



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: February 6, 2025**

**AGENDA TITLE**

Third reading and consideration of a motion to adopt Ordinance 8666, amending Chapters 9-2, “Review Processes,” 9-6, “Use Standards,” and 9-8, “Intensity Standards” of Title 9, “Land Use Code,” B.R.C. 1981, to amend density and intensity standards to allow development of additional dwelling units in the Residential – Rural 1 (RR-1), Residential – Rural 2 (RR-2), Residential – Low 1 (RL-1), Residential – Medium 1 (RM-1), and Residential Mixed – 1 (RMX-1) zoning districts and to amend review procedures and use standards to reduce regulatory requirements for certain residential developments, and setting forth related details.

**PRESENTERS**

Nuria Rivera-Vandermyde, City Manager  
Teresa Taylor Tate, City Attorney  
Hella Pannewig, Senior Counsel  
Mark Woulf, Assistant City Manager  
Brad Mueller, Director of Planning & Development Services  
Charles Ferro, Senior Planning Manager  
Karl Guiler, Senior Policy Advisor

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider a motion to adopt the attached proposed Ordinance 8666 (**Attachment A**) on third reading. The second reading and public hearing on the ordinance occurred on Jan. 9, 2025.

Ordinance 8666 would implement the Family-Friendly Vibrant Neighborhoods project, which is a City Council 2024-2025 Work Program Priority Item. The content of the ordinance focuses on specific suggestions that were made by City Council in September 2023, when it adopted Ordinance 8599 as part of the Zoning for Affordable Housing project.

City Council initiated the project at its retreat in March of 2024 with a goal of adding more missing middle housing (e.g., duplexes, triplexes, etc.) and remove additional zoning related barriers to housing in Boulder in efforts to provide more housing options and price points beyond just large, detached dwelling units or apartment/condominium buildings to deal with the growing housing challenges of the city.

Planning Board reviewed Ordinance 8666 on Nov. 19 and voted 6-1 to recommend approval of the ordinance to City Council with some modifications. City Council considered and passed the ordinance on first reading on Dec. 19, 2024. At the second reading of Ordinance 8666, City Council voted 6-3 to amend Ordinance 8666 to change the standards related to allowing additional units on lots and parcels within the Residential – Mixed 1 (RMX-1) zoning district. This amendment is reflected in the attached, revised ordinance and is discussed within this memorandum.

### **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 8666, amending Chapters 9-2, “Review Processes,” 9-6, “Use Standards,” and 9-8, “Intensity Standards” of Title 9, “Land Use Code,” B.R.C. 1981, to amend density and intensity standards to allow development of additional dwelling units in the Residential – Rural 1 (RR-1), Residential – Rural 2 (RR-2), Residential – Low 1 (RL-1), Residential – Medium 1 (RM-1), and Residential Mixed – 1 (RMX-1) zoning districts and to amend review procedures and use standards to reduce regulatory requirements for certain residential developments, and setting forth related details.

### **RESPONSES TO QUESTIONS FROM COUNCIL AGENDA COMMITTEE**

**None.**

### **BOARD AND COMMISSION AND COMMUNITY FEEDBACK**

For Planning Board and Housing Advisory Board feedback on Ordinance 8666, community feedback on the changes, and a background on the project, see the [memorandum to City Council dated Jan. 9, 2025](#).

## **BACKGROUND**

Background on the project can be accessed at the link above. This section will summarize the City Council's Jan. 9, 2025 deliberation and decision.

Council members that supported the ordinance made the following points:

- Boulder is in need of more housing options. Intergenerational housing would be provided if more missing middle housing is added. This is what people want. This project is exciting, because it links housing and transportation, which should be interrelated. Housing security does affect affordability.
- Deed restricted affordability was not a requirement of this project. Rather, it was to allow more housing to increase the amount of choice. There was interest in increasing the transit buffer distance to 550 feet, but members of council supported staying with 350 feet, since that was what was represented to the community as part of the outreach process.
- This project increases density in a responsible way.
- Allowing people of different incomes to live near each other shouldn't be so scary.
- This is a modest change that impacts all walks of life.
- The questionnaire was an informative tool where the comments helped inform the changes.

The council members that voted against the ordinance made the following criticisms:

- Concerns were expressed about increasing density in areas that were wildfire prone. Addition of duplexes would likely increase the amount of wood fences in yards demarcating open spaces, which could exacerbate the spread of wildfire. Suggestions were made to exclude portions of South Boulder west of Broadway until after the Wildfire Hardening project (a period of six months) was completed based on this concern. This suggested change was then withdrawn.
- Dwelling units that are three-bedrooms should be encouraged if the project is to be more "family-friendly."
- The focus of the project should be on incentives for more affordability and not just adding housing. New units will likely be more units for the wealthy.
- Investors will buy up properties and this should be addressed prior to allowing more housing.

Much of the discussion centered around a proposed provision in the ordinance that would disallow additional units on lots or parcels in the Residential – Mixed 1 (RMX-1) where an owner or applicant moved forward with a demolition of a building over 50 years old, if there was a finding of probable cause to landmark the building. Per the proposed language, no density increase would have been permitted on such a lot. This provision would've applied even if the Landmarks Advisory Board or City Council were to overrule the finding at a later stage. Therefore, council made a motion that amended the ordinance to remove the restriction. City Council then voted 6-3 to pass and amend Ordinance 8666. The amendment is reflected in the attached, revised ordinance and is discussed in the 'Analysis' section below.

## ANALYSIS

Staff recommends that City Council adopt Ordinance 8666 on February 6, 2025, to implement and complete the Family Friendly Vibrant Neighborhoods project. For the full staff analysis and recommendation, see the [memorandum to City Council dated Jan. 9, 2025](#). The changes to the Land Use Code within Ordinance 8666 have been found consistent with the [Boulder Valley Comprehensive Plan \(BVCP\)](#). The city has started the 2025 major update to the BVCP. The BVCP update is anticipated to further address the city's need for missing middle housing and work towards 15-minute neighborhoods. Following the BVCP update, changes to the land use code can be considered to implement updated BVCP goals and policies.

As noted above, only one amendment was made by City Council and entailed removing the following language below in red, which would have not permitted any density increase in the Residential – Mixed 1 (RMX-1) if a property owner or applicant were to move forward with the demolition of a building over 50 years old after a finding of probable cause that a building may be eligible for landmark designation.

The specific language change, which is reflected in the attached Ordinance 8666 (**Attachment A**), is shown below:

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

- (1) (1) Following the demolition of a principal building without permits required for such demolition under the Boulder Revised Code, ~~or~~*
- (2) ~~Following the demolition of a principal building after a finding of probable cause that it may be eligible for landmark designation in an "Initial Review" under Subsection (d) of Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981.~~*

The other criterion in subsection (1) above would remain and would prohibit the density increase on any lot where a building is illegally demolished.

## ATTACHMENTS

Attachment A: Ordinance 8666

ORDINANCE 8666

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

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

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

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

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

...

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

**TABLE 2 2: SITE REVIEW THRESHOLD TABLE**

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

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

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

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

**TABLE 2-2: SITE REVIEW THRESHOLD TABLE**

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

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

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



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

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

Section 2. Section 9-6-3, "Specific Use Standards - Residential Uses," B.R.C. 1981, is

amended to read as follows:

(a) **Residential Uses:**

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

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

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

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

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

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

Section 3. 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.**

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

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

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

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

10 ...

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

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

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

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

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

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

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

~~(4)~~ (3) In the RL-2 zoning district, the requirements shall apply to all lots and parcels that  
are within the boundaries of a planned development, planned residential  
development and planned unit development that are shown on Appendix H of this  
title.

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

**9-7-11. Maximum Building Coverage.**

- (a) Purpose: The purposes of the building coverage standards are to establish the maximum percentage of lot surface that may be covered by principal and accessory buildings to preserve open space on the lot, and to preserve some views and visual access to the sky and enhance privacy for residences that are adjacent to new development.
- (b) Scope: All construction related to principal and accessory buildings shall comply with the building coverage requirements of this section. This section applies to all construction related to residential buildings, including new construction ~~and, building expansion~~ additions or modification of existing buildings, as follows:
  - (1) All ~~residential and~~ principal and accessory buildings in the RR-1, RR-2, RE<sub>2</sub> ~~and RL-1, and RMX-1~~ zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.
  - ~~(2) All principal and accessory buildings that are used as a detached single family land use in the RMX-1 zoning district, including lots located in planned developments, planned residential developments and planned unit developments.~~
  - ~~(3)~~ In the RL-2 zoning district, the building coverage requirements shall apply to lots that are eight thousand square feet or larger that are not within the boundaries of a planned development, planned residential development, planned unit development or an approved site review.
  - ~~(4)~~ In the RL-2 zoning district, the requirements shall apply to all lots and parcels that are within the boundaries of a planned development, planned residential development and planned unit development that are shown on Appendix H of this title.

...

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

**TABLE 8-1: INTENSITY STANDARDS**

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

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

Footnotes:

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

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

...

(d) District-Specific Standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**9-9-2. General Provisions.**

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



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

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

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

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

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

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

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

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

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

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

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

(a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.

(b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:

- (1) Airport influence zone (AIZ).
- (2) Floodplain regulations (Floodplain).
- (3) Historic preservation (Historic).
- (4) Inclusionary housing (Inclusionary Housing).
- (5) Solar access (Solar).
- (6) Wetlands Protection (Wetlands).
- (7) Signs (Signs).

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

**A—E**

...

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

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

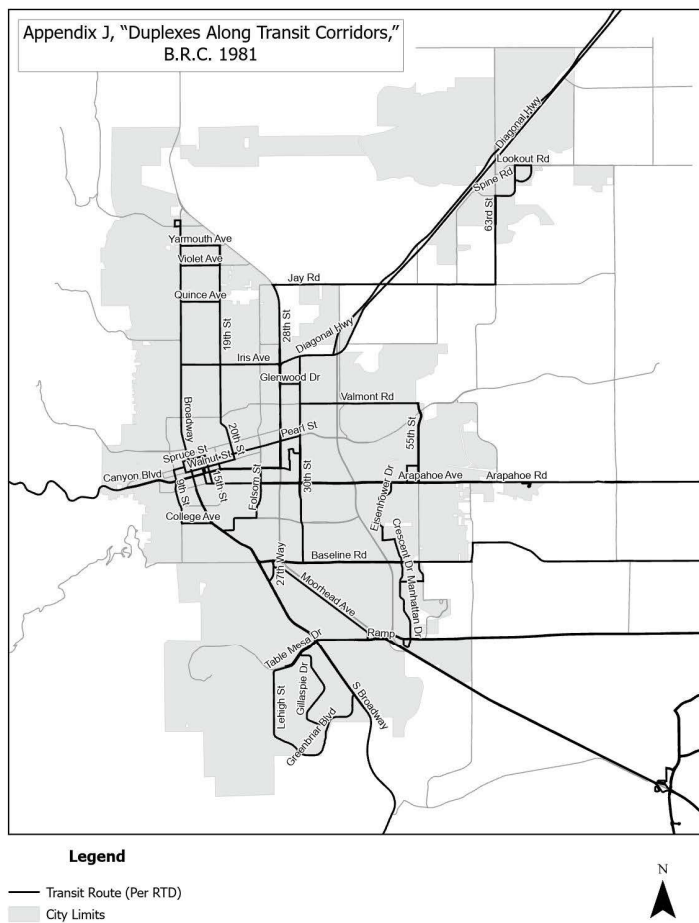
...

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

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

8 ...

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



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

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

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

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
Elesha Johnson,  
City Clerk

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

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

\_\_\_\_\_  
Elesha Johnson,  
City Clerk

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READ ON THIRD READING, PASSED, AND ADOPTED, this 6th day of February  
2025.

\_\_\_\_\_  
Aaron Brockett,  
Mayor

Attest:

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Elesha Johnson,  
City Clerk