

ORDINANCE 8571

AN ORDINANCE AMENDING SECTION 4-20-18, "RENTAL LICENSE FEE," TITLE 9, "LAND USE CODE," AND TITLE 10 "STRUCTURES," B.R.C. 1981, UPDATING THE REGULATIONS FOR ACCESSORY DWELLING UNITS; AND SETTING FORTH RELATED DETAILS

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

Section 1. Section 4-20-18, "Rental License Fee," B.R.C. 1981, is amended to read as follows:

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

- (a) Dwelling and Rooming Units: \$190 per building.
- (b) Accessory Dwelling Units: \$190 per unit.

...

Section 2. Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, is amended to read as follows:

...

- (d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the requirements of:

...

- (6) The size requirements for accessory dwelling units of Subsection 9-6-3(n), B.R.C. 1981;

...

- (i) Floor Area Variances for Accessory Dwelling Units: The BOZA may grant a variance to the maximum floor area allowed for an attached accessory dwelling unit or for a detached

1 accessory dwelling unit under Subsection 9-6-3(n), B.R.C. 1981, only if it finds that the
 2 application satisfies all of the following applicable requirements of either Subparagraph
 (i)(1) or (i)(2):

3 ...

4 (2) Unusual Physical Conditions:

5 (A) That there are unusual physical circumstances or conditions in the design
 6 of the existing structure the accessory dwelling unit would be in, including
 7 without limitation the thickness of exterior walls or framing, that affect the
 total allowed interior floor area of the accessory dwelling unit;

8 ...

9 (E) That the accessory dwelling unit would be clearly incidental to the
 principal dwelling unit.

10 ...

11 Section 3. Line 4 of Table 4-2: Public Notice Options in Section 9-4-3, “Public Notice
 12 Requirements,” B.R.C. 1981, is amended to read as follows:

13 (a) Process and Options: When a process or procedure identified in this title requires public
 14 notice, the city manager shall provide such notice according to Table 4-2 of this section.
 15 If a code section does not reference a specific method, the city manager shall determine
 the most appropriate notification method to be used.

16 **TABLE 4-2: PUBLIC NOTICE OPTIONS**

<i>Public Notice Type</i>	<i>Type of Application, Meeting or Hearing</i>	<i>Mailed Notice</i>	<i>Posted Notice</i>
4	Solar exceptions, solar access permits; accessory units	To adjacent property owners a minimum of 10 days before final action	Post property a minimum of 10 days from receipt of application and prior to final action or any hearing

21 ...

22 Section 4. The Accessory dwelling unit line under “Residential Uses” of Table 6-1: Use
 23 Table in Section 9-6-1, “Schedule of Permitted Land Uses,” B.R.C. 1981, is amended to read as
 24 follows:
 25

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

TABLE 6-1: USE TABLE

A = Allowed C = Conditional Use U = Use Review [] = Specific Use Standards Apply - = Prohibited	
Zoning District	RR-1, RP-2, RL-2, RM-2, RM-1, RMX-3, RMX-1, RMX-2, RH-1, RH-2, RH-3, RH-7, RH-6, MH, MU-3, MU-1, MU-2, MU-4, BT-1, RT-2, BMS, BC-1, RC-2, BCS, BR-1, RR-2, DT-4, DT-5, DT-1, DT-2, IS-1, IS-2, IG, IM, IMS, P, A
Use Module	R1 R2 R3 R4 R5 R6 R7 R8 M H M 1 M 2 M 3 M 4 B1 B2 B3 B4 B5 D1 D2 D3 I1 I2 I3 I4 P A Specific Use Standards
RESIDENTIAL USES	
<i>Residential Accessory</i>	
Accessory dwelling unit	[C] [C] - [C] [C] - - - - - - - - - - - - - - - - - - [C] [C] 9-6-3(n)

Section 5. Section 9-6-3, “Specific Use Standards - Residential Uses,” B.R.C. 1981, is amended to read as follows:

(a) **Residential Uses:**

(n) **Accessory Dwelling Unit:**

(1) ~~General Requirements: Three types of accessory units may be approved as conditional uses: Attached accessory dwelling units, detached accessory dwelling units, and limited accessory units. The following standards apply to all three types of an accessory dwelling unit:~~

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

(i) Lot Limitations: An accessory dwelling unit may be created on a lot of 5,000 square feet or more with a detached dwelling unit. One accessory dwelling unit may be located on a lot.

(ii) Maximum Floor Area: The accessory dwelling unit shall be limited to the floor area in Table 6-3. The board of zoning adjustment may grant a variance to this floor area requirement pursuant to Section 9-2-3, “Variances and Interpretations,” B.R.C. 1981
~~Occupancy Requirement: For purposes of determining occupancy~~

requirements under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, the principal dwelling unit and accessory unit shall be considered one dwelling unit. The occupancy of the principal dwelling unit together with the occupancy of any accessory unit shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit; provided, however, for purposes of this section only, any occupant and his or her dependents shall be counted as one person. The floor area limitation for quarters used by roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory unit.

Table 6-3: Maximum Floor Area

	<u>Accessory Dwelling Unit</u>	<u>Affordable Accessory Dwelling Unit</u>	<u>Designated Historic Property</u>
<u>Attached</u>	<u>One-half of the total floor area of the principal structure or 1,000 square feet, whichever is less.</u>	<u>Two-thirds of the total floor area of the principal structure or 1,200 square feet, whichever is less.</u>	
<u>Detached</u>	<u>800 sq. ft.</u>	<u>1,000 sq. ft.</u>	

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

Table 6-4: Off-Street Parking Requirement

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

(iv) Owner-Occupied: The principal dwelling unit or accessory dwelling unit on the parcel or lot must be owner-occupied. The applicant shall provide evidence to the city manager to

demonstrate compliance with this requirement at the time of application or any time thereafter. For entities that are similar to ownership by a person, such evidence may include without limitation declaration of trust ownership, articles of organization, operating agreement, or similar documentation. The city manager may approve a temporary absence of the owner-occupant for less than one year with an affidavit of exemption pursuant to the procedures for temporary rental license exemptions in Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981.

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

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

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

~~(B) Application: All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and submit plans as may be required by the manager.~~

~~(C) Public Notice: Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Subsection 9-4-3(a), B.R.C. 1981.~~

~~(D) Review and Approval: All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures," B.R.C. 1981.~~

(E) Declaration of Use Required: Before obtaining approval, all owners shall sign a declaration of use, including all the conditions standards for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and

1 constructive notice of the legal status of the owner's property. If
 2 the unit is to be an affordable accessory dwelling unit, the
 3 declaration shall include a sworn certification that the unit will
 4 meet the affordability standard and a statement of the number of
 5 bedrooms.

6 ~~(Fix)~~ Amendments: The owner of an accessory dwelling unit may
 7 amend the approved size, affordability status, or other
 8 characteristics of an approved accessory dwelling unit by filing a
 9 building permit application that demonstrates compliance with
 10 applicable accessory dwelling unit standards. Prior to approval the
 11 owner must sign an updated declaration of use to be recorded in
 12 the office of the Boulder County Clerk and Recorder. The site plan
 13 for an accessory unit may be modified and an affordable accessory
 14 unit may be converted to an accessory unit that is not an affordable
 15 accessory unit provided that an application is filed and reviewed by
 16 the manager under the procedures of Section 9-2-2,
 17 "Administrative Review Procedures," B.R.C. 1981. The
 18 application must demonstrate that the proposed accessory unit
 19 meets the requirements of this section except that it shall not be
 20 subject to the saturation limitations of Subparagraphs (m)(2)(A)
 21 and (E) and (m)(3)(A) and (E).

22 ~~(G)~~ Floor Area: For the purpose of calculating the floor area of an attached
 23 accessory unit or detached accessory unit under this subsection (m), floor
 24 area shall mean the total square footage of all levels measured to the
 25 outside surface of the exterior framing, to six inches beyond the interior
 wall on an exterior wall, or to the outside surface of the exterior walls if
 there is no exterior framing, of a building or portion thereof, which
 includes stairways, elevators, the portions of all exterior elevated above
 grade corridors, balconies, and walkways that are required for primary or
 secondary egress by Chapter 10-5, "Building Code," B.R.C. 1981, storage
 and mechanical rooms, whether internal or external to the structure, but
 excluding an atrium on the interior of a building where no floor exists, a
 courtyard, the stairway opening at the uppermost floor of a building, and
 floor area that meets the definition of uninhabitable space.

(2) Attached Accessory Dwelling Units: In addition to the general accessory unit
 standards in Paragraph ~~(m)~~(1) of this section, the following standards apply to
 attached accessory dwelling units. ~~The owner or the owners of a lot or parcel with~~
 a single-family dwelling unit may establish and maintain an attached accessory
 dwelling unit within the principal structure of a detached dwelling unit in the RR,
 RE, RL, RMX, A, or P districts if all of the following conditions are met and
 continue to be met during the life of the attached accessory dwelling unit:

1 (A) ~~Neighborhood Area: In the RL-1 or RL-2 zoning districts, no more than~~
2 ~~twenty percent of the lots or parcels in a neighborhood area contain an~~
3 ~~accessory unit. For the purpose of this subparagraph:~~

4 (i) ~~The “neighborhood area” in RL-1 and RL-2 zoning districts is the~~
5 ~~area circumscribed by a line three hundred feet from the perimeter~~
6 ~~of the lot line within which any accessory unit will be located.~~
7 ~~Within the “neighborhood area” only accessory units within the~~
8 ~~RL-1 and RL-2 zoning districts are counted towards the twenty~~
9 ~~percent limitation factor.~~

10 (ii) ~~For the purpose of calculating the twenty percent limitation factor,~~
11 ~~the following shall apply:~~

12 a. ~~A legal, nonconforming structure containing two or more~~
13 ~~dwelling units is counted as an accessory unit;~~

14 b. ~~A cooperative housing unit is counted as an accessory unit;~~

15 c. ~~An accessory unit that is licensed as part of a cooperative~~
16 ~~housing unit and said cooperative housing unit shall be~~
17 ~~counted together as one accessory unit; and~~

18 d. ~~The manager may promulgate regulations defining~~
19 ~~additional methods to be used in calculating the twenty~~
20 ~~percent limitation factor and the neighborhood area.~~

21 (iii) ~~If an application for an accessory unit exceeds the twenty percent~~
22 ~~requirement set forth in this Subparagraph (m)(2)(A), the manager~~
23 ~~will place the applicant on a waiting list for the neighborhood area.~~

24 ~~At such time as there is room for an additional accessory unit within a~~
25 ~~neighborhood area, the manager will notify the first eligible person on the~~
26 ~~waiting list. Such person on the waiting list shall be required to provide~~
27 ~~notice of intent to file an application within thirty days and file an~~
28 ~~application within sixty days of such notice.~~

29 (B) ~~Parking: The attached accessory dwelling unit shall have the following~~
30 ~~off-street parking:~~

31 (i) ~~The number of off-street parking spaces required in the zoning~~
32 ~~district for the principal dwelling unit; and~~

33 (ii) ~~One additional off-street parking space on the lot or parcel upon~~
34 ~~which the detached dwelling unit is located; and~~

35 (iii) ~~The parking spaces required under this Subparagraph (m)(2)(B)~~
36 ~~shall not be required to meet the setback requirements of Section~~
37 ~~9-7-1, “Schedule of Form and Bulk Standards,” B.R.C. 1981,~~
38 ~~provided that the parking spaces are not located in the public right-~~

of-way.

(C) ~~Standards: The attached accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following standards:~~

(i) ~~The attached accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of five thousand square feet or more.~~

(ii) ~~The attached accessory dwelling unit does not exceed one-third of the total floor area of the principal structure or one thousand square feet, whichever is less, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(A) (iii) Interior Connections: All attached accessory dwelling units shall be physically separated by a wall or a lockable door. If there is an interior connection between the attached-accessory dwelling unit and the principal dwelling prior to the creation of the attached-accessory dwelling unit, the connection together with the lockable, physical separation shall be maintained for the duration during the life of the attached-accessory dwelling unit.

(B) (iv) Side Entrances: Any additional entrance resulting from the creation of an attached accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling unit.

(D) ~~Affordable Accessory Units: If the attached accessory dwelling unit is licensed as an affordable accessory unit, the following standards apply:~~

(i) ~~The unit shall only be required to provide the parking required in the zoning district for the principal dwelling unit.~~

(ii) ~~The unit may be more than one-third of the total floor area of the principal structure but shall not exceed one-half of the floor area of the principal structure or one thousand square feet, whichever is less. The BOZA may grant a variance to this size requirement pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

(iii) ~~If the unit is or will be offered for rental for compensation, the owner must obtain and at all times thereafter maintain a valid rental license for an affordable accessory unit issued by the manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.~~

1 (E) ~~Designated Historic Property: If the attached accessory dwelling unit is~~
 2 ~~located within a principal structure that is designated as an individual~~
 3 ~~landmark or recognized as contributing to a designated historic district~~
 4 ~~under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the following~~
 5 ~~modifications to the standards of this Paragraph (m)(2) apply:~~

6 (i) ~~In the RL-1 and RL-2 zoning district, the unit is not subject to the~~
 7 ~~twenty percent limitation factor of Subparagraph (m)(2)(A)~~
 8 ~~provided that no more than thirty percent of the lots or parcels in~~
 9 ~~the neighborhood area contain an accessory unit;~~

10 (ii) ~~The unit shall only be required to provide the parking required in~~
 11 ~~the zoning district for the principal dwelling unit; and~~

12 (iii) ~~The unit may be more than one-third of the total floor area of the~~
 13 ~~principal structure but shall not exceed one-half of the floor area of~~
 14 ~~the principal structure or one thousand square feet, whichever is~~
 15 ~~less. The BOZA may grant a variance to this size requirement~~
 16 ~~pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C.~~
 17 ~~1981.~~

18 (3) ~~Detached Accessory Dwelling Units: In addition to the general accessory unit~~
 19 ~~standards in Paragraph (n)(1) of this section, the following standards apply to~~
 20 ~~detached accessory dwelling units: An owner or the owners of a lot or parcel with~~
 21 ~~a single-family detached dwelling unit may establish and maintain a detached~~
 22 ~~accessory dwelling unit within an accessory structure meeting the size restrictions~~
 23 ~~described below, on a lot or parcel in the RR, RE, RL, RMX, A, and P districts if~~
 24 ~~all of the following conditions are met and continue to be met during the life of~~
 25 ~~the detached accessory dwelling unit:~~

(A) Maximum Height: The maximum height of accessory buildings with a
detached accessory dwelling unit shall not be greater than twenty feet. The
city manager may modify this height standard if the building meets one of
the following Neighborhood Area: In the RL-1 and RL-2 zoning districts,
no more than twenty percent of the lots or parcels in a neighborhood area
contain an accessory unit. For the purpose of this subparagraph:

(i) If the roof pitch is 8:12 or greater, provided the building height
does not exceed 25 feet; or The "neighborhood area" in RL-1 and
RL-2 zoning districts is the area circumscribed by a line three
hundred feet from the perimeter of the lot line within which an
accessory unit will be located. Within the "neighborhood area"
only accessory units within the RL-1 and RL-2 zoning districts are
counted towards the twenty percent limitation factor.

(ii) If a legal existing accessory building is converted to a detached
accessory dwelling unit, provided that no changes are proposed to

the existing accessory building's height, floor area, or roof form. For the purpose of calculating the twenty percent limitation factor, the following shall apply:

- a. ~~— A legal, nonconforming structure containing two or more dwelling units is counted as an accessory unit;~~
- b. ~~— A cooperative housing unit is counted as an accessory unit;~~
- c. ~~— An accessory unit that is licensed as part of a cooperative housing unit and said cooperative housing unit shall be counted together as one accessory unit; and~~
- d. ~~— The manager may promulgate regulations defining additional methods to be used in calculating the twenty percent limitation factor and the neighborhood area.~~

~~(iii) — If an application for a detached accessory dwelling unit exceeds the twenty percent requirement set forth in Subparagraph (m)(3)(A), the manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory unit within the neighborhood area, the manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within thirty days and file an application within sixty days of such notice.~~

(B) Parking Private Open Space: ~~The~~ A detached accessory dwelling unit shall have a minimum of sixty square feet of private open space provided for the exclusive use of the occupants of the detached accessory dwelling unit. Private open space may include porches, balconies, or patio areas. ~~the following parking:~~

- ~~(i) — The number of off-street parking spaces required in the zoning district for the principal dwelling unit; and~~
- ~~(ii) — One additional off-street parking space on the lot or parcel upon which the detached dwelling unit is located;~~
- ~~(iii) — The parking spaces required under this Subparagraph (m)(3)(B) shall not be required to meet the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, provided that the parking spaces are not located in the public right-of-way. To the extent practical, any additional off-street parking that is constructed in the RR or RE zoning district required for the detached accessory dwelling unit shall be screened from the view of properties that directly abut a property line of the detached accessory dwelling unit.~~

1 (C) ~~Incidental to Principal Dwelling Unit: The detached accessory dwelling~~
2 ~~unit is clearly incidental to the principal dwelling unit and meets the~~
3 ~~following standards:~~

4 ~~(i) The detached accessory dwelling unit is created on a lot of five~~
5 ~~thousand square feet or larger.~~

6 ~~(ii) The detached accessory dwelling unit's floor area does not exceed~~
7 ~~five hundred and fifty square feet, unless a variance is granted~~
8 ~~pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C.~~
9 ~~1981.~~

10 ~~(iii) The following design standards apply to detached accessory~~
11 ~~dwelling units:~~

12 ~~a. Maximum height of accessory buildings with a detached~~
13 ~~accessory dwelling unit shall not be greater than twenty~~
14 ~~feet unless the roof pitch is greater than 8:12 and the~~
15 ~~resulting ratio of the height of the roof (measured from the~~
16 ~~eave line to the top of the roof) to the height of the side~~
17 ~~walls (measured from the low point of grade to the eave~~
18 ~~line) is less than a 1:2 ratio. The city manager may modify~~
19 ~~this height standard for a legal existing accessory building~~
20 ~~that is being converted to a detached accessory dwelling~~
21 ~~unit to the extent that the existing accessory building's~~
22 ~~height and size is not proposed to be modified. In no case~~
23 ~~may a building height exceed twenty five feet.~~

24 ~~b. A detached accessory dwelling unit shall have a minimum~~
25 ~~of sixty square feet of private open space provided for the~~
26 ~~exclusive use of the occupants of the detached accessory~~
27 ~~dwelling unit. Private open space may include porches,~~
28 ~~balconies, or patio areas. Decks, porches, patios, terraces,~~
29 ~~and stairways, located at a height greater than thirty inches~~
30 ~~above grade, shall be considered part of the building~~
31 ~~coverage.~~

32 ~~c. Setbacks shall comply with accessory building setbacks.~~
33 ~~Where the rear yard of a property in the RR or RE zoning~~
34 ~~district directly abuts an RL zoning district, the rear yard~~
35 ~~accessory building setback shall be the same as the side~~
36 ~~yard setback for accessory buildings for applicable RR or~~
37 ~~RE zoning districts.~~

38 (D) ~~Affordable Accessory Units: If the detached accessory dwelling unit is~~
39 ~~licensed as an affordable accessory unit, the following standards apply:~~

40 ~~(i) The unit shall only be required to provide the parking required in~~

1 the zoning district for the principal dwelling unit.

2 (ii) ~~The unit's floor area may be up to eight hundred square feet. The~~
3 ~~BOZA may grant a variance to this size requirement pursuant to~~
4 ~~Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

5 (iii) ~~If the unit is or will be offered for rental for compensation, the~~
6 ~~owner must obtain and at all times thereafter maintain a valid~~
7 ~~rental license for an affordable accessory unit issued by the~~
8 ~~manager consistent with the requirements of Chapter 10-3, "Rental~~
9 ~~Licenses," B.R.C. 1981.~~

10 (E) ~~Designated Historic Property: If either the accessory structure the~~
11 ~~detached accessory dwelling unit is located in or the principal structure on~~
12 ~~the lot or parcel is designated as an individual landmark or recognized as~~
13 ~~contributing to a designated historic district under Chapter 9-11, "Historic~~
14 ~~Preservation," B.R.C. 1981, the following modifications to the standards~~
15 ~~of this Paragraph (m)(3) apply:~~

16 (i) ~~In the RL-1 and RL-2 zoning district, the unit is not subject to the~~
17 ~~twenty percent limitation factor of Subparagraph (m)(3)(A)~~
18 ~~provided that no more than thirty percent of the lots or parcels in~~
19 ~~the neighborhood area contain an accessory unit;~~

20 (ii) ~~The unit shall only be required to provide the parking required in~~
21 ~~the zoning district for the principal dwelling unit; and~~

22 (iii) ~~The unit's floor area may be up to one thousand square feet. The~~
23 ~~BOZA may grant a variance to this size requirement pursuant to~~
24 ~~Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.~~

25 (4) ~~Limited Accessory Units: In addition to the general accessory unit standards in~~
26 ~~Paragraph (m)(1) of this section, the following standards apply to limited~~
27 ~~accessory units that may be approved as a conditional use in the RR-1, RR-2, RE,~~
28 ~~and RL-1 Zoning Districts only. An existing nonconforming duplex or two~~
29 ~~detached dwelling units located on the same lot and within the R1 use module~~
30 ~~may be converted to limited accessory dwelling units. A limited accessory~~
31 ~~dwelling unit may be modified and expanded as a conditional use. Conversion to~~
32 ~~a limited accessory dwelling unit is subject to compliance with all of the~~
33 ~~following standards:~~

34 (A) ~~Applicability: This Subparagraph (m)(4) is only applicable to dwelling~~
35 ~~units that legally existed, were actively used as multiple dwelling units,~~
36 ~~and had a valid rental license on January 1, 2005.~~

37 (B) ~~Expansion Limitation: The cumulative total of any expansion shall not~~

1 exceed twenty percent of the total floor area that was documented at the
2 time of the initial expansion. Any expansion of the restricted accessory
3 unit shall not exceed ten percent. In no case shall any expansion cause the
4 cumulative size of the restricted dwelling units to exceed the maximum
allowable floor area ratio of the underlying zoning district as set forth in
Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981.

5 (C) ~~Parking: The minimum number of off-street parking spaces shall not be
6 less than three spaces. All parking shall comply with the design and access
7 requirements set forth in Section 9-9-6, "Parking Standards," B.R.C. 1981.
A minimum of one off-street parking space shall be available for use by
the restricted accessory dwelling unit.~~

8 (D) ~~Loss of Prior Nonconforming Status: If a nonconforming duplex or two
9 detached dwelling units are converted to limited accessory units through
the conditional use process, any prior nonconforming status is lost.~~

10 Section 6. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to
11 read as follows:

12 ...

13
14 (b) ~~Attached Accessory Dwelling Unit, Detached Accessory Dwelling Unit, or Limited
15 Accessory Dwelling Unit: The occupancy of an attached accessory dwelling unit,
16 detached accessory dwelling unit, or limited accessory dwelling unit must meet the
17 requirements of Subsection 9-6-3(n), B.R.C. 1981. The principal dwelling unit and
18 accessory dwelling unit shall be considered one dwelling unit. The occupancy of the
19 principal dwelling unit together with the occupancy of any accessory dwelling unit shall
not exceed the occupancy requirements set forth in this section for one dwelling unit;
provided, however, for purposes of this subsection only, any occupant and his or her
dependents shall be counted as one person. The floor area limitation for quarters used by
roomers under Paragraph 9-8-5(a)(1), B.R.C. 1981, shall not apply to an accessory
dwelling unit.~~

20 ...

21 (d) Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit
22 pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, shall not be
23 subject to the occupancy limits or any exceptions as set forth in this section; and an
24 attached accessory dwelling unit or detached accessory dwelling unit licensed with such
25 dwelling unit as a cooperative housing unit shall not be subject to the occupancy
standards of ~~Subp~~Paragraph 9-6-3(n)(1)(A)(ii), "Occupancy Requirement" 9-8-5(b),
"Accessory Dwelling Unit," B.R.C. 1981. All such dwelling units together with any

attached accessory dwelling unit or detached accessory dwelling unit so licensed shall be limited to no fewer than four occupants with the maximum number of occupants, without regard to whether the occupants are related or not, as follows:

...

Section 7. Row six under “Use” of Table 9-2: Use Specific Motor Vehicle Parking

Requirements for Residential Uses in all Zones and row three under “Residential Uses” of Table 9-8: Off-Street Bicycle Parking Requirements in Section 9-9-6, “Parking Standards,” B.R.C. 1981, are amended to read as follows:

...

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

...

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

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

<i>Use</i>	<i>Parking Requirement</i>
Roomers within a single-unit dwelling	1 space per 2 roomers
Residential developments in which 1-bedroom units are 60 percent or more of the total	1.25 spaces per 1-bedroom unit
Rooming house, boarding house, fraternity, sorority, group living, and hostels	2 spaces per 3 occupants
Efficiency living units, transitional housing	1 space per DU
Bed and breakfast	1 space per guest room + 1 space for operator or owner's DU within building
Attached a Accessory dwelling unit, detached accessory dwelling unit	The off-street parking requirement for the principal DU must be met, plus any parking space required for the accessory <u>dwelling</u> unit, see Subsection 9-6-3(n), B.R.C. 1981

...

(g) Bicycle Parking:

(1) Required Bicycle Spaces: Bicycle parking spaces must be provided as required by Table 9-8 of this section.

TABLE 9-8: OFF-STREET BICYCLE PARKING REQUIREMENTS

<i>Use Type (based on Table 6-1 of Section 9-6-1)</i>	<i>Minimum Number of Off-Street Bicycle Spaces</i>	<i>Long-Term</i>	<i>Short-Term</i>
Residential Uses			
Dwelling units ^(a) with a private garage ^(b)	no requirement	n/a	n/a
Dwelling units without a private garage ^(b)	2 per unit	75%	25%
Accessory <u>dwelling</u> units	no requirement	n/a	n/a

...
 Section 8. Section 9-16-1, “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.

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

...
Accessory dwelling unit means a separate and complete single housekeeping unit within a detached dwelling unit or within an accessory structure to the principal dwelling unit of the lot or parcel upon which the unit is located, ~~permitted under the provisions of Subsection 9-6-3(n), B.R.C. 1981.~~

...
Affordable accessory dwelling unit means a unit for which the rents meet the affordability standard.

...
Attached accessory dwelling unit means a separate and complete single housekeeping unit within a detached dwelling unit, ~~permitted under the provisions of Subsection 9-6-3(m), B.R.C. 1981.~~

1 Designated historic property means a property with a building designated as an
2 individual landmark or recognized as contributing to a designated historic district under
3 Chapter 9-11, "Historic Preservation," B.R.C. 1981.

3 ...

4 *Detached accessory dwelling unit* means a separate and complete single housekeeping
5 unit within an accessory structure to the principal dwelling unit of the lot or parcel upon
6 which the unit is located ~~that is permitted under the provisions of Paragraph 9-6-3(n)(3),~~
7 ~~B.R.C. 1981.~~

7 ...

8 ~~*Limited accessory unit* means an existing nonconforming duplex or two detached~~
9 ~~dwelling units located on the same lot and within the R1 use module that has been~~
10 ~~approved in compliance with the standards in Section 9-6-3(n)(4).~~

10 ...

11 *Owner-occupied* means a dwelling unit or accessory dwelling unit that is the principal
12 residence of at least one owner of record of the lot or parcel upon which the dwelling unit
13 or accessory dwelling unit is located, who possesses at least an estate for life, or a fifty
14 percent fee simple ownership interest, or is the trustor of a revocable living trust, or is
15 the member that owns at least fifty percent of a limited liability company, or is the
16 partner that owns at least fifty percent of a partnership or limited liability partnership, or
17 similar entity.

15 ...

16 Section 9. Section 10-1-1, "Definitions," B.R.C. 1981, is amended to read as follows:

- 17 (a) The following terms used in this title have the following meanings unless the context
18 clearly indicates otherwise:

19 ...

20 *Accessory dwelling unit* means an accessory dwelling unit permitted under Section 9-6-
21 3(n), "Accessory Dwelling Units," B.R.C. 1981.

22 ...

23 Section 10. Section 10-3-6, "License Application Procedure for Buildings Converted to
24 Rental Property," B.R.C. 1981, is amended to read as follows:

25 Every operator converting a property to rental property shall follow the procedures in this

1 section for procuring a rental license:

2 (a) Submit to the city manager a complete application packet, on forms provided by the
3 manager, at least thirty days before rental of the property including:

4 ...

5 (4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1,
6 "General Definitions," B.R.C. 1981, a sworn certification that the unit will meet
7 the rental affordability standard as defined in Section 9-16-1, "General
8 Definitions," B.R.C. 1981.

9 ...

10 Section 11. Section 10-3-7, "License Renewal Procedure for Buildings Occupied as
11 Rental Property," B.R.C. 1981, is amended to read as follows:

12 Every operator of a rental property shall follow the procedures in this section when
13 renewing an unexpired license:

14 (a) Submit to the city manager a complete application packet, on forms provided by the
15 manager including:

16 ...

17 (4) If the unit is an affordable accessory dwelling unit as defined in Section 9-16-1,
18 "General Definitions," B.R.C. 1981, a sworn certification that the unit will meet
19 the rental affordability standard as defined in Section 9-16-1, "General
20 Definitions," B.R.C. 1981.

21 ...

22 Section 12. Section 10-3-16, "Administrative Remedy," B.R.C. 1981, is amended to read
23 as follows:

24 (a) If the city manager finds that a violation of any provision of this chapter or Chapter 10-2,
25 "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the
operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3,
"Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following
actions to remedy the violation:

(1) Impose a civil penalty according to the following schedule:

(A) For any violation in the following areas or of affordability standards: The area south of Arapahoe Avenue, north of Baseline Road, east of 6th Street and west of Broadway, the area south of Baseline Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th Street or for any violation of affordability standards for an affordable accessory dwelling unit approved under Subsection 9-6-3(n), B.R.C. 1981:

...

(b) If the city manager finds that an affordable accessory dwelling unit was advertised, offered for rent or rented for an amount in excess of the affordability standard, in addition to the actions the manager may take under subsection (a), the manager shall impose a penalty equal to the amount charged in excess of the affordability standard during the term of the license, plus interest at the rate of twelve percent per annum, and shall pay such funds collected to the tenant who was charged in excess of the affordability standard.

...

Section 13. Section 10-3-19, "Short-Term Rentals," B.R.C. 1981, is amended to read as

follows:

(a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental license for the property.

...

(o) An accessory dwelling unit or a principal dwelling unit on a single-family lot or parcel with an accessory unit may not be rented as a short-term rental unless all the following requirements are met:

(1) Both the accessory dwelling unit and the principal dwelling unit were legally established ~~on the effective date of Ordinance No. 8256~~ by February 1, 2019;

(2) A current and valid short-term rental license exists for the unit;

(3) If the accessory dwelling unit is licensed for short-term rental, only the accessory dwelling unit and not any other dwelling unit on the same property may be licensed or used as a rental;

(4) If a principal dwelling unit is licensed for short-term rental, then no accessory dwelling unit on the same property may be licensed or used as a rental;

1 (5) An accessory dwelling unit may not be rented as a short-term rental for more than
2 one hundred twenty days in any calendar year;

3 (6) Notwithstanding the provisions of subsection (i), the occupancy of the accessory
4 dwelling unit and the principal dwelling unit must meet the requirements of
5 Subsection 9-68-35(1), B.R.C. 1981; and

6 (7) Licensing Limitations and Requirements:

7 (A) ~~After February 1, 2019, No~~ application for a new short-term rental
8 license ~~shall~~ may be accepted, ~~on or after the effective date of Ordinance~~
9 ~~No. 8256. On or after the effective date of Ordinance No. 8256, a new~~
10 ~~short-term rental license may be issued only for complete applications~~
11 ~~received by the city manager on or before the effective date of Ordinance~~
12 ~~No. 8256. On or after the effective date of Ordinance No. 8256, the~~ The
13 city manager may renew unexpired short-term rental licenses pursuant to
14 Section 10-3-7, “License Renewal Procedures for Buildings Occupied as
15 Rental Property,” B.R.C. 1981. A license for which a complete renewal
16 application is not filed within ninety days from the expiration date shall be
17 considered expired.

18 ...

19 Section 14. Section 10-11-3, “Cooperative Housing Licenses,” B.R.C. 1981, is amended
20 to read as follows:

21 (a) License terms shall be as follows:

22 ...

23 (l) Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling
24 unit that is licensed pursuant to this chapter shall be part of the licensed cooperative
25 housing unit and subject to the standards of this chapter. The occupants of the dwelling
unit and accessory unit shall all be members of the cooperative. While such units are
licensed as a cooperative housing unit under this chapter, neither the principal dwelling
unit nor the accessory dwelling unit shall be required to be owner-occupied as would
otherwise be required under Subparagraph 9-6-3(n)(1)(A)(iv), “Owner-Occupied,”
B.R.C. 1981.

26 ...

27 Section 15. Tables 6-3 and 6-4 are added to Section 9-6-3, “Specific Use Standards –
28 Residential Uses,” B.R.C. 1981, by this ordinance. The City Council amends the Boulder Revised

1 Code by renumbering the subsequent tables in Chapter 9-6, "Use Standards," B.R.C. 1981,
2 together with all associated references and cross references to the renumbered tables in the Boulder
3 Revised Code.

4 Section 16. This ordinance shall apply to any building permit, conditional use, use review,
5 and site review applied for on or after September 1, 2023. Any project for which a complete
6 building permit, site review, use review, or conditional use application has been submitted to the
7 city or which has received a site review, use review, or conditional use approval prior to the
8 effective date of this ordinance for a use inconsistent with the provisions of this ordinance will be
9 permitted to establish the proposed use under the use standards of Chapter 9-6, "Use Standards,"
10 B.R.C. 1981, in effect at the time the building permit, site review, use review, or conditional use
11 application was submitted to the city. Such applicants shall be required to pursue such development
12 approvals and meet all requirements deadlines set by the city manager and the Boulder Revised
13 Code necessary to establish the proposed use. The applications for such project shall demonstrate
14 compliance with all applicable laws. Any failure to meet the requirements of the city manager or
15 this section of this ordinance will result in a denial of such application. Any subsequent application
16 shall meet the requirements in place at the time of such subsequent application.

17
18 Section 17. If any section, paragraph, clause, or provision of this ordinance shall for any
19 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining
20 provisions of this ordinance.

21 Section 18. This ordinance is necessary to protect the public health, safety, and welfare
22 of the residents of the city and covers matters of local concern.
23
24
25

1 Section 19. The City Council deems it appropriate that this ordinance be published by
2 title only and orders that copies of this ordinance be made available in the office of the city clerk
3 for public inspection and acquisition.
4

5 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
6 TITLE ONLY this 20th day of April 2023.
7

8 _____
9 Aaron Brockett,
10 Mayor

11 _____
12 City Clerk

13 READ ON SECOND READING, PASSED AND ADOPTED this 4th day of May 2023.
14

15 _____
16 Aaron Brockett,
17 Mayor

18 _____
19 City Clerk
20
21
22
23
24
25