



City of Boulder Planning & Development Services

1739 Broadway, Third Floor, Boulder CO 80302 | PO Box 791, Boulder CO 80306-0791
P: 303-441-1880 F: 303-441-4241 | BoulderPlanDevelop.net | plandevlop@bouldercolorado.gov

Two Detached Dwellings on a Single Lot

Attachment to Administrative Review Application Form

CRITERIA FOR REVIEW FOR DEVELOPMENT UNDER SECTION 9-7-12, "TWO DETACHED DWELLINGS ON A SINGLE LOT"

Section 9-7-12, B.R.C. 1981, "Two Detached Dwellings on a Single Lot", is a land use regulation section which provides specific standards for the construction of two detached dwelling units on certain properties. This provision provides a by-right development option (without a discretionary review such as site review) to construct a second residence immediately adjacent to an alley. Section 9-7-12 applies only to properties in the RM-2, RM-3, RH-1, RH-2, or RH-5 zoning districts which have frontage on two public streets other than alleys (corner lots). The section specifies architectural and site design standards to be met, modified parking standards and setback requirements, and requirements for future subdivision potential. **Proposals for development pursuant to Section 9-7-12 must be considered through an administrative review application.**

In order for an administrative review application to be approved for development of "two detached dwellings on a single lot", Planning and Development Services must find that the request meets the relevant criteria. These criteria are found in Section 9-7-12, B.R.C. 1981 of the city's land use regulations and are attached. The administrative review application must include a written statement which addresses how the proposal meets each of the applicable criteria as well as site, floor, and elevation drawings which illustrate the proposal and its compliance with the applicable development standards. The application must also include a master utility plan and a shadow analysis. The requirements for a master utility plan are listed on the attached sheet. The shadow analysis must show actual or adjusted shadow lengths for existing and proposed buildings and illustrate compliance with the basic solar access protection of adjacent properties. The applicant should refer to Planning and Development Services' [Solar Access Guide](#) for additional information on how to draw the required shadow analysis.

CRITERIA (CITY CODE EXCERPT OF SECTION 9-7-12, B.R.C. 1981):

9-7-12. - Two Detached Dwellings on a Single Lot.

- (a) Standards: In an RM-2, RM-3, RH-1, RH-2 or RH-5 district, two detached dwelling units may be placed and maintained as principal buildings on a lot which fronts on two public streets other than alleys, if the following conditions are met:
- (1) Each principal building shall have adjacent to it and convenient to use by its occupants a landscaped area of at least one hundred twenty square feet, with no side less than ten feet in length, and with privacy screening. The screening requirement may be met through any combination of building placement, landscaping, walls or fencing;
 - (2) A uniform landscape plan shall be provided and executed, and all existing trees over three inches in caliper measured four inches above the ground shall be preserved, unless this requirement is waived by the city manager for good cause;
 - (3) In the RM zoning district, one parking space is required for each principal building. In the RH-5 zoning district, for the second principal building, one bedroom requires one off-street parking space, two bedrooms require one and one-half spaces, three bedrooms require two spaces, and four or more bedrooms require three spaces. Required parking is provided on the lot convenient to each principal building. Any two parking spaces fronting on an alley which are adjacent to each other shall be separated from any other parking spaces by a landscaped area at least five feet wide and as deep as the parking spaces;
 - (4) Privacy fencing or visual buffering of parking areas is provided;
 - (5) Each principal building has separate utility services in approved locations;
 - (6) All utilities are underground for each principal building unless this requirement is waived by the city manager for good cause;
 - (7) New principal buildings are compatible in character with structures in the immediate vicinity, considering mass, bulk, architecture, materials and color. In addition, the second principal building placed on a lot shall meet the following requirements:
 - (A) The second floor shall not exceed sixty percent of the area of the first floor;
 - (B) Only two floors, exclusive of lofts or towers with floors no larger than one hundred square feet in the aggregate, shall be above grade;
 - (C) The above grade floor area shall not exceed one thousand two hundred square feet. The floor area for a single-car detached garage which does not exceed two hundred forty square feet and is a minimum of five feet from another principal structure may be added to the one thousand two hundred square feet if the additional floor area does not exceed the FAR in subparagraph (a)(7)(D) of this section; and
 - (D) The FAR shall not exceed 0.45, calculated as follows:
 - (i) All above grade floor area, garages, accessory structures, courts and basements which are located below a floor level which is more than thirty inches above the natural grade shall be included in the floor area; and
 - (ii) If a subdivision request for the lot is part of the application under this section, the new lot upon which the building will be located shall be the basis for the FAR. If there is no subdivision application, the smaller building site for FAR calculations shall be forty percent of the lot, or such larger portion not to exceed sixty percent as the city manager shall approve as constituting a reasonable lot consistent with the requirements which would have to be met were the lot to be subdivided; and
 - (E) If the second principal building is the rear building, the roof eaves exclusive of dormers on the alley face of the building shall not be more than twelve feet above grade;
 - (F) If the second principal building is the rear building, the exterior wall surface area on the alley face of the building over nine feet above the grade of the alley shall not exceed seventy-five percent of the area of that face below nine feet. Exterior wall surface area on the alley face shall include all surfaces which face the alley steeper than a 12/12 pitch which are within ten feet of the wall surface closest to the alley; and
 - (G) The building height of the second principal building, if it is located at the rear of the lot, shall not exceed twenty-five feet.

(H) Setback requirements shall be modified as follows:

- (i) New principal buildings shall maintain the side yard setback requirements for the RM-2 zoning district of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, regardless of the zoning district in which the lot is located;
- (ii) At least ten feet shall be maintained between the principal buildings;
- (iii) The front yard setback requirement of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, shall be met for the front building;
- (iv) If there is an alley at the rear twenty feet or more in width, then there shall be no rear yard setback requirement for the rear building;
- (v) If the alley is less than twenty feet wide at the rear for lots which have frontage on two public streets, the rear yard setback for the rear building shall be five feet; and
- (vi) If there is no alley at least fifteen feet wide for lots which have frontage on two public streets, the rear yard setback requirement of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, must be met for the rear building.

(b) Subdivision: If two principal buildings are to be or have been constructed on a lot pursuant to subsection (a) of this section, such lot may be subdivided, upon application, into two lots, one for each principal building, if the following requirements are met:

- (1) The smaller of the two lots is at least forty percent of the square footage of the original lot;
- (2) The lot line created between the two principal buildings shall be substantially perpendicular to the side lot lines;
- (3) The subdivision in all other respects complies with the subdivision requirements of chapter 9-12, "Subdivision," B.R.C. 1981, except as those requirements are modified by this section concerning street frontage, density and open space requirements and setbacks; and
- (4) The subdivision agreement recites all of the conditions of this section as continuing limitations on future buildings and uses of each lot, and that one or both lots, whichever may be the case, are nonconforming lots containing nonconforming buildings whose change to or expansion of use, lot or building is subject to the provisions of this title or their successors concerning nonconformity.