate care facility, but the approving agency may permit two such facilities to be located closer than seven hundred fifty feet apart if they are separated by a physical barrier, including, without limitation, an arterial collector, a commercial district or a topographic feature that avoids the need for dispersal. The planning department will maintain a map showing the locations of all custodial, residential, or congregate care facilities in the city.~~<sup>14</sup>

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

...

**TABLE 7-1: FORM AND BULK STANDARDS**

Zoning District	A R R-1	R R-2 R E	R H-2 R H-5 P	RL-1 RM-2 RM X-1	B T-2	B T-1 B C B R IS -1 IS -2 I M	RL-2 R M-1	R H-4	M U-1	R M-3 R H-1 R H-6	RM X-2	RH -3 RH -7	BC S	M U-3	BM S M U-4	D T-1 D T-2 D T-3 D T-5	D T-4	M U-2 IM S	M H
Form module	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s
BUILDING DESIGN REQUIREMENTS <sup>(n)</sup>																			
Maximum % of 3 <sup>rd</sup> story floor area that can be in <del>a 4<sup>th</sup> story</del> <sup>any story above the 3<sup>rd</sup> story</sup> <sup>15</sup>	n/a				n/a				n/a			70 % (j)	n/a	n/a	n/a			n/a	n/a

<sup>14</sup> The seven hundred fifty foot separation requirement for custodial, residential, or congregate care facilities was deemed severely restricting for adequate locations. The intent is to provide more flexible locations.

<sup>15</sup> This language closes a loophole where a fifth story, or rarely higher, does not need to follow the standards listed. The intent of this language was for any story above the third story in the RH-3 and RH-7 zoning districts to provide a visual wedding cake building style. This language is proposed to be matched in footnote (j) below.

Footnotes to Table 7-1, Form and Bulk Standards:In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, side yard must meet principal building front yard setback where adjacent lot fronts upon the street, unless the subject yard was platted as a side yard at a time when the adjacent lot did not front upon the street.<sup>16</sup>
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.
- (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.
- (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.
- (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.
- (f) Where a rear yard backs on a street, see Paragraph 9-7-2(c), B.R.C. 1981.
- (g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.
- (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.
- (i) For side yard setback requirements based on building height, see Section 9-7-2 (b)(8), "Setback Relative to Building Height," B.R.C. 1981.<sup>17</sup>
- (j) The maximum percentage of the third story floor area that can be in any story above the third story standard may not be modified as part of a site review.<sup>18</sup>
- (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty-five feet measured from the centerline of Canyon Boulevard right-of-way.
- (l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."
- (m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C. 1981.
- (n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code." Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.<sup>19</sup>

Footnotes to Table 7-1, Form and Bulk Standards:In addition to the foregoing, the following miscellaneous form and bulk requirements apply to all development in the city:

- (a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.
- (b) For zero lot line development, including side yard setbacks from interior lot lines for townhouses, see Subsection 9-7-2(b), B.R.C. 1981.

<sup>16</sup> Staff has encountered situations where the combination of lots on a corner lot has changed the existing lot platting pattern of the block, moving the front yard to the other frontage. This puts an unnecessary burden on the adjacent property owner as it changes their side yard setback to a front yard setback affecting the buildable area and potentially creating a non-standard building. This proposal is to protect the development rights of adjacent property owners in this situation.

<sup>17</sup> The reference to Appendix B is changed to Section 9-7-2 for continuity with side yard setback standards and to raise visibility with the added diagram.

<sup>18</sup> Additional language was added to match the proposed condition in the table above.

<sup>19</sup> To be consistent with other tables in Title 9, the existing footnotes are proposed to be moved into a row within the table.

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- ~~(c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.~~
- ~~(d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.~~
- ~~(e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(d), B.R.C. 1981.~~
- ~~(f) Where a rear yard backs on a street, see Paragraph 9-7-2(e), B.R.C. 1981.~~
- ~~(g) This maximum height limit applies to poles that are light poles at government-owned recreation facilities but not to other poles. Other poles have a maximum height of 55 feet in all zones. For additional criteria regarding poles, see Section 9-2-14, "Site Review," B.R.C. 1981.~~
- ~~(h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.~~
- ~~(i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.~~
- ~~(j) The maximum percentage of the third floor area that can be in a fourth story standard may not be modified as part of a site review.~~
- ~~(k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or sixty five feet measured from the centerline of Canyon Boulevard right-of-way.~~
- ~~(l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."~~
- ~~(m) For setback requirements on corner lots in the DT-5 zoning district, refer to Subsection 9-7-6(c), B.R.C. 1981.~~
- ~~(n) For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form-Based Code Areas," and subject to the standards of Appendix M, "Form-Based Code," refer to Appendix M, "Form-Based Code," for design standards applicable to such lot or parcel. With the exception of Charter Section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5, "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by the requirements of Appendix M, "Form-Based Code." Building heights in areas designated in Appendix L are not subject to the height limits of Table 9-7, Form and Bulk Standards.~~

## 9-7-2. Setback Standards.

~~(a) Front, Rear, and Side Yards: Front, rear, and side yards shall be identified consistent with the yard definition in Section 9-16-1, B.R.C.<sup>20</sup>~~

~~(ba) Front Yard Setback Reductions: The front yard setback required in Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, may be reduced for a principal structure on any lot if more than fifty percent of the principal buildings on the same block face or street face do not meet the required front yard setback. The setback for the adjacent buildings and other buildings on the block face shall be measured from the property line to the bulk of the building, excluding, without limitation, any unenclosed porches, decks, patios or steps. The bulk of the building setback shall not be less than the average bulk of the building setback for the principal buildings on the two adjacent lots. Where there is only one adjacent lot, the front yard setback reduction shall be based on the average of the principal building setbacks on the two closest lots on the same block face. (See Figure 7-1 of this section.)~~

...

~~(cb) Side Yard Setback Standards:~~

...

---

<sup>20</sup> An added reference to the definition of yard list in Section 9-16-1 is intended to help raise visibility about the diagrams connected to the definition. The sections are subsequently relabeled to accommodate the proposed reference.

- (8) Setback Relative to Building Height: For buildings subject to the side yard setback requirements based on building height, the setback shall be determined consistent with Figure 7-3.<sup>21</sup>



Figure 7-3: Setback Relative to Building Height

- (de) **Rear Yard Setbacks:** Where a rear yard backs on a street, the rear yard shall have a minimum landscaped setback equal to the minimum front yard landscaped setback from a street for all buildings and uses required for that zone.
- (ed) **Open Parking Areas, Flagpoles, and Detached Garages and Carports:** Open parking areas, flagpoles, and detached garages and carports may be located in compliance with either the required principal building setbacks or accessory building setbacks.
- (fe) **Swimming Pools, Spas, and Hot Tubs:** Swimming pools, spas, and hot tubs shall be located according to the applicable accessory structure setbacks on a lot except that pools, spas, or hot tubs may be located in compliance with the required front yard principal building setback.
- (gf) **Oil and Gas Operations and Other Uses:** Oil and gas operations shall be set back from any residential use, residential zone, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, in accordance with the standards of Section 9-6-7(b)(2), B.R.C. 1981. No residential use, school, daycare center, hospital, senior living facility, assisted living facility, outdoor venue, playground, permanent sports field, amphitheater, public park and recreation use, or other similar public outdoor facility, but not including trails or City of Boulder open space, shall be located closer than two thousand feet from any single-well well pad of an oil and gas operation in pre-production, closer than two thousand five hundred feet from any multi-well well pad of an oil and gas operation in pre-production, closer than five hundred feet from any well pad of an oil and gas operation in production, and closer than two hundred fifty feet from an oil and gas operation that has been capped and abandoned pursuant to the requirements of Section 9-6-7(b)(16), B.R.C. 1981.

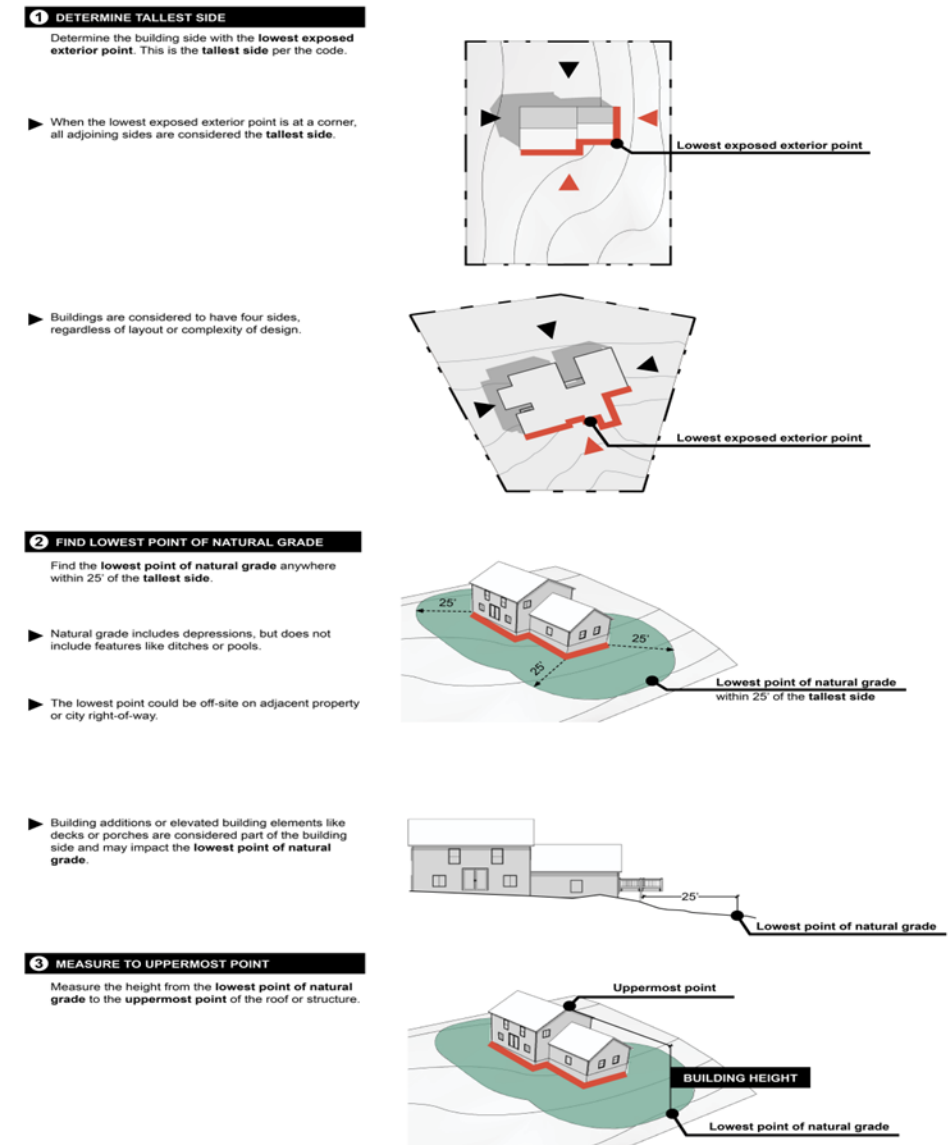
...

<sup>21</sup> The updated diagram below is proposed to be moved from Appendix B to this section for continuity with side yard setback standards and to raise visibility and to be consistent with the other diagrams of this section. A new reference to the figure is added. This matches footnote (i) of Table 7-1. The addition of this diagram and reference adjusts the numbering of the existing figures and references to the existing figures.

### 9-7-5. Building Height.

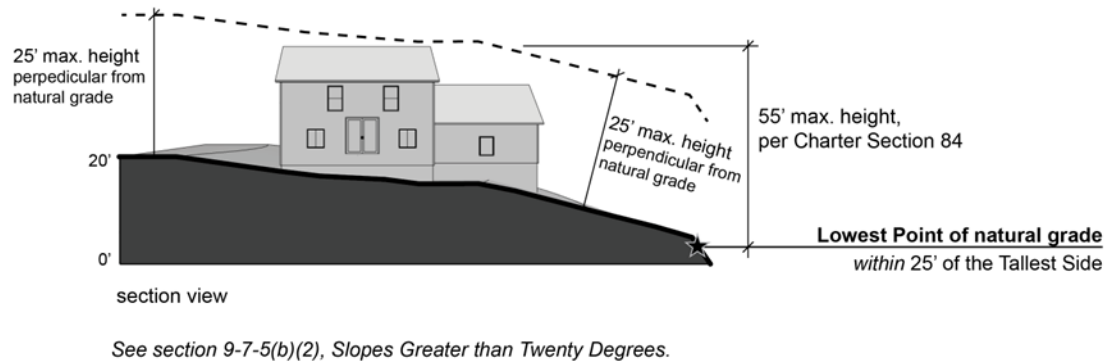
...

- (b) Measurement of Height: Height shall be measured as the vertical distance from the lowest point within twenty-five horizontal feet of the tallest side of the structure to the uppermost point of the roof or structure. The lowest point shall be calculated using the natural grade. The tallest side shall be that side whose lowest exposed exterior point is lower in elevation than the lowest exposed exterior point of any other side of the building (see Figure 7-~~43~~ Measurement of Height).
- (1) Modifications to Natural Grade: If there is evidence that a modification to the natural grade has occurred since the adoption of Charter section 84, "Height limit." B.R.C. 1981, on November 2, 1971, the city manager can consider the best available information to determine the natural grade. This may include, without limitation, interpolating what the existing grade may have been using the grade along property lines, topographic information on file with the City, or other information that may be presented to the city manager.



**Figure 7-43: Measurement of Height**

- (2) Slopes Greater Than Twenty Degrees: On a slope measured within the building envelope created by the required setbacks from property lines that is greater than twenty degrees (36.4 percent slope), the building height may not exceed twenty-five feet measured perpendicular from the natural grade below. (See Figure 7-54 of this section.) However, under no circumstances shall a structure exceed fifty-five feet as measured under charter section 84 except as provided for poles in Section 9-2-14, "Site Review," B.R.C. 1981. The slope percentage shall be calculated by measuring the difference between the high point and the low point within the building envelope and dividing it by the distance between the high and low points.



**Figure 7-54: Building Height on a Slope Greater than Twenty Degrees**

...

(e) Height Calculations for Attached Buildings:

- (1) The following shall be considered separate buildings for the purposes of calculating building height:
  - (A) Buildings that are connected only below grade (see Figure 7-65 of this section).
  - (B) Separate abutting buildings that may have an internal connection (see Figure 7-76 of this section).
  - (C) Buildings built to the common property line that may have an internal connection (see Figure 7-76 of this section).
  - (D) Buildings attached by an at-grade open or enclosed connection not more than fifteen feet high and twelve feet deep (see Figure 7-87 of this section).

...

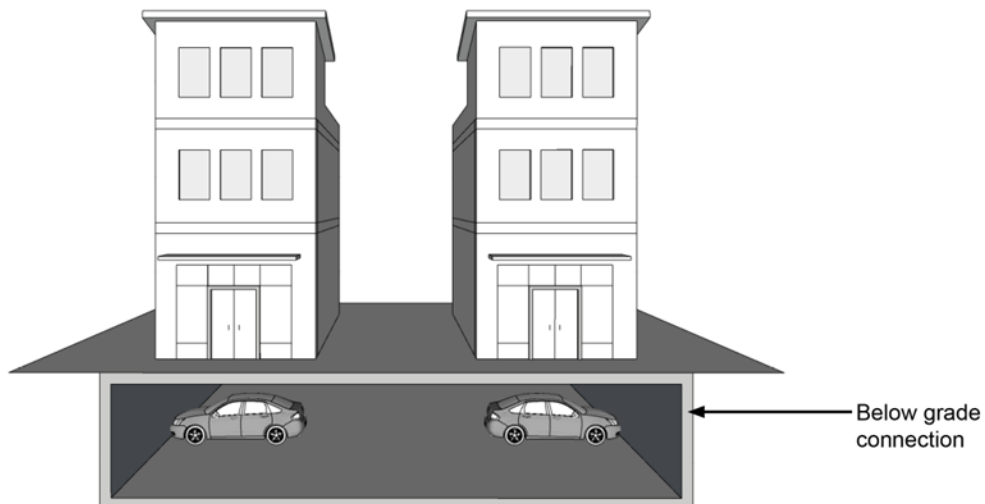


Figure 7-65: Below Grade Connection

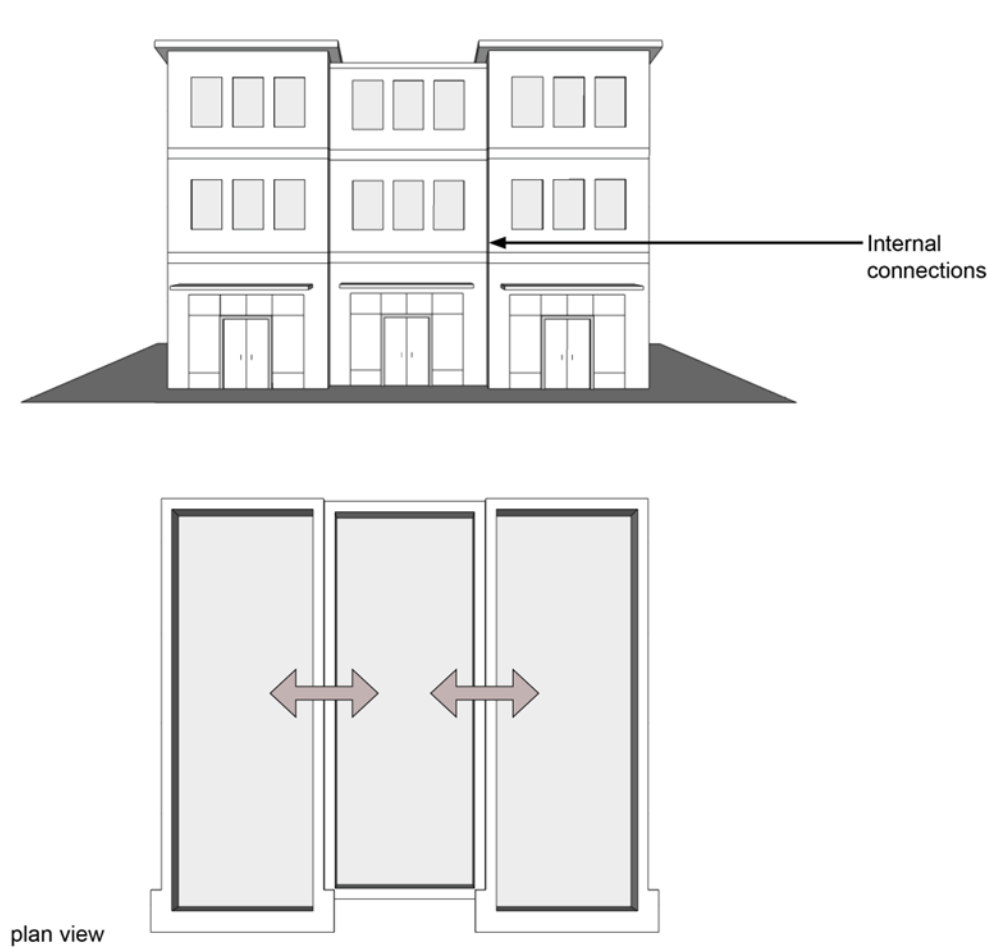
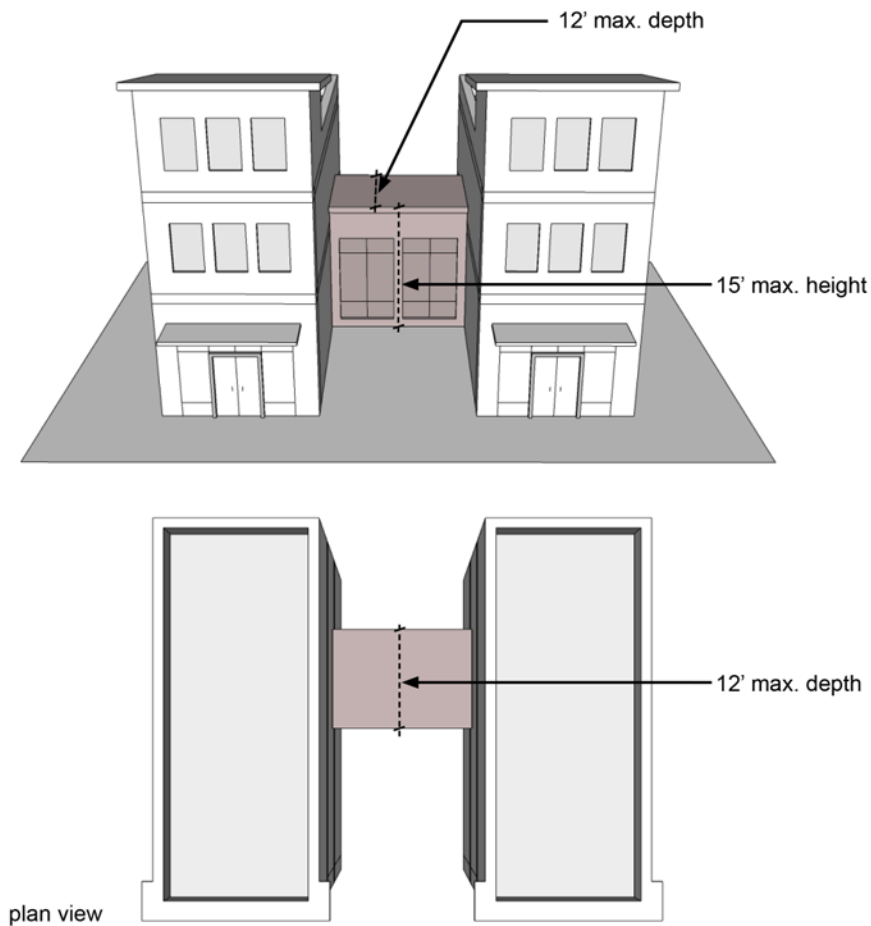


Figure 7-76: Internal Connection



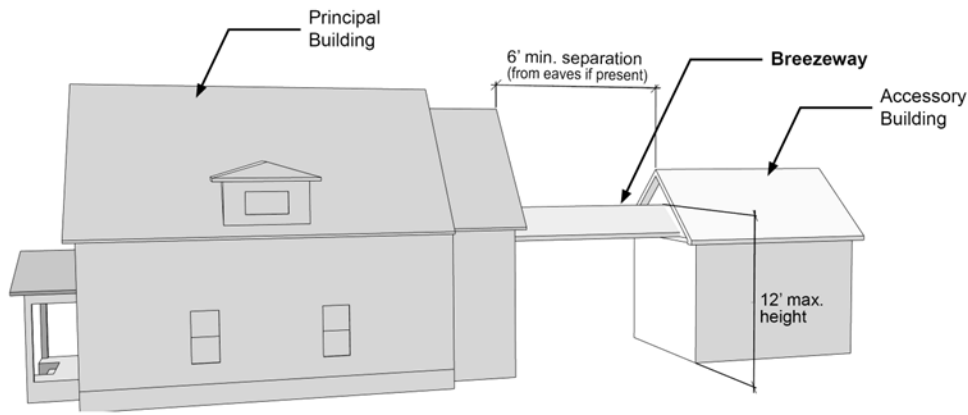
**Figure 7-~~87~~: At-Grade Open or Enclosed Connection**

### 9-7-8. Accessory Buildings in Residential Zones.

...

- (c) Breezeway Connections Between Accessory and Principal Buildings: In a residential zoning district, a single-family detached dwelling unit may be connected to an accessory building which is located partially or entirely within principal building rear yard setback by a breezeway if the breezeway meets the following standards:
- (1) No portion of the roof shall exceed a height of twelve feet, measured to the finished grade directly below it, or the height of the accessory building to which it is attached, whichever is less. (See Figure 7-~~98~~ of this section.)

...

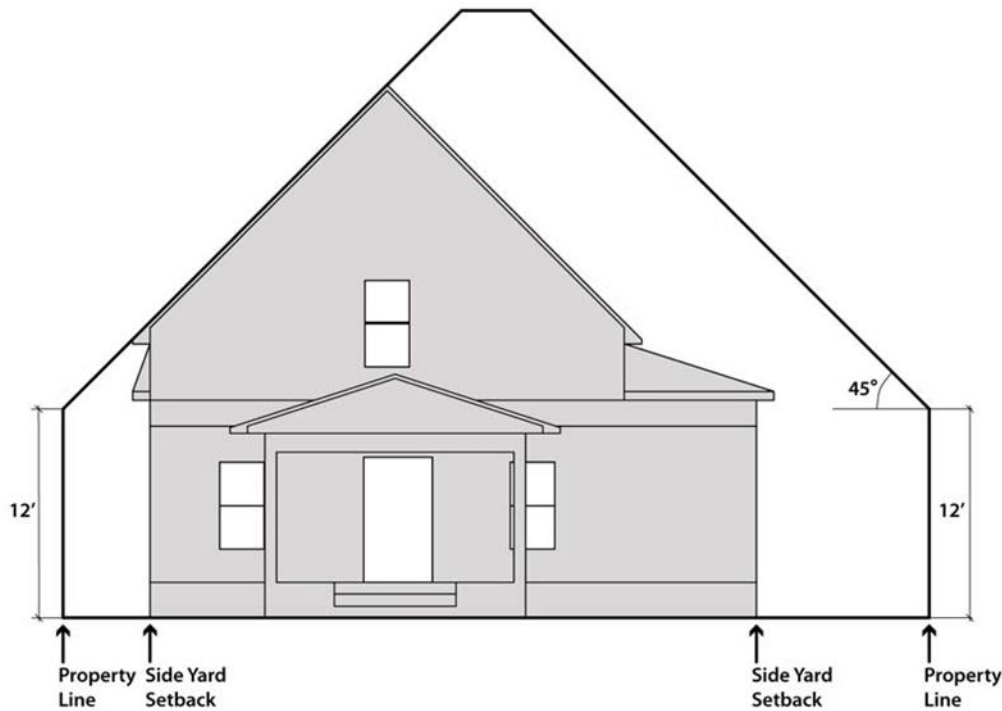


**Figure 7-~~98~~: Breezeway**

### 9-7-9. Side Yard Bulk Plane.

...

- (c) Measurement standards: The bulk plane is a plane that begins twelve feet above the side lot lines of a lot or parcel, then rises over a slope at a forty-five-degree angle until it reaches the permitted height in the zoning district or intersects with the plane that is created by the lot line on the opposite side of the lot or parcel. See Figure 7-~~109~~.

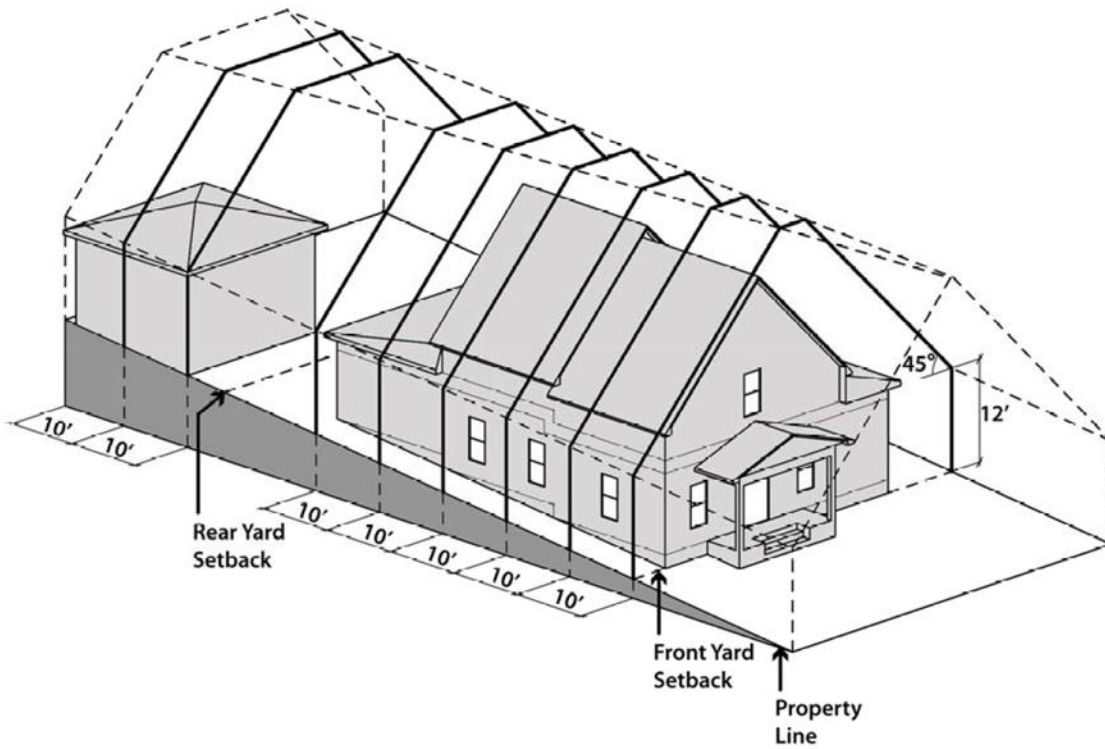


**Figure 7-109: Side Yard Bulk Plane**

The bulk plane shall be measured from the points described in Paragraph (1) or (2) below using one of the following methods:

- (1) Grade level point method: The bulk plane shall be measured from the grade level elevation points, which are found along the side property lines, that coincide with location of the midpoint of the lot or parcel, described as points that are equal distance between the front and rear yards. The grade level points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the ground level point shall be taken from the base of the wall. See Figure 7-110. An applicant may request that the city manager determine the location of the grade level points and corresponding bulk plane for irregularly shaped lots or parcels, including flag lots; or





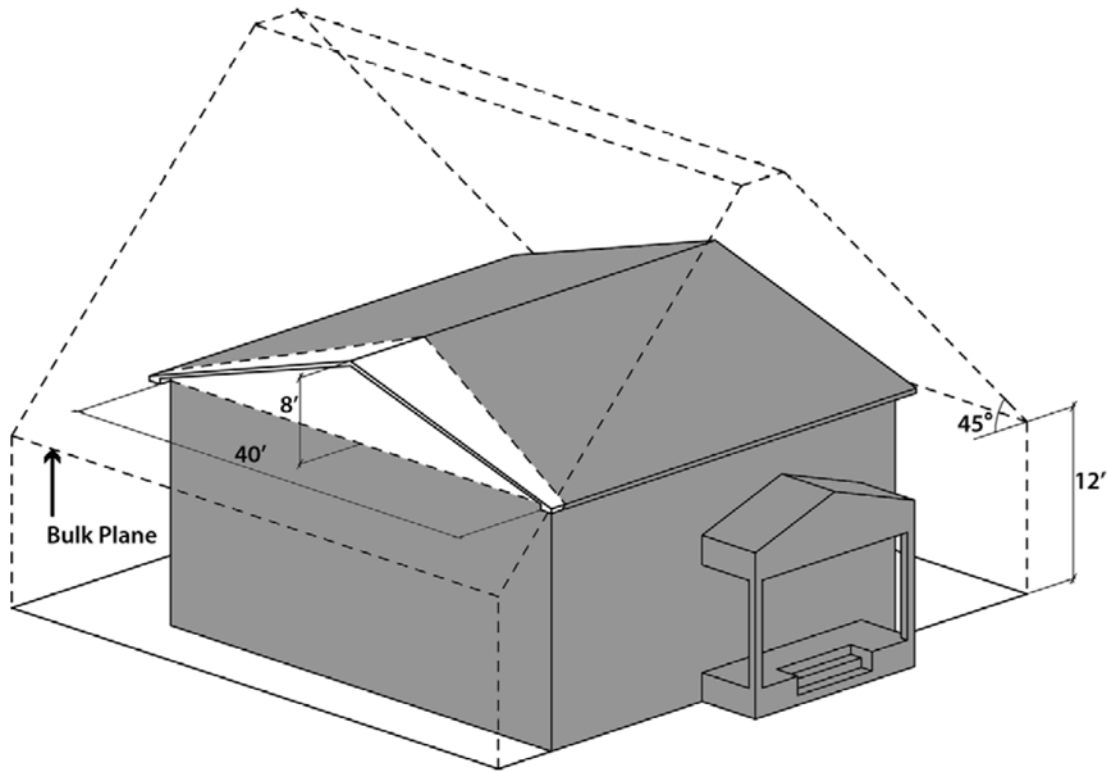
**Figure 7-124: Side Yard Bulk Plane Measurement Using the Parallel Point Method**

- (d) Encroachments: No building or portion thereof shall be constructed or maintained beyond the required bulk plane except as provided for below:

...

- (4) The gable end of a sloping roof form (see Figure 7-132), provided that:

...



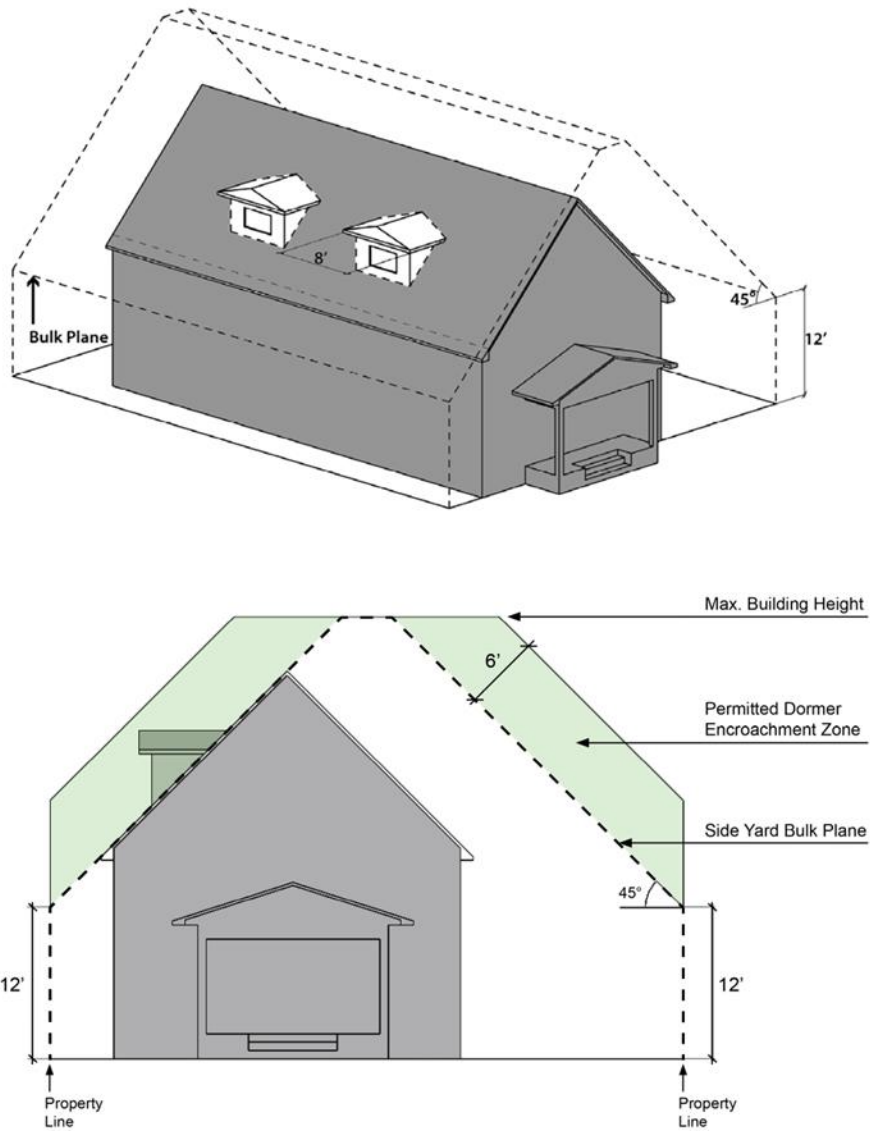
**Figure 7-132: Gable Roof End Encroachment into the Side Yard Bulk Plane**

(5) Dormers (see Figure 7-143), provided that:

...

- (B) The portion of any dormer that extends beyond the bulk plane limit does not exceed a maximum width of eight feet, including any roof overhang, and does not extend beyond the bulk plane more than six feet, measured as shown in Figure 7-143.

...



**Figure 7-143: Dormer Encroachment beyond the Side Yard Bulk Plane**

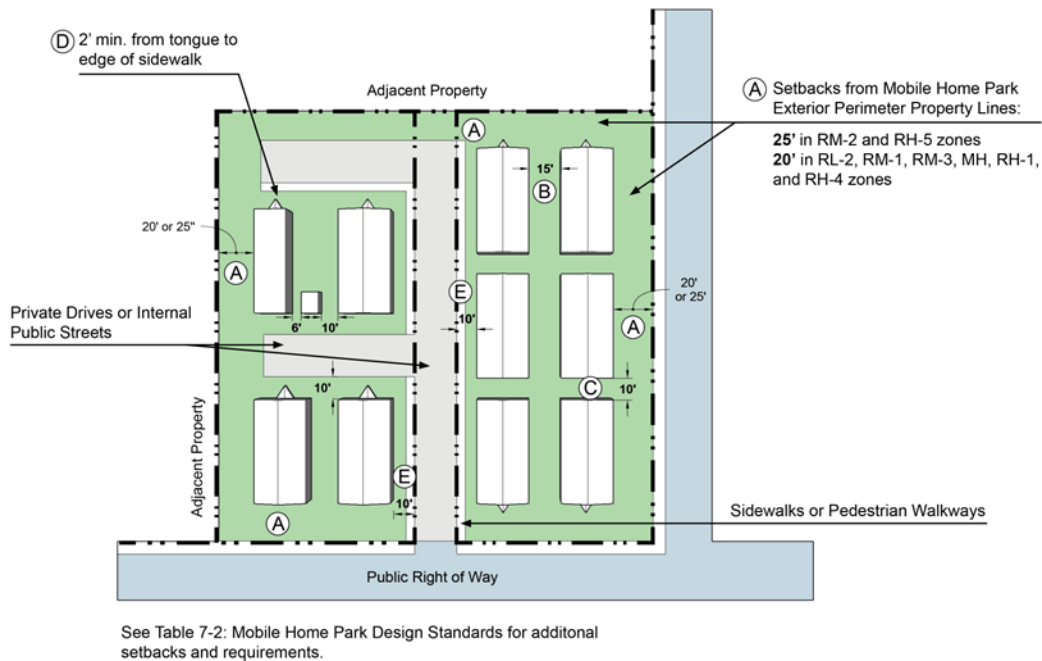
### 9-7-10. Side Yard Wall Articulation.

...

- (c) Side Yard Wall Standards: Along each side yard property line, the cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty feet in length, unless they are set back at least fourteen feet from the side property line (see Figure 7-154). For the purposes of this section, wall height shall be measured from finished grade as follows:

...

...



**Figure 7-1~~65~~: Mobile Home Park Setback & Separation Standards**

...

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

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

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

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

(A) The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and

(B) In the RR-1 and RR-2 zoning districts, the lot or parcel is at least 7,500 square feet, or

(C) In the RL-1 zoning district, the lot or parcel is at least 3,500 square feet.<sup>22</sup>

## 9-9-2. General Provisions.

...

### (d) Zoning Standards for Lots in Two or More Zoning Districts:

- (1) Uses: Existing buildings located in more than one zoning district shall ~~be regulated according to the~~ meet the applicable use standards for the zoning district in which the majority of the existing building is located. ~~Any building additions or site improvements shall be regulated according to the zoning district in which such additions or improvements are located. In the event that~~ If an existing building is split in half between two zoning districts, the city manager shall determine which zoning district's use standards shall apply based upon the historic use of the building and the character of the surrounding area.
- (2) Form, Bulk, and Intensity: ~~On lots or parcels located in two or more zoning districts, any building additions or site improvements shall meet the form, bulk, and intensity standards of the zoning district where additions or improvements are located.~~<sup>23</sup>

## 9-9-5. Site Access Control.

...

- (c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public rights of way shall be designed in accordance with the City of Boulder Design and Construction Standards and the following standards and criteria:
  - (1) Number of Access Points Permitted: One access point or curb cut per property will be permitted, unless a site plan or traffic study, approved by the city manager, demonstrates that additional access points and curb cuts are required to adequately address accessibility, circulation, and driveway volumes, and only where additional accesses and curb cuts would not impair any public use of any public right-of-way, or create safety or operational problems, or be detrimental to traffic flow on adjacent public streets.
  - (2) Access Restrictions: On arterial and collector streets, or if necessary for the safe and efficient movement of traffic, all accesses shall be designed and constructed with physical improvements and appropriate traffic control measures to assist or restrict turning movements, including, without limitation, acceleration or deceleration lanes, access islands, street medians, and signage, as may be required of the development if the city manager finds that they are necessary to preserve the safety or the traffic-

<sup>22</sup> This language from the Family-Friendly Vibrant Neighborhoods ordinance created confusion since the eligibility section referred to a section of the code that references “vacant” lots where it was erroneously interpreted to only apply to vacant lots, which was never the intent. The language here and in section 9-10 has been updated to be clearer. For instance, language saying “one fourth of the minimum lot size” or “one half of the minimum lot size” has simply been updated to be the exact size a lot must be to be developed.

<sup>23</sup> The proposed changes are meant to clarify the language for lots on two zoning districts by uses and form, bulk, and intensity. Staff had identified this paragraph as confusing and difficult to enforce based upon the different standards.

carrying capacity of the existing street. The city manager shall determine the length and degree of the required access restriction measures for the property.

- (3) Residential Access to Arterial and Collector Streets Restricted: No residential structures shall have direct access onto an arterial. However, if no alternative street access is possible, an access may be permitted subject to the incorporation of any design standards determined to be necessary by the city manager to preserve the safety and the traffic-carrying capacity of the arterial or collector.
- (4) Access From Lowest Category Street Required: A property that has frontage on more than one street, alley or public access shall locate its access or curb cut on the lowest category street, alley or public access frontage. If more than one access point or curb cut is necessary, an additional access or curb cut will be permitted only where the proposed access or curb cut satisfies the requirements in this section.
- (5) Property Right to Access: If a property cannot be served by any access point or curb cut that satisfies this section, the city manager will designate the access point or curb cut for the subject property based on optimal traffic safety.
- (6) Multiple Access Points for Single-Family Residential: The city manager will permit multiple access points on the same street for single-family residential lots upon finding that there is at least one hundred linear feet of lot frontage adjacent to the front yard on such street, the area has a limited amount of pedestrian activity because of the low density character, and there is enough on-street parking within three hundred feet of the property to meet the off-street parking needs of such area. The total cumulative width of multiple curb cuts shall not exceed the maximum permitted width of a single curb cut. The minimum spacing between multiple curb cuts on the same property shall not be less than sixty-five feet.
- (7) Shared Driveways for Residential Structures: A detached single-family residential lot that does not have frontage on the street from which access is taken may be served by a shared driveway that meets all of the standards and criteria for shared driveways set forth in the City of Boulder Design and Construction Standards.
- (8) Driveway Width: Driveways shall meet the following standards (see Figure 9-1 of this section):
  - (A) Minimum driveway width: The width of a driveway leading to an off-street parking space shall not be less than nine feet. A driveway, or portion of a driveway, may be located on an adjacent property if an easement is obtained from the impacted property owner.
  - (B) Maximum Driveway Width: For any property with three or fewer dwelling units, the driveway width within a landscaped setback, including any associated circulation or turnarounds, shall not exceed 20 feet.

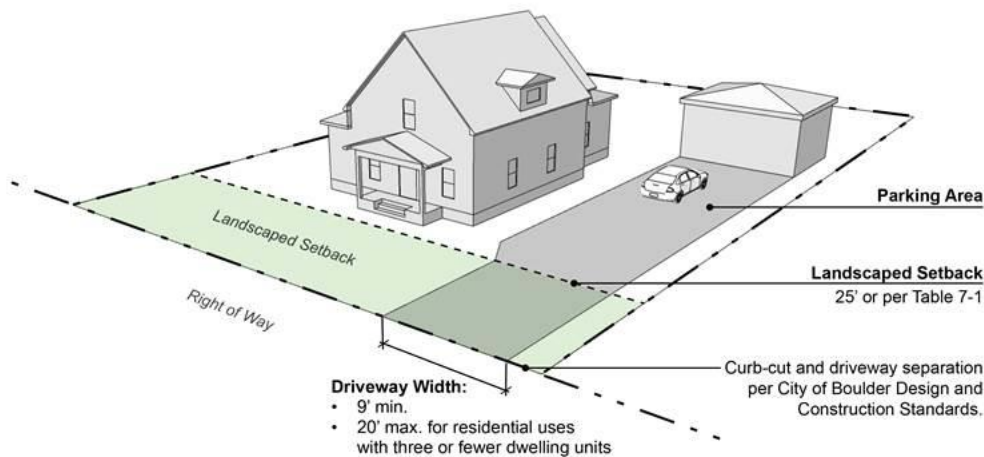


Figure 9-1: Driveway Width

- (9) Modification: The standards of this section may be modified under the process of Section 9-2-14, "Site Review," B.R.C. 1981.
- (10) Exceptions: The city manager may grant an exception to the requirements of this section ~~may be modified~~ under the provisions of Section 9-2-142, "Site-Administrative Review," B.R.C. 1981, ~~to provide for safe and reasonable access. Exceptions to this section may be made~~ if the city manager determines that following criteria are met:<sup>24</sup>
- (A) The topography, configuration of a lot, or other physical constraints makes taking access from the lowest category street, alley or public access frontage impractical, or the character of the existing area is such that a proposed or existing access to the street, alley or public access frontage is compatible with the access of properties in such area;
  - (B) The site access and curb cuts would not impair public use of the public right-of-way; create safety or operational problems or be detrimental to traffic flow on adjacent public streets; and
  - (C) The site access and curb cuts will minimize impacts to the existing on-street parking patterns.

...

## 9-9-6. Parking Standards.

...

**TABLE 9-4: USE SPECIFIC MOTOR VEHICLE PARKING REQUIREMENTS FOR NONRESIDENTIAL USES IN ALL ZONES**

<i>Use</i>	<i>Parking Requirement</i>
------------	----------------------------

<sup>24</sup> Previously there was confusion in this section based upon the language of the request of a modification of site access under the site review process and specific exception granted under an administrative review. This proposal separates the review processes based upon either a general modification or specific criteria for an exception.

Religious assembly:	(See Paragraph (f)( <del>83</del> )(C) of this section for permitted parking reductions) <sup>25</sup>
---------------------	--

...

**9-9-11. Useable Open Space.**

...

(e) Types of Useable Open Space: Useable open space includes:

...

- (5) Exterior paved surfaces, except public sidewalks less than five feet in width and those paved areas specifically prohibited in subsection (i) of this section, may be used as open space subject to meeting the following additional standards:

...

- (B) The paved areas shall be accessible and open for use by the tenants, occupants or visitors of the building. To enhance the use of such areas, the paved areas shall include passive recreation amenities which include, without limitation, benches, tables, outdoor short-term bicycle parking areas,<sup>26</sup> ornamental lighting, sculpture, landscape planters or movable planting containers, trees, tree grates, water features, or active recreation amenities which include, without limitation, areas for basketball, volleyball or racquet sports.

(f) Special Open Space Requirements Applicable to Residential Uses: Useable open space for residential uses also includes:

...

- (6) In the BMS, MU, IMS, ~~and~~ BR-2, and DT<sup>27</sup> zoning districts, individual balconies, decks, porches and patio areas that will not be enclosed count one hundred percent toward the private open space requirement, provided that such balcony, deck, porch or patio is not less than seventy-two inches in any dimension nor less than sixty square feet in total area. In the BR-2 zoning district, the dimensions and locations of private open space may be varied if the private open space adequately meets the needs of the occupants of the dwelling units and is approved as part of a site review pursuant to section 9-2-14, "Site Review," B.R.C. 1981.

...

**9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses", B.R.C. 1981**

(b) Nonstandard Lots or Parcels:

<sup>25</sup> This is a correction of an erroneous paragraph reference.

<sup>26</sup> Staff has encountered situations within a development review where outdoor short-term bicycle parking was proposed as open space, which were determined to meet the intent of the section by encouraging flexibility in design. Staff also determined that this particular type of bicycle parking was not unlike other passive recreation amenities listed.

<sup>27</sup> Adding flexibility to design projects in the downtown zoning districts by counting unenclosed balconies, decks, porches, and patio areas as the downtown area is limited in open space area and designs are not unlike the other zoning districts listed.

(1) — Development Requirements: Vacant or parcels in all residential districts ~~except RR-1 and RR-2 which that~~ are smaller than the minimum lot sizes area indicated in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, ~~but larger than one half of the required zoning district minimum lot size,~~ may be developed with a detached dwelling unit or, if in the RR and RL-1 zoning districts, pursuant to the standards in Subsection 9-8-3(b), "Density in the RR-1, RR-2, RL-1, RMX-1, and RH-7 Districts," B.R.C. 1981, with a duplex or two detached dwelling units, if the following criteria are met:

a. ~~building~~ The building or buildings meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981; ~~and~~

b. In RR-1 and RR-2 districts, ~~the lots or parcels are no less than at least 7,500 square feet in size, or and which are smaller than the minimum lot size but larger than one fourth of the minimum lot size may be 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 meet the setback requirements.~~

a.c. In all other zoning districts, ~~the vacant lots which that are~~ below at least one-half of the required minimum lot size area, ~~for the zoning district shall not be eligible for construction of principal buildings.~~<sup>28</sup>

### 9-12-5. Minor Subdivision.

- (a) Scope: A minor subdivision is a division of residentially zoned<sup>29</sup> land that is already served by city services, will not require ~~the extension of streets or any~~ public improvements and will not result in more than one additional lot.
- (b) Standards for Minor Subdivisions: The approving authority will approve a minor subdivision after finding that the following standards have been met: ~~Limitations: The provisions of this section shall not apply to a replat that.~~<sup>30</sup>
- (1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;
  - (2) The resulting lots will contain either no more than two detached dwelling units or one duplex per lot as allowed under this title;
  - (3) The division of land will create no more than one additional lot;
  - (4) The subdivision does not rRequires any modifications-waivers pursuant to Subsection 9-12-12 (b), "Standards for Lots and Public Improvements Waiver of Lot Standards," B.R.C. 1981;
  - (5) The subdivision does not rRequires the dedication of public or private access easements or public right-of-way for new streets, alleys or shared access driveways;

<sup>28</sup> As with the edit in Section 9-8-5, the language here is confusing. Further, there is an incorrect code reference here that required updating. The language has been made clearer by changing the language from "one fourth of the minimum lot size" or "one half of the minimum lot size" to the exact size a lot must be to be developed.

<sup>29</sup> This is clarifying language that minor subdivisions only apply to residentially zoned land.

<sup>30</sup> The standards section is proposed to be rewritten to take duplicate information in the limitations section and combining existing language with standards that limit the minor subdivision process to the original intent of dividing a residential property into two lots with no public improvements required.

- (36) ~~The subdivision does not r~~Requires ~~the extension of a construction of any~~ public improvement such as a street, alley, ~~sidewalk,~~ water main, or sewer main; ~~or requires any engineering plans, including but not limited to drainage reports for any public or private improvement;~~
- (7) ~~The subdivision does not require a drainage report for any public or private improvement;~~
- (84) ~~The subdivision is not~~ Is located on lands containing slopes of fifteen percent or greater;
- (95) ~~The subdivision does not r~~Requires the removal of an existing principal building; ~~or~~
- (10) If the minor subdivision is a replat of a previously approved subdivision, the document is named with the same name as that of the original subdivision and indicates that it is a replat of the original subdivision. Newly adjusted or created lots are designated to adequately indicate that original lot lines have been adjusted with a similar lot name;
- (11) The lots and existing structures will comply with the lot standards of Section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of Section 9-9-17, "Solar Access," B.R.C. 1981; and
- (12) No portion of the property is located in the high hazard zone or the conveyance zone.
- ~~(6) Is located in a nonresidential zone district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981.~~
- (c) Application Requirements: The subdivider shall submit to the City the following items:
- (1) An application for a minor subdivision on a form provided by the city manager and the fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981;
  - (2) A preliminary plat meeting all of the requirements of Section 9-12-6, "Application Requirements for a Preliminary Plat," B.R.C. 1981;
  - (3) A final plat meeting all of the requirements of Section 9-12-8, "Final Plat," B.R.C. 1981;
  - (4) A title commitment or attorney memorandum based upon an abstract of title, current as of the date of submitting the minor subdivision;
  - (5) A lot line and boundary verification required by Section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, if the requirements of Section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, have not been met on the original plat; and
  - (6) A shadow analysis for any existing buildings that is drawn in compliance with Section 9-9-17, "Solar Access," B.R.C. 1981, and any other standards as may be required by the city manager.
- (d) Notice Requirements: The subdivider shall satisfy the notice requirements in Section 9-12-7, "Staff Review and Approval of Preliminary Plat," B.R.C. 1981.
- ~~(e) Standards for Minor Subdivisions: The city manager will approve the minor subdivision after finding that the following standards have been met:~~
- ~~(1) The land is in a residential zoning district described in Section 9-5-2, "Zoning Districts," B.R.C. 1981;~~
  - ~~(2) The division of land will create no more than one additional lot;~~
  - ~~(3) The division of land will not require the extension of any public improvements, including, without limitation, the extension of roads or utilities to serve the property;~~
  - ~~(4) If the minor subdivision is a replat of a previously approved subdivision, the document shall be named with the same name as that of the original subdivision and shall indicate thereon that it is a replat of the original subdivision. Newly adjusted or created lots shall be designated to adequately indicate that original lot lines have been adjusted with a similar lot name; and~~

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~~(5) The lots and existing structures will comply with the lot standards of section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of section 9-9-17, "Solar Access," B.R.C. 1981.~~<sup>31</sup>

~~(f) Existing Streets or Alleys, Dedication and Vacation of Easements: Right of way necessary to bring an existing street or alley up to a current City standard, or and public easements for utilities or sidewalks may be dedicated on a minor subdivision plat. The City may approve the vacation of City utility easements on the replat.~~<sup>32</sup>

~~(ge) Minor Subdivision Review Procedure: If the final plat and the required plans, specifications, agreements, and guarantees meet the requirements of this code, the City of Boulder Design and Construction Standards, and other ordinances of the City or requirements determined by the city manager to be necessary to protect the public health, safety, or welfare, the manager shall approve the final plat in accordance with the procedure set forth in Section 9-12-10, "Final Plat Procedure," B.R.C. 1981. ~~If there are no public improvements associated with the minor subdivision, the city manager can waive the requirements for a subdivision agreement. A subdivision agreement is not required for a minor subdivision.~~<sup>33</sup>~~

## 9-14-1. Form Based Code

...

## 9-14-8. DEFINITIONS

The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this chapter unless a term is defined different in this chapter or the context clearly indicates otherwise. For the purposes of this chapter, the following terms shall have the following meanings:

- (a) **Balcony.** Balcony means a platform that projects from a facade of a building above grade and is enclosed by a parapet or railing but excludes false balconies False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth.
- (b) **Courtyard.** A courtyard means any street-level area that is generally enclosed by a building or multiple buildings on three sides, is open to the sky, and includes landscape and pedestrian pathways, and may include patio, terrace, or deck space. Sides may be enclosed by buildings on abutting lots or lots across a street.
- ~~(c?)~~ Coverage, Impervious. Impervious coverage means the percentage of a lot or parcel developed with principal or accessory structures or other impervious surfaces.

<sup>31</sup> This language has been combined into the previous limitations section to create a new standards section, removing duplicate language.

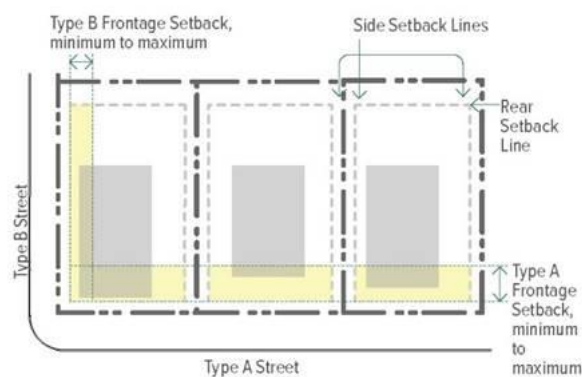
<sup>32</sup> Removal of this language is to restore the original intent of the minor subdivision process, which is to divide a residentially zoned property into two lots with no public improvements required.

<sup>33</sup> With the intention of this section to restore the original intent of the minor subdivision process, replacement language is proposed not requiring a subdivision agreement as there would be no public improvements. Any public improvements needed would move the proposal to the full plat process.

(d<sup>2</sup>) Coverage, Semi-pervious. Semi-pervious coverage means the percentage of a lot or parcel developed with semi-pervious surfaces.<sup>34</sup>

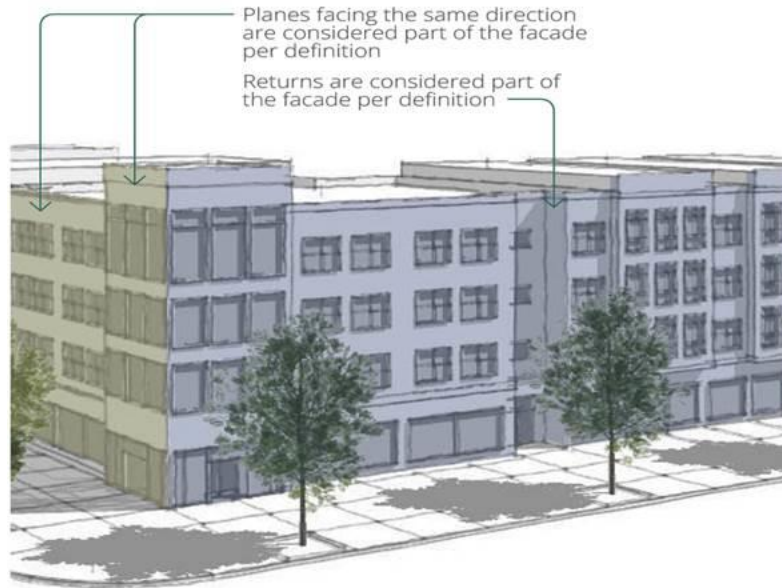
(ee) **Expression Line.** Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or recessed at least two inches from the exterior facade of a building. Vertical elements may include a column, pilaster, or other vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other horizontal ornamentation and projections. Expression lines are typically utilized to delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections. Expression lines are also subject to the following:

- (1) Expression lines must extend continuously the full length of the facade. Breaks may occur in the expression line provided that they are no more than two feet in length and the cumulative length of the breaks does not exceed twenty percent of the facade length.
- (2) The minimum protrusion or recession of an expression line in brick masonry may be achieved through the use of up to three consecutively vertically stacked bricks that are corbeled or racked.



**Figure 14-10. Minimum and Maximum Frontage Setback Lines**

<sup>34</sup> In the most recent adopted version of the form-based code, it was discovered that terminology for impervious, semi-pervious, permeable surfaces, coverage and material were being used inconsistently. This proposal is to create concise definitions of impervious coverage, semi-pervious coverage, impervious surface, semi-pervious surface, and permeable surface. The definitions were also relabeled for consistency.



**Figure 14-11. Facade Definition**

- (fd) **Facade.** Facade means the exterior walls of a building exposed to public view and includes walls as shown in Figure 14-11. Facade Definition.
- (ge) **Frontage Setback.** Frontage setback means a minimum and maximum setback and is the area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The frontage setback dictates the minimum and maximum distance a structure may be placed from a lot or parcel line, easement, or outdoor space in accordance with the measurement requirements of Subsection 9-14-2(b), Frontage Setback," B.R.C. 1981. Refer to Figure 14-10. Minimum and Maximum Frontage Setback Lines, and Figure 14-11. Facade Definition.
- ~~(f) **Impervious Site Coverage.** Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.~~
- (hg) **Major Material.** Major material means a façade material meeting the standards for major materials established in Section 9-14-28 "Façade Materials," B.R.C. 1981.
- (ih) **Minor Material.** Minor material means a façade material meeting the standards for minor materials established in Section 9-14-28, "Façade Materials," B.R.C. 1981.
- (ji) **Mobility Hub.** Mobility hub means a designated, easily accessible outdoor space where people can access and transfer between multiple transportation modes, such as public transit, bike share, ride-share, taxis, and micromobility devices.

- (k) **Occupied Building Space.** Occupied building space means interior building spaces regularly occupied by the building users. It does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.
- (l) **Parking Yard.** Parking yard means an area extending from the rear building facade to the rear property line between the side yards or, on a corner property, between the street adjacent side and side yards. Parking yards are fully screened from Type A frontages by the building and do not extend to any side lot line or street lot line.
- (m) **Paseo.** Paseo means a path designed for use by pedestrians and by vehicles that may generally be operated on a sidewalk in the city. The paseo is located mid-block, allowing pedestrian movement through the block from one street to another without traveling along the block's perimeter.
- (n) **Permeable Surface.** ~~Permeable surface means a surface that allows water and air to permeate through it, for example, soil or a semi-pervious material.~~
- (o) **Porch.** Porch means a roofed, raised structure at the entrance to the building, providing a transition between the interior of the building and the exterior yard or adjacent sidewalk. Refer to Figure 14-12. Example of a Porch.
- (p) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- (q) **Semi-Pervious Surface or Material.** ~~Semi-pervious surface or material means a material such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for absorption of water into the ground or roof.~~



**Figure 14-12. Example of a Porch**



**Figure 14-13. Example of a Stoop**

- (pq) **Stoop.** Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. A stoop may be covered by a canopy or awning. Refer to Figure 14-13. Example of a Stoop.
- (qf) **Story, Ground.** Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C. 1981, for a definition for basement.
- (rs) **Story, Half.** Half story means either a story in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
- (st) **Story, Upper.** Upper story means a story located one story or more above the ground story of a building.
- (th) **Streetwall.** Streetwall means the portion of the building façade that is located generally parallel to and facing the street right-of-way line. Refer to definition of facade.
- (uv) **Street Yard.** Street yard means any yard located between the principal building and a street right-of-way.
- (v2) **Surface, Permeable.** Permeable surface means a non-paved, landscape surface that allows water and air to freely permeate to the ground including, without limitation, soil, mulch, turf, and planting areas.
- (w2) **Surface, Semi-Pervious.** Semi-pervious surface means a porous surface or material that allows for water to pass through to the soil including, without limitation, permeable pavers, permeable concrete, and a green roof.
- (x2) **Surface, Impervious.** Impervious surface means a solid surface or material that prevents the absorption of water into the soil including, without limitation, asphalt, concrete, and building elements designed to shed water.<sup>35</sup>
- (yw) **Transparency.** Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows with
- (1) on a storefront base, a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25, and
  - (2) on any façade other than a storefront base, a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.

<sup>35</sup> In the most recent adopted version of the form-based code, it was discovered that terminology for impervious, semi-pervious, permeable surfaces, coverage and material were being used inconsistently. This proposal is to create concise definitions of impervious coverage, semi-pervious coverage, impervious surface, semi-pervious surface, and permeable surface. The definitions were also relabeled for consistency.

- (~~zz~~) **Type A Frontage.** Type A frontage means a frontage along a Type A street or other feature as defined in this chapter that receives priority over other frontages in terms of locating principal entrances, prioritizing facade design elements, and incorporating design requirements associated with pedestrian orientation.
- (~~aa~~) **Type A Street.** Type A street means a street designated on the regulating plan that receives priority over other streets in terms of setting front lot lines and locating building entrances.
- (~~ab~~) **Type B Frontage.** Type B frontage means a frontage along a Type B street or other feature as defined in this chapter that allows for a lower level of facade treatment as well as permits limited locations for garage and parking lot driveway entrances.
- (~~ac~~) **Type B Street.** Type B street means a street designated on the regulating plan that receives lower priority than Type A street in terms of building frontage and facade requirements; it allows for a lower level of facade treatment as well as permits locations for garage and parking lot driveways entrances.
- (~~ad~~) **Type C Frontage.** Type C frontage means a frontage along a Type C street or other feature as defined in this chapter that allows for a lower level of facade treatment as well as typically permits limited locations for multiple garage and parking lot driveway entrances.
- (~~ae~~) **Type C Street.** Type C street means a street designated on the regulating plan that receives lower priority than Type A and Type B street in terms of building frontage and facade requirements.
- (~~af~~) **Visible Basement.** Visible basement means a half story partially below grade and partially exposed above.
- (~~ag~~) **Yard Definition.** Yard is defined in Section 9-16-1, “General Definitions,” B.R.C. 1981. For the purposes of this chapter, the following standards shall supplement and, where inconsistent, supersede the definition of Section 9-16-1, B.R.C. 1981:
- (1) **Side and Rear Yards.** On a property located in an area designated in Appendix L, “Form-Based Code Areas,” only yards not abutting a Type A, B, or C frontage as designated on the regulating plan are considered side or rear yards.
  - (2) **Front Yards, Side Adjacent Street Yards, and Side Equals Front Yards.** Front yards, side adjacent street yards, and side equals front yards are regulated through the designation of Type A, Type B, and Type C frontages on the regulating plan.

...

## 9-14-10. STREETSCAPE AND PASEO DESIGN REQUIREMENTS

- (a) **General Requirements.** In addition to the requirements of the Boulder Revised Code and the City of Boulder Design and Construction Standards, the streetscape of all new and existing streets, and the design of all paseos and enhanced paseos shall meet the standards of this section.

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- (1) **Conformance to Plans.** The streetscape and paseos shall be designed and completed consistent with the streetscape guidelines of the connections plan of the applicable area or subcommunity plan.
- (2) **Compatible Design.** The design, including but not limited to paving patterns, seating areas, and bulb-outs, of all street frontages and paseos within the development shall be compatible in character.
- (3) **Additional Design Requirements.** The streetscape and paseo design shall meet the following standards:

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- (D) **Permeable Surface Area for Trees.** For each tree planted, permeable surface area shall be provided meeting the minimum size requirements established in Table 14-1. Permeable surface means the ground surface above the tree's critical root area that allows water and air to penetrate down to the roots.
  - (i) Per Tree. Permeable surface area for one tree shall not count towards that of another tree.
  - (ii) Suspended Pavement System. When the required permeable surface area of a tree extends horizontally below any ~~non-permeable~~ impervious hardscape, a modular suspended pavement system, such as ~~(Silva Cells, Root Space, or an approved equivalent system.)~~ shall be used below that hardscape to ensure root growth and access to air and water.

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## 9-14-11. SITE DESIGN REQUIREMENTS

- (a) **Site Access.** Site access locations shall be consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, except as modified below:
  - (1) **Frontage Hierarchy.** For the purposes of this chapter and determining site access, Type C frontages are lower category streets than Type B frontages, and Type B frontages are lower category streets than Type A frontages.
  - (2) **Service Base Access.** Multiple access points will be allowed on a lot or parcel to serve a building with a service base, provided the requirements of Section 9-14-24, "Service Base," B.R.C. 1981, are met.
  - (3) **Driveways.** Driveways may not be located in any street yard or setback unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, to cross perpendicularly through the setback to access or connect to an adjacent parking lot per subsection (d), Inter-Lot Drives, of this section.

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- (4) **Trash and Recycling Areas.** One mountable, rolled curb section is allowed at a Type B or C street per development, maximum ten feet in width, in order to roll receptacles out to the street.
- (b) **Street Yard Design.** Street yards, including courtyards and streetscape plazas designed to meet the requirements of Subsection 9-14-14(h), “Required Streetwall Variation,” B.R.C. 1981, shall be designed consistent with the following:
- (1) **Coordinated Design.** The combined streetscape and street yard area from building facade to the back of curb is coordinated and comprehensively designed with a combination of hardscape and landscape areas, although differences in materials and functional areas may exist.
  - (2) **Shopfront Streetscape.** Where the shopfront base is required, hardscape is located within 24 inches or less of the shopfront windows and that hardscape is connected to the path between the public sidewalk and the building entrances.
  - (3) **Trees.** At least one tree is planted for every 1,000 square feet of any street yard, courtyard, or streetscape plaza area, located in planting areas or tree wells. Street yard trees meet the minimum permeable surface-area requirements in Paragraph 9-14-10(a)(3)(D), B.R.C. 1981.
  - (4) **Hardscape.** Hardscape areas are paved with unit pavers, such as bricks, quarry tiles, porous pavers, or poured-in-place materials. If poured-in-place materials are selected, they must be of decorative color or textures.
  - (5) **Landscape Beds.** A minimum of twenty-five percent of the street yard areas, including courtyards and streetscape plazas to meet the requirements in Subsection 9-14-14(h), B.R.C. 1981, include landscape beds with shrubs, perennials, grasses, and/or annual plants.
  - (6) **Seating and Amenities.** Seating and amenities shall be provided in courtyards and streetscape plazas required per Subsection 9-14-14(h), B.R.C. 1981, consistent with the following:
    - (A) Temporary or permanent seating is provided. Temporary seating shall be available or in place between March 15 and November 15.
    - (B) In addition to seating, at least one other amenity is provided, such as a pergola, multiple trellises, catenary or string overhead lighting, a fountain, or artwork (sculpture or mural).
- (c) **Yards and Setbacks.** Setbacks and yards, with the exception of street yards, courtyards, street yard plazas, parking areas, driveways, loading zones, mechanical equipment, and refuse and recycling areas, shall meet the following standards:
- (1) **Trees.** To the extent practical and achievable, trees shall be planted at a minimum of one per 1,500 square feet, located in planting areas or tree wells.

- 
- (2) **Landscape Areas.** Yards and setbacks shall be designed for a mix of paved and landscaped areas, consistent with the maximum impervious and semi-pervious ~~areas~~ coverage allowed per the building type.
  - (d) **Inter-Lot Drives.** Adjacent parking lots in a development shall be connected with a shared drive that perpendicularly crosses any side and/or rear setback.
  - (e) **Mid-Block Pathways.** In East Boulder, mid-block pathways are required on longer blocks consistent with the following:
    - (1) **Pathway Location.** Mid-block pathways shall continuously connect the two opposite frontages specified in Paragraph 9-14-6(c)(2), B.R.C. 1981, and be located within 50 feet of the midpoint of the frontage.
    - (2) **Pathway Width.** The minimum width of the pathway area between building facades shall be ten feet with a minimum pathway of five feet. The unpaved areas shall be landscaped.
    - (3) **Path Construction Standards.** The pathway shall be constructed to accommodate pedestrians and vehicles that may generally be operated on a sidewalk in the city and shall meet the construction standards of a concrete walk and multi-use paths in the City of Design and Constructions Standards.
    - (4) **Open-Air.** Mid-block pathways shall be open to the sky, except buildings may bridge over the pathways for distances along the pathway of no more than thirty feet and covering no more than thirty percent of the length of the mid-block pathway. The clear opening under the bridge shall be at least fifteen feet in height.

## 9-14-12. OUTDOOR SPACE REQUIREMENTS

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- (k) **Improvements.** When determining the specific improvement standards applicable to each outdoor space type, the following shall apply:
  - (1) **Designated Sports Fields.** Designated sports field shall mean sports fields or ball courts designated for one or more particular sports, including but not limited to baseball fields, softball fields, soccer fields, basketball courts, football fields, and tennis courts.
  - (2) **Playgrounds.** Playgrounds shall mean a defined area with play structures and equipment typically designed for children under twelve years of age, such as slides, swings, climbing structures, and skate parks. Where a playground is required, it shall include soft surfacing and structures and shall be a minimum of 1,800 square feet in total area.

- (3) **Mobility Hub.** Mobility hubs may be incorporated into an outdoor space if noted in the applicable outdoor space type table. Mobility hubs may range from pick-up locations for taxis or ride-share services to stations for bike-share systems and may range in size. A mobility hub incorporated into an outdoor space shall have a designated space and include paving, seating, and landscaping.
- (4) **Fully Enclosed Structures.** Where permitted, fully enclosed structures may include such uses as small cafes, kiosks, community centers, and restrooms. For some outdoor space types, fully enclosed structures are subject to a maximum building coverage limitation, limiting the building coverage to a percentage of the outdoor space area.
- (5) **Semi-Enclosed Structures.** Semi-enclosed structure shall mean open-air structure, such as a gazebo. Semi-enclosed structures are permitted in all outdoor space types.
- (6) **Maximum Impervious and Semi-Pervious Surface.** Limitations on impervious and semi-pervious surfaces are provided separately for each ~~open-outdoor~~ space type to allow an additional amount of semi-pervious surface area coverage, such as permeable paving, above the maximum permitted impervious surface areas permitted, including, but not limited to, sidewalks, paths, and structures as permitted.
- (7) **Maximum Percentage of Open Water Body.** Maximum percentage of open water body shall mean the maximum amount of area within the outdoor space that may be covered by an open water body, including but not limited to ponds, lakes, and pools.

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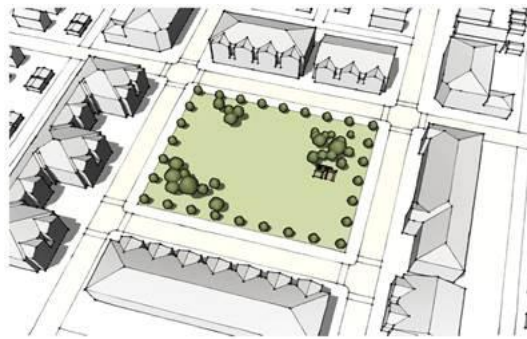


**Figure 14-19. Example of a Plaza**

- (m) **Plaza.** The intent of the plaza is to provide a formal outdoor space of medium scale that may serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations, are encouraged. Plazas shall be designed to meet the standards of Table 14-3. Plaza Requirements. See Figure 14-19. Example of a Plaza.

**Table 14-3. PLAZA REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.10 acres
Maximum Size	1 acre
Minimum Dimension	80 feet
Minimum Percentage of Street or Public Way Frontage Required	25%
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum <u>Percentage of Outdoor Space</u> <del>with That Is</del> Impervious Surface + <u>Maximum Additional Percentage of Semi-Pervious Surface</u> <sup>36</sup>	60%+ 20%
Maximum Percentage of Open Water	30%

**Figure 14-20. Example of a Green**

<sup>36</sup> Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

- (n) **Green.** The intent of the green is to provide an informal outdoor space of medium scale for active or passive recreation located within walking distance for building occupants and visitors. The green is intended to be fronted mainly by streets. Greens shall be designed to meet the standards of Table 14-4. See Figure 14-20. Example of Green.

**Table 14-4. GREEN REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.25 acres
Maximum Size	2 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	100% for greens less than 1.25 acres; 50% for greens 1.25 or more acres in size
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
<u>Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface + Semi-Pervious Surface</u> <sup>37</sup>	20% + 15%
Maximum Percentage of Open Water	30%

<sup>37</sup> Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.



**Figure 14-21. Example of a Commons**

- (o) **Commons.** The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants. Commons shall be designed to meet the standards of Table 14-5. See Figure 14-21. Example of Commons.

**Table 14-5. COMMONS REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	0%; requires a minimum of two access points (minimum 20 feet wide)
<b>Improvements</b>	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Mobility Hub	Not permitted
Fully Enclosed Structures	Not permitted
<u>Maximum Percentage of Outdoor Space that is Impervious Surface + Maximum Additional Percentage</u>	30% + 10%

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of Semi-Pervious Surface CoverageMaximum Impervious Surface + Semi-Pervious Surface <sup>38</sup>	
Maximum Percentage of Open Water	30%



**Figure 14-22. Example of a Pocket Park**

- (p) **Pocket Park.** The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance. Pocket parks shall be designed to meet the standards of Table 14-6. See Figure 14-22. Example of Plaza.

**Table 14-6. POCKET PARK REQUIREMENTS**

Dimensions	
Minimum Size	0.10 acres
Maximum Size	1
Minimum Dimension	None
Minimum Percentage of Street Frontage Required	30%
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Required

<sup>38</sup> Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

Mobility Hub	Permitted
Fully Enclosed Structures	Not permitted
Maximum Percentage of Outdoor Space That is <u>Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface</u> <del>Maximum Impervious Surface + Semi-Pervious Surface</del> <sup>39</sup>	30% + 10%
Maximum Percentage of Open Water	30%



**Figure 14-23. Example of a Park/Greenway**

- (q) **Park/Greenway.** The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Parks/greenways shall be designed to meet the standards of Table 14-7. See Figure 14-23. Example of Parks/Greenways.

**Table 14-7. PARK/GREENWAY REQUIREMENTS**

<b>Dimensions</b>	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size

<sup>39</sup> Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Mobility Hub	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Percentage of Outdoor Space That Is Impervious Surface + Maximum Additional Percentage of Semi-Pervious Surface – Maximum Impervious Surface + Semi Pervious Surface <sup>40</sup>	20% + 10%
Maximum Percentage of Open Water	50%

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## BUILDING TYPES

### 9-14-14. REQUIREMENTS APPLICABLE TO ALL BUILDING TYPES

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- (m) **Modifications.** The approving authority may approve the following modifications to building type requirements if it finds the proposed design substantially meets the intent of the requirement being modified:
- (1) **Building Location.** The location of the building within up to one foot from any minimum setback or frontage setback width or location requirement.
  - (2) **Impervious Coverage.** Up to a ten percent increase in total impervious coverage, not to exceed the total amount of allowed impervious plus semi pervious coverage.
  - (3) **Type A Frontage Streetwall.** For the commercial storefront building only, up to ten percent decrease in Type A frontage streetwall requirements.
  - (4) **Story Height.** An additional height of any floor to floor story height up to two feet, provided the overall building height does not exceed the maximum permitted height.
  - (5) **Transparency.** Up to two percent reduction of the required transparency on a non Type A frontage facade; and up to four square feet increase of the blank wall area limitation of paragraph 9-14-26(g)(2) on a non Type A frontage facade.<sup>41</sup>

<sup>40</sup> Language was added to clarify what type and maximum percentages of impervious and semi-pervious surfaces.

<sup>41</sup> Staff determined that these particular modifications were difficult to measure how they substantially meet the intent of the requirement and that any modification can already be requested through the existing exception process.

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**9-14-16. MAIN STREET STOREFRONT BUILDING TYPE**

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

			REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure 14-25.			
1	Type A Frontage Streetwall, minimum	90%	Refer to Subsection 9-14-14(g), B.R.C. 1981, for courtyard allowance.
2	Type A Frontage Setback, minimum to maximum	0 ft. to 5 ft.	Refer to Subsection 9-14-26(b), B.R.C. 1981, for measuring minimum and maximum setbacks.
3	Type B Frontage Setback, minimum to maximum	0 ft. to 5 ft.	
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Rear Yard Setback, minimum	10 ft.; minimum 25 ft. if no alley; 0 ft. required at paseo or multi-use path	
6	Building Length along any Type A & B Frontage, maximum	150 ft.	Refer to Section 9-14-31, B.R.C. 1981, for building massing requirements.
7	<del>Site</del> Impervious Coverage, maximum  Additional Semi-Pervious Coverage, <u>maximum</u> <sup>42</sup>	70%  25%	Refer to Section 9-14-8, “Definitions,” B.R.C. 1981, for semi- pervious coverage.
8	Surface or Accessory Parking Location	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to

<sup>42</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

			Subsections <u>9-14-14</u> (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.
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## 9-14-17. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

			REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure 14-28.			
1	Type A Frontage Streetwall, minimum	60% required	
2	Type A Frontage Setback, minimum to maximum	12 ft. to 20 ft. along Valmont and 30th Street; 0 ft. to 10 ft. along new streets	
3	Type B Frontage Setback, minimum to maximum	0 ft. to 10 ft.	
4	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Rear Yard Setback, minimum	15 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	
6	Building Length any Type A & B Frontage, maximum	90 ft.	Refer to Section <u>9-14-31</u> , B.R.C. 1981, for building massing requirements.
7	Site Impervious Coverage, maximum	70%  25%	Refer to Section <u>9-14-8</u> , “Definitions,” B.R.C. 1981, for semi-pervious coverage.

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	<b>Additional Semi-Pervious Coverage, <u>maximum</u></b> <sup>43</sup>		
<b>8</b>	<b>Surface or Accessory Parking</b>	Parking yard & interior side yard	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to Subsections <u>9-14-14</u> (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

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## 9-14-18. GENERAL BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

					<b>REFERENCES/ ADDITIONAL REQUIREMENTS</b>
<b>BUILDING SITING</b> Refer to FIGURE 14-31.					
<b>1</b>	<b>Type A Frontage Streetwall, minimum</b>	90%	80%	80%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) for definition of required streetwall variation.
<b>2</b>	<b>Streetwall Variation for Type A and Type B Frontages</b>	--	--	Required for buildings over 180 ft. in width	
<b>3</b>	<b>Type A Frontage Setback, minimum to maximum</b>	5 ft. to 10 ft.	5 ft. to 20 ft.	10 ft. to 25 ft.	Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.
<b>4</b>	<b>Type B Frontage Setback, minimum to maximum</b>	5 ft. to 10 ft.	5 ft. to 20 ft.	5 ft. to 20 ft.	
<b>5</b>	<b>Type C Frontage Setback, minimum to maximum</b>	--	--	0 to 15 ft.	

<sup>43</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

6	Side Yard Setback, minimum	5'; 0' required at paseo or multi-use path			For paseos and multi-use path locations, refer to the regulating plans and the connections plans for the form-based code area.
7	Rear Yard Setback, minimum	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path		15 ft.; 0 ft. required at paseo or multi-use path	
8	Building Length along Type A & B Frontage, maximum	150 ft.	65 ft. in General Mix 2 area; none in General Mix 1 area; refer to map, <u>Figure 14-2</u> .	---	Refer to Section <u>9-14-31</u> , B.R.C. 1981, for building massing requirements.
9	Site Impervious Coverage, maximum	70%	65%	65%	Refer to Section <u>9-14-8</u> , “Definitions,” B.R.C. 1981, for semi-pervious coverage.
	Additional Semi-Pervious Coverage, <u>maximum</u> <sup>44</sup>	25%	25%	25%	
10	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Parking yard only except limited side yard parking allowed in Valmont Park West, Valmont Park East, and Flatiron Business Park	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements.  Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.

...

<sup>44</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

**9-14-19. ROW BUILDING TYPE**

Refer to Section 9-14-6, "Regulating Plans," B.R.C. 1981, for the locations of buildings in the form-based code areas.

					REFERENCES/ADDITIONAL REQUIREMENTS
BUILDING SITING Refer to FIGURE 14-34. For the purposes of the Row Building, a building consists of multiple vertical units.					
1	Type A Frontage Streetwall, minimum	80%	80%	65%	Each unit shall have a facade located within the frontage setback, except 1 of every 2 units may front a courtyard or outdoor space type. Courtyards, minimum 30 feet wide and 30 feet deep, may count towards Type A streetwall.
2	Type A Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	Frontage setbacks are measured from the outside edge of any public access easement for sidewalk or the right-of-way, if no public access easement for sidewalk and streetscape is required or exists, or from the outside edge of any flood or drainage easement, where the frontage is along a flood or drainage area. Refer to subsections 9-14-26(b) for additional information.
3	Type B Frontage Setback, minimum to maximum	5 ft. to 15 ft.	5 ft. to 15 ft.	5 ft. to 25 ft.	
4	Side Yard Setback, minimum	7.5 ft.; 0 ft. required at paseo or multi-use path			
5	Rear Yard Setback, minimum	20 ft.; 30 ft. if no alley; 5 ft. for detached garage			
6	Building Length, minimum to maximum	3 to 6 units or 120 ft., whichever is less			
	Space between Buildings, minimum	10 ft.			
7	Site-Impervious Coverage, maximum Additional Semi-	60%	60%	60%	Refer to Section 9-14-8, "Definitions," B.R.C. 1981, for semi-pervious coverage.

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	<b>Pervious Coverage, maximum<sup>45</sup></b>	20%	20%	20%	
<b>8</b>	<b>Yard Area, minimum</b>	225 square feet rear yard required for each unit not fronting a courtyard or outdoor space type.			
<b>9</b>	<b>Surface or Accessory Parking Location</b>	Parking yard only	Parking yard only	Parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

...

## 9-14-20 WORKSHOP BUILDING TYPE

Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981, for the locations of buildings in the form-based code areas.

		REFERENCES/ADDITIONAL REQUIREMENTS	
BUILDING SITING Refer to FIGURE 14-37.			
1	Type A Frontage Streetwall, minimum	65%	Refer to 9-14-14(g) for allowed courtyards in the streetwall and 9-14-14(h) definition of required streetwall variation.
2	Streetwall Variation for Type A Frontages	Required	
3	Type A Frontage Setback, Minimum to maximum	5 ft. to 25 ft.	Refer to Section 9-14-26, B.R.C. 1981, for measuring minimum and maximum setbacks.
4	Type B Frontage Setback, minimum	5 ft.	
5	Type C Frontage Setback, minimum	5 ft.	
6	Side Yard Setback, minimum	5 ft.; 0 ft. required at paseo or multi-use path	

<sup>45</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

<b>7</b>	<b>Rear Yard Setback, minimum</b>	10 ft.; 25 ft. required if no alley; 0 ft. required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and section <u>9-14-6</u> for locations and details.
<b>8</b>	<b>Site Impervious Coverage, maximum</b>  <b>Additional Semi-Pervious Coverage, <u>maximum</u></b> <sup>46</sup>	70%  25%	Refer to Section <u>9-14-8</u> , “Definitions,” B.R.C. 1981, for semi-pervious coverage.
<b>9</b>	<b>Surface or Accessory Parking Location</b>	Limited side yard & parking yard only	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading. Refer to Subsection 9-14-26(c) for limited side yard parking.

...

## 9-14-21. CIVIC BUILDING TYPE

The Civic building type is not mapped on the regulating plans. It is permitted in any location in any of the form-based code areas except it is prohibited in East Boulder. The uses permitted in this building type are very limited. Refer to Section 9-14-6, “Regulating Plans,” B.R.C. 1981.

		REFERENCES/ADDITIONAL REQUIREMENTS		
BUILDING SITING Refer to FIGURE 14-40.				
1	Minimum Type A Streetwall, minimum	None required	None required	
2	Type A Frontage Setback, minimum	20'	20'	

<sup>46</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

3	Type B Frontage Setback, minimum	15'	15'	
4	Side Yard Setback, minimum	15'; 0' required at paseo or multi-use path		For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Rear Yard Setback, minimum	15'; 0' required at paseo or multi-use path		
6	Building Length, maximum	None required	None required	Refer to Section <u>9-14-31</u> , B.R.C. 1981, for building massing requirements.
7	Site-Impervious Coverage, minimum	50%	50%	Refer to Section <u>9-14-8</u> , “Definitions,” B.R.C. 1981, for semi- pervious coverage.
	Additional Semi- Pervious Coverage, <u>maximum</u> <sup>47</sup>	20%	20%	
8	Surface or Accessory Parking Location	Parking yard only	No surface parking allowed	Refer to Sections 9-9-12 and 9-9-14, B.R.C. 1981, for landscaping and screening requirements. Refer to Subsection <u>9-14-11(a)</u> , B.R.C. 1981, for driveway access. Refer to Subsections 9-14-14 (j), (k), and (l), B.R.C. 1981, for trash & recycling, garage entrances, and loading.

...

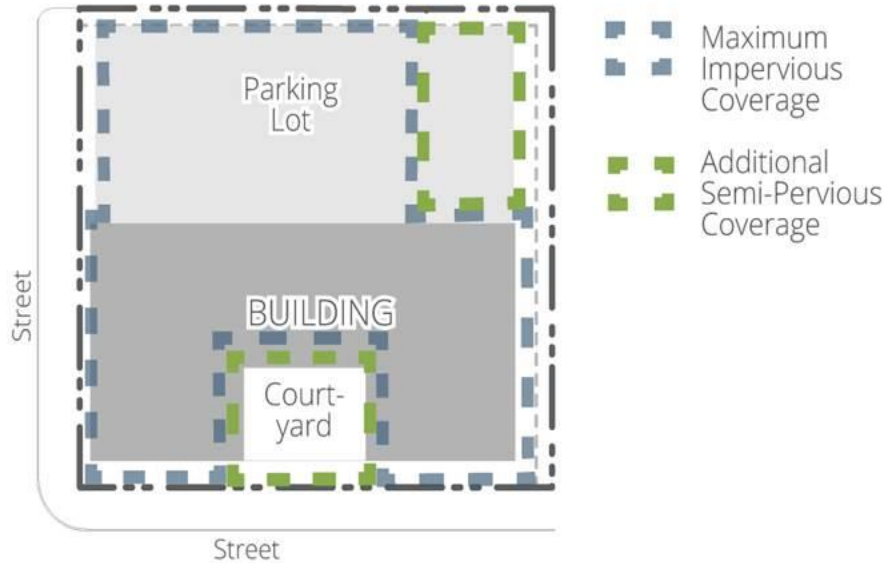
## 9-14-26. MEASUREMENT OF BUILDING TYPE REQUIREMENTS

The standards outlined in the tables in Sections 9-14-16 through 9-14-21, B.R.C. 1981, applicable to each building type, shall be measured and calculated consistent with the following standards:

<sup>47</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

...

- (d) **Maximum Site Impervious and Additional Semi-Pervious Coverage.** ~~Site~~ Impervious and additional semi-pervious coverage shall be calculated and measured as follows. Refer to Figure 14-53. ~~Site~~ Impervious and Semi-Pervious Coverage.
- (1) **Maximum Site Impervious Coverage.** The maximum ~~site~~ impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.<sup>48</sup>
  - (2) **Additional Semi-Pervious Coverage.** In addition to the allowable impervious coverage on a site, a maximum amount of additional semi-pervious coverage is permitted.



**Figure 14-53. ~~Site~~ Impervious and Semi-Pervious Coverage**

...

## 9-16-1. General Definitions

<sup>48</sup> This is language to clarify the impervious coverage and a maximum additional semi-pervious coverage.

## A—E

*Boarding house* means an establishment subject to the City of Boulder Building Code where, for direct or indirect compensation, lodging, with or without meals, is offered for one month or more. A boarding house does not include a fraternity, ~~or~~ sorority, or detached dwelling unit.<sup>49</sup>

## F—J

*Hostel* means a facility ~~for residence that offers temporary lodging~~ of under one month that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers who direct the guests' participation in the domestic duties and activities of the hostel.<sup>50</sup>

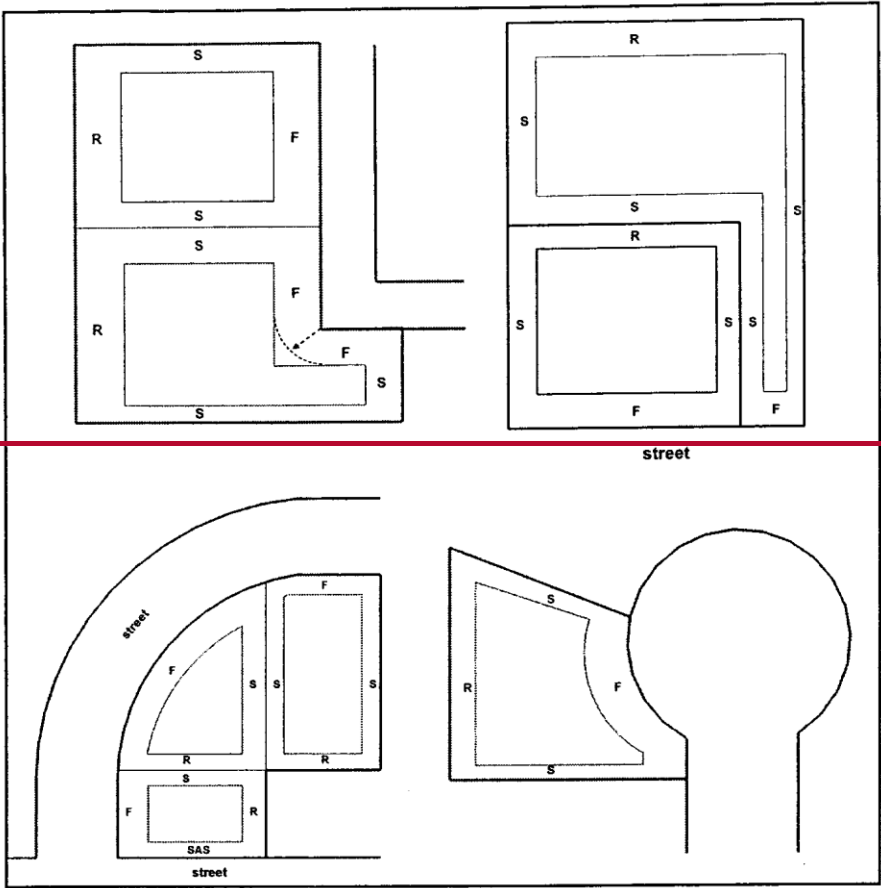
## U—Z

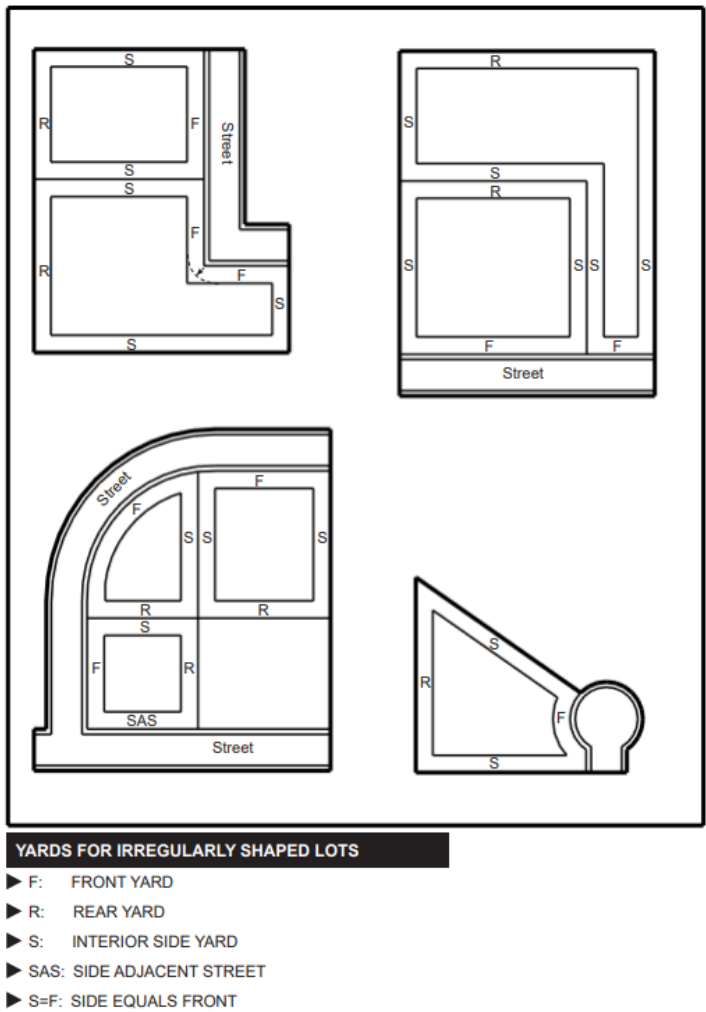
*Yard, front, rear, and side* means the open space between the buildings and the property lines at the front, rear, and sides of the property, respectively and consistent with Figures 16-4 and 16-5 of this section.<sup>51</sup> On a corner lot, the open space adjacent to the shorter street right-of-way shall be considered the front yard. The rear yard is opposite the front yard, and the side yard is between the rear yard and the front yard. ~~(See Figures 16-4 and 16-5 of this section.)~~

<sup>49</sup> This proposed additional language is to address an issue about defining a boarding house due to the removal of occupancy requirements from state direction by making boarding houses subject to the building code and excluding detached dwelling units. The intent is for boarding houses to be treated to higher standard of building code and removing the possibility of conversion of any detached dwelling unit.

<sup>50</sup> The proposed replacement language is to align this definition with existing hotel and motel definition language and remove the potential for the conversion of any detached dwelling unit.

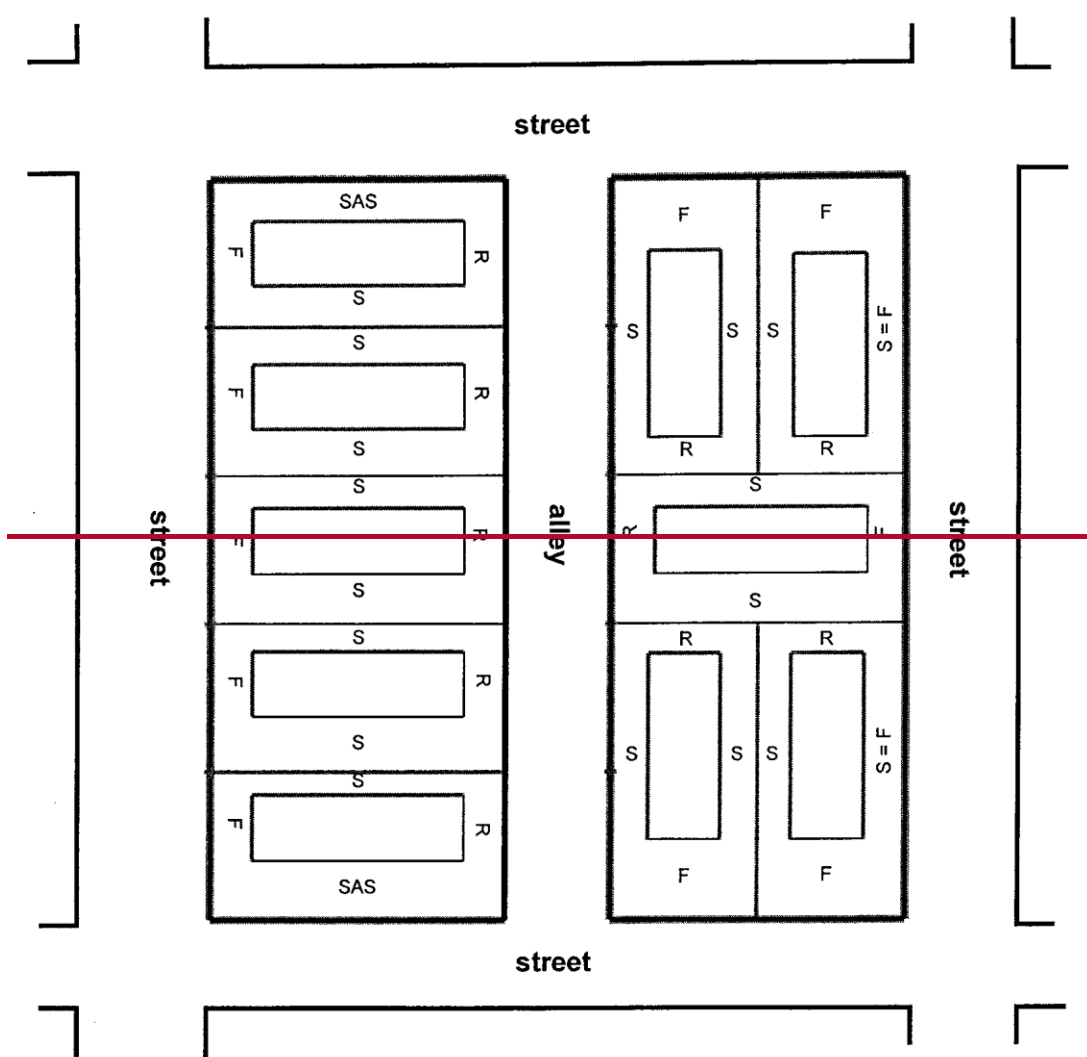
<sup>51</sup> This language is intended to incorporate the figures into the definition in a more visible way along with updated diagrams that are consistent with other diagrams from recent code changes.





**Figure 16-4: Yards for Irregularly Shaped Lots**

~~To the extent possible, setbacks of irregular lots will match the setbacks of adjacent lots.~~



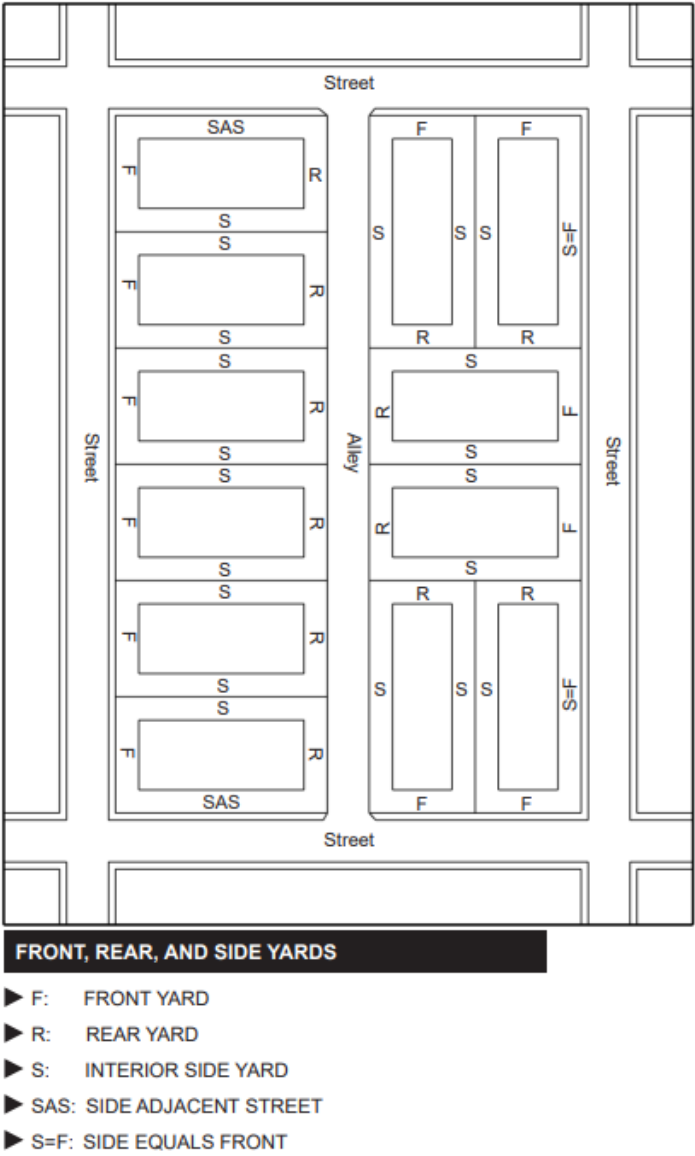
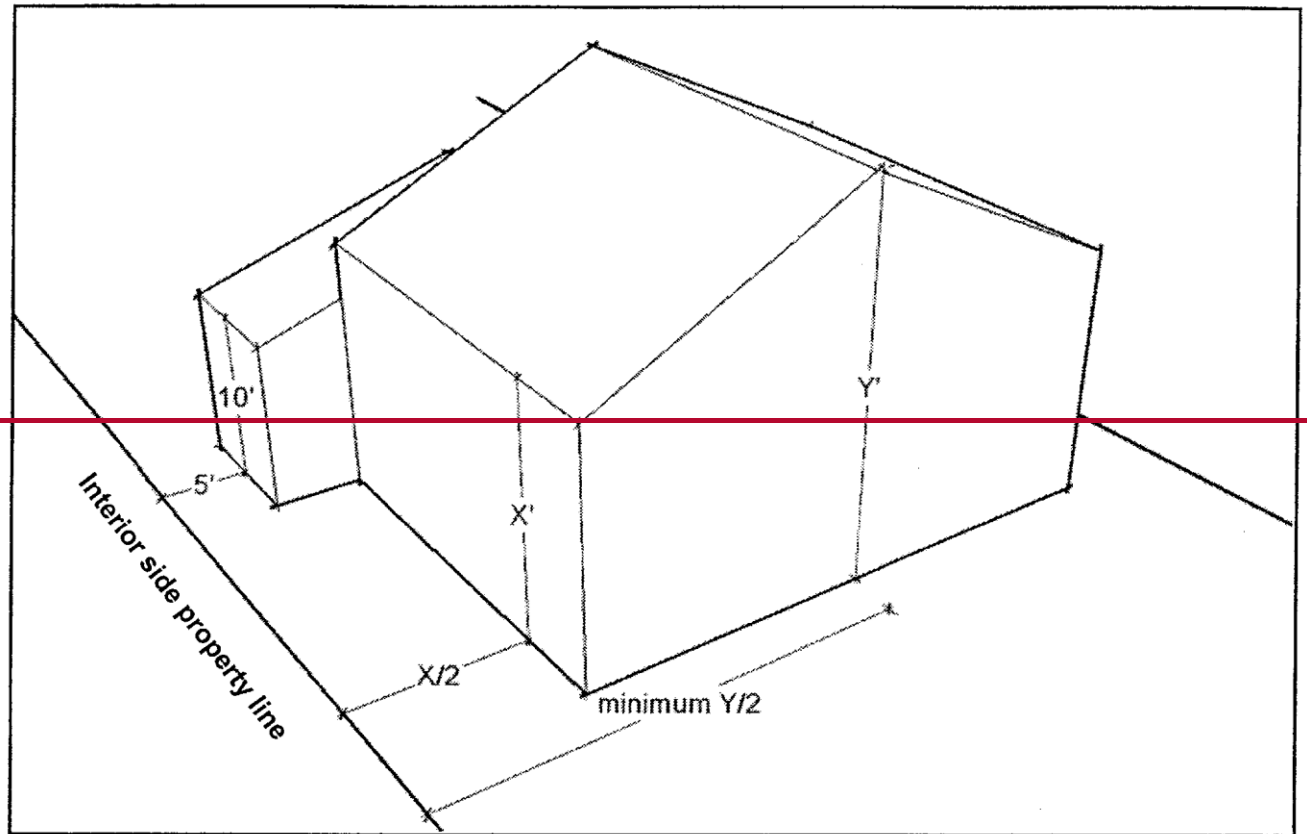


Figure 16-5: Front, Rear, and Side Yards

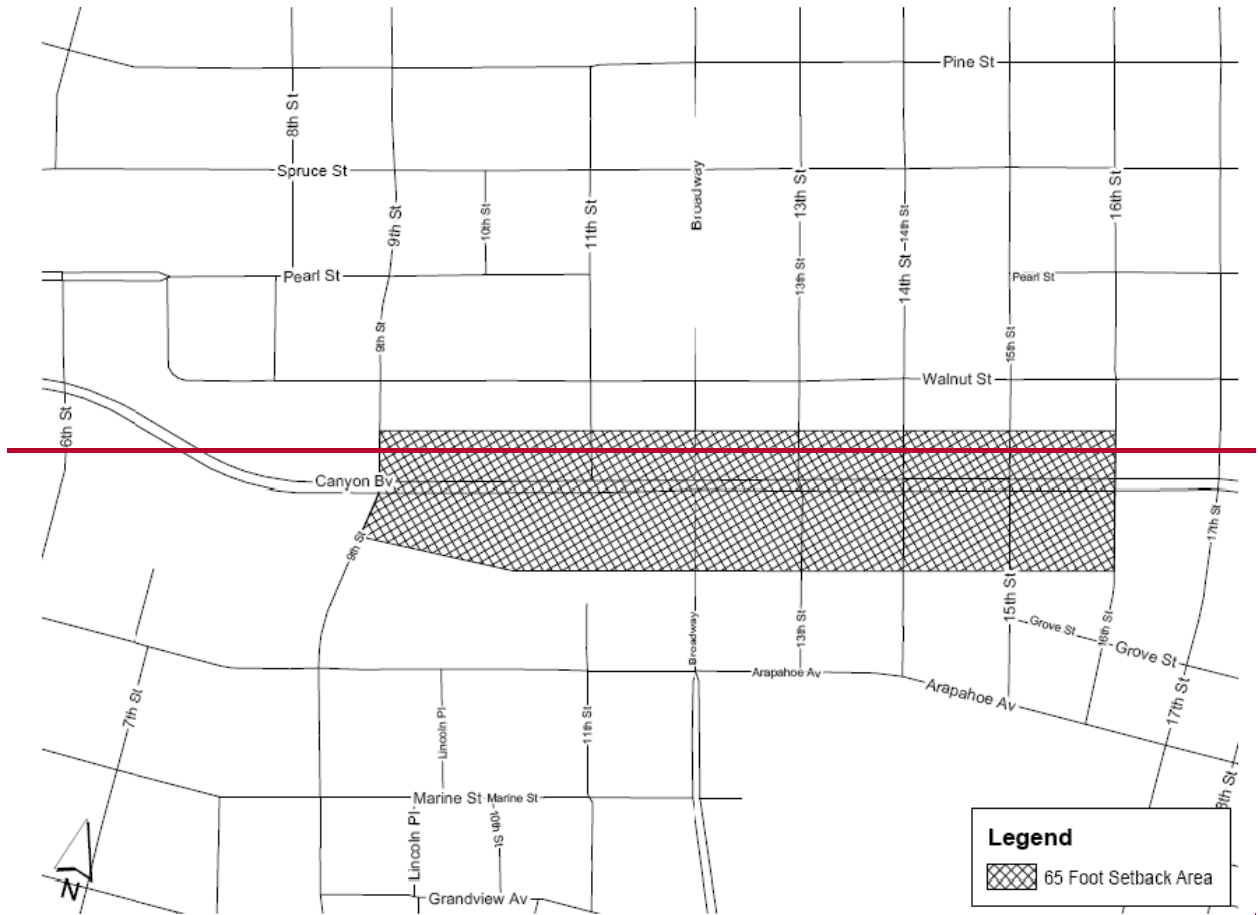
- F: FRONT YARD
- R: REAR YARD
- S: INTERIOR SIDE YARD
- SAS: SIDE ADJACENT STREET
- S=F: SIDE EQUALS FRONT

Appendix B - ~~SETBACK RELATIVE TO BUILDING HEIGHT RESERVED~~<sup>52</sup>



Appendix I – FORM AND BULK STANDARDS

<sup>52</sup> This information is proposed to be moved from Appendix B to Section 9-7-2 for continuity with side yard setback standards and to raise visibility and to be consistent with the other diagrams of this section.

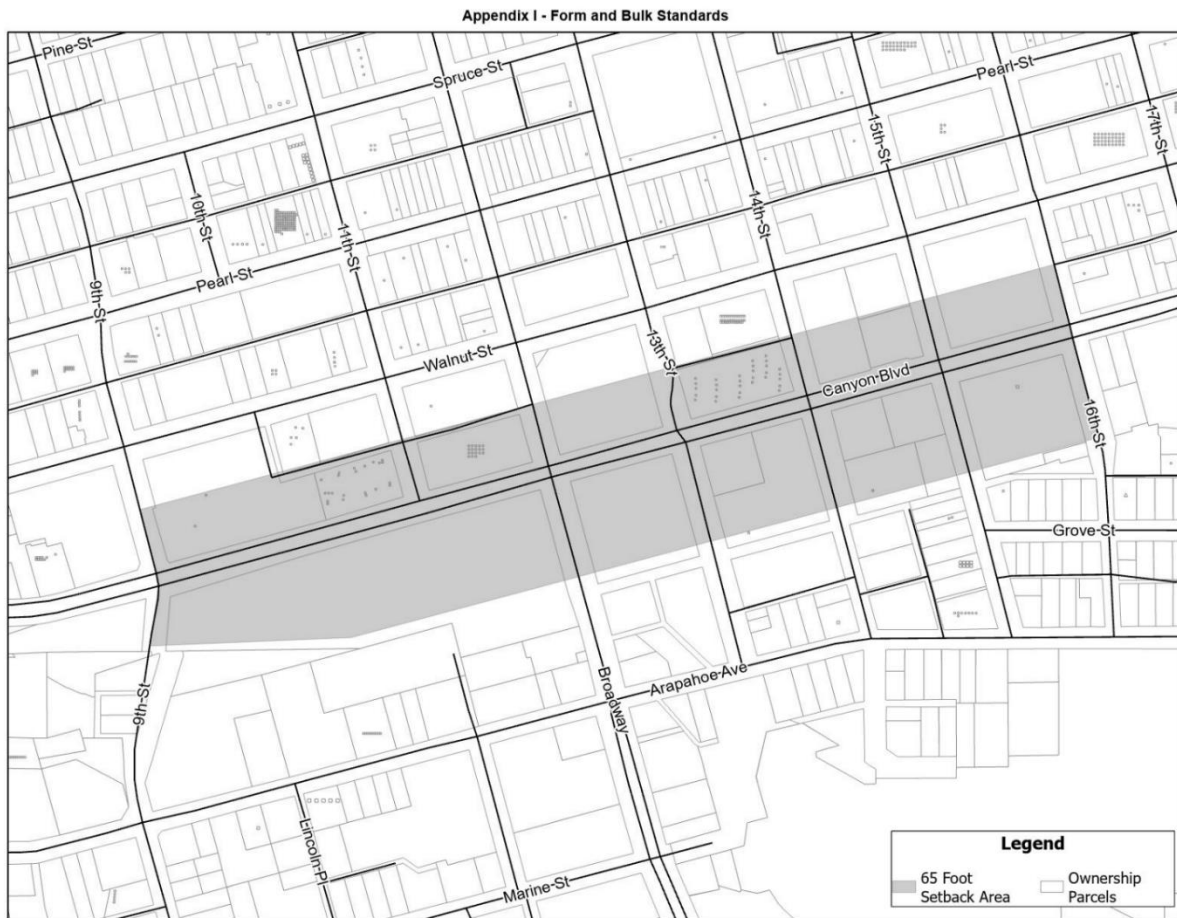


53

<sup>53</sup> The map has been updated to be consistent with other maps in this title.

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## 10-2-2. Adoption of International Property Maintenance Code With Modifications.

### APPENDIX C ENERGY EFFICIENCY REQUIREMENT EXISTING RESIDENTIAL RENTAL STRUCTURES ENERGY CONSERVATION

#### C101

#### SCOPE

**C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy efficiency. Effective January 2, 2019, the energy efficiency requirements of this section shall apply to all residential rental dwelling units licensed according to Chapter 10-3, "Rental Licenses," B.R.C. 1981, except:

1. Buildings that can be verified as meeting or exceeding the energy efficiency requirements of the Energy Conservation Code, Chapter 10-7, B.R.C. 1981; and
2. Any manufactured home ~~and~~

3. ~~Attached accessory dwelling units as detailed in Section 9-6-3, "Specific Use Standards Residential Uses," B.R.C. 1981.~~<sup>54</sup>

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<sup>54</sup> The reason for this proposal is due to a change in rental licensing for detached dwellings away from owner-occupancy and those properties that have attached accessory dwelling units. A rationalization was made by Staff that the nature of rental detached dwellings with an attached accessory dwelling unit are treated similarly to a duplex, in which both units are rented and is subject to the energy efficiency requirements. This change is still being contemplated with the idea of imposing a future implementation date to bring existing attached accessory dwelling units into compliance or remove the full exception with this ordinance.

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## **COVER SHEET**

### **MEETING DATE**

**June 12, 2025**

### **AGENDA ITEM**

Consideration of a motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Consideration of a motion to convene the Executive Session of the board of directors of the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) on Thursday, June 12, 2025, at 6:00 p.m. to discuss a potential real property purchase, acquisition, lease, transfer, or sale as authorized by §24-6-402(4)(a), C.R.S., Concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and §24-6-402(4)(e), C.R.S., Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators

### **PRIMARY STAFF CONTACT**

Teresa Taylor Tate, City Attorney

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to adjourn as the Boulder City Council and convene as the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) Board of Directors; and

Motion to convene the Executive Session of the board of directors of the Boulder Downtown Commercial District (formerly known as the Central Area General Improvement District) on Thursday, June 12, 2025, at 6:00 p.m. to discuss a potential real property purchase, acquisition, lease, transfer, or sale as authorized by §24-6-402(4)(a), C.R.S., Concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; and §24-6-402(4)(e), C.R.S., Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators

### **ATTACHMENTS:**

#### **Description**

No Attachments Available



## **COVER SHEET**

### **MEETING DATE**

**June 12, 2025**

### **AGENDA ITEM**

Consideration of a motion to adjourn as the Boulder Downtown Commercial District Board of Directors and reconvene as the Boulder City Council and;

Consideration of a motion to call an Executive Session of the City Council to receive legal advice on representing the city in emerging federal administrative actions regarding sanctuary cities

### **PRIMARY STAFF CONTACT**

Teresa Taylor Tate, City Attorney

### **REQUESTED ACTION OR MOTION LANGUAGE**

Motion to adjourn as the Boulder Downtown Commercial District Board of Directors and reconvene as the Boulder City Council and;

Motion to call an Executive Session of the City Council to receive legal advice on representing the city in emerging federal administrative actions regarding sanctuary cities

### **ATTACHMENTS:**

#### **Description**

No Attachments Available