

ORDINANCE 8175

AN ORDINANCE AMENDING SECTION 9-2-14, "SITE REVIEW" AND SECTION 9-10-3, "CHANGES TO NONSTANDARD BUILDINGS, STRUCTURES, AND LOTS AND NONCONFORMING USES," B.R.C. 1981, TO ALLOW AND REGULATE THE RECONSTRUCTION AND RESTORATION OF PERMANENTLY AFFORDABLE RESIDENTIAL PROJECTS THAT ARE NONCONFORMING AS TO DENSITY, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 9-2-14, B.R.C. 1981, is amended to read:

9-2-14. - Site Review.

.....

(c)

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

...

(23) 9-10-3(c)(4)(B), "No Reduction in Affordable Units."

(24) 10-12-7, "Accessory Structures."

(~~24~~25) 10-12-13, "Mobile Home Park Environmental Standards."

(~~25~~26) 10-12-14, "Nonresidential Uses in Mobile Home Parks."

(~~26~~27) 10-12-18, "Windbreaks."

(~~27~~28) 10-12-19, "Mobile Home Park Streets and Walkways."

1 (298) 10-12-23, "Permanent Buildings."
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3
4 (h) Criteria for Review: No site review application shall be approved unless the
5 approving agency finds that:

6 (1) Boulder Valley Comprehensive Plan:

7 (A) The proposed site plan is consistent with the land use map and the service area
8 map and, on balance, the policies of the Boulder Valley Comprehensive Plan.

9 (B) The proposed development shall not exceed the maximum density associated
10 with the Boulder Valley Comprehensive Plan residential land use designation.
11 Additionally, if the density of existing residential development within a three-
12 hundred-foot area surrounding the site is at or exceeds the density permitted in
13 the Boulder Valley Comprehensive Plan, then the maximum density permitted
14 on the site shall not exceed the lesser of:

15 (i) The density permitted in the Boulder Valley Comprehensive Plan, or

16 (ii) The maximum number of units that could be placed on the site without
17 waiving or varying any of the requirements of eChapter 9-8, "Intensity
18 Standards," B.R.C. 1981, except as permitted for building sites with
19 permanently affordable units meeting the requirements of Paragraph 9-10-
20 3(c)(4), "Nonconforming Permanently Affordable Units," B.R.C. 1981.

21
22 Section 2. Section 9-10-3, B.R.C. 1981, is amended to read:

23 **9-10-3. - Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses.**

24
25 (c) Nonconforming Uses:

(1) Nonconforming Changes to Conforming Use Prohibited: No conforming use may
be changed to a nonconforming use, notwithstanding the fact that some of the
features of the lot or building are nonstandard or the parking is nonconforming.

(2) Standards for Changes to Nonconforming Uses: The city manager will grant a
request for a change of use, which is the replacement of one nonconforming use
with another, if the modified or new use does not constitute an expansion of a
nonconforming use. Any other change of use that constitutes expansion of a

1 nonconforming use must be reviewed under procedures of sSection 9-2-15, "Use
2 Review," B.R.C. 1981.

3 (3) Nonconforming Only as to Parking: The city manager will grant a request to change
4 a use that is nonconforming only because of an inadequate amount of parking to
5 any conforming use allowed in the underlying zoning district upon a finding that
6 the new use will have an equivalent or less parking requirement than the use being
7 replaced.

8 (4) Nonconforming Permanently Affordable Units. Dwelling units on a building site
9 that exceeds the maximum number of dwelling units per acre standard or does not
10 meet the minimum amount of open space per dwelling unit or the minimum lot area
11 per dwelling unit standards may be reconstructed or restored consistent with the
12 following standards:

13 (A) Permanently Affordable: At least seventy-five percent of all units of the
14 building, before and after the reconstruction or restoration, are permanently
15 affordable units as defined for the purposes of Chapter 9-13, "Inclusionary
16 Housing," B.R.C. 1981;

17 (B) No Reduction in Affordable Units: The reconstructed or restored building
18 provides the same number of permanently affordable units as the existing
19 building. If the existing building exceeds fifty-five feet in height, a
20 reduction of permanently affordable units may be approved in a site review
21 pursuant to Section 9-2-14, "Site Review," B.R.C. 1981, if the approving
22 authority finds that the reduced number of permanently affordable units in
23 the building is necessary to meet the fifty-five foot maximum height;

24 (C) Attached or Multiple Units: The reconstructed or restored units are attached
25 dwelling units or multiple dwelling units;

(D) No Increase in Nonconformity: The proposed reconstruction or restoration
does not increase the number of dwelling units on the property nor any
nonconformity in the minimum amount of open space per dwelling unit
standard;

(E) Vertical and Horizontal Building Dimensions: Any building that is
reconstructed or restored may be reconstructed within the vertical and
horizontal building envelop of the original building, notwithstanding
requirements of Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981. No
building shall be reconstructed to exceed the building dimensions, both
vertically and horizontally, that were established by the original building
unless approved through Section 9-2-14,"Site Review," B.R.C. 1981. No
reconstructed building shall exceed fifty-five feet in height.

1 (F) Parking: On-site parking that does not meet the requirements of Section 9-
2 9-6, "Parking Standards," B.R.C. 1981, may be maintained or brought
3 closer to compliance with the standards. Any further reduction in parking
4 spaces may be pursued through Subsection 9-9-6(f), "Motor Vehicle
5 Parking Reductions," B.R.C. 1981 or Section 9-2-14, "Site Review," B.R.C.
6 1981;

7 (G) Application of Code: Applications subject to this paragraph shall meet all
8 requirements of the Boulder Revised Code unless modified or waived by
9 this paragraph or pursuant to another city process, including without
10 limitation a site review, use review, or variance process. Any reconstructed
11 or restored building meeting the maximum number of dwelling units per
12 acre, the minimum amount of open space per dwelling unit, and the
13 minimum lot area per dwelling unit standards shall be subject to the
14 applicable zoning district standards; and

15 (H) Application Requirements. A person having a demonstrable property
16 interest in the land may apply for the reconstruction or restoration of a
17 building or property under the requirements of this paragraph. Such
18 application shall be filed on a form provided by the manager and shall meet
19 the requirements of Subsection 9-2-6(a), B.R.C. 1981, and the following:

20 (i) Detailed documentation that shows the number of units existing on
21 the property, the configuration of such units, and that the units were legally
22 established at the time of construction;

23 (ii) Plans that demonstrate that the proposed number of units does not
24 exceed the number of units existing on the site;

25 (iii) Elevations and a site plan of the existing building and a statement as
 to how the building or property is nonconforming as to the number of units
 and parking and nonstandard as to building setbacks and other zoning
 requirements; and

(iv) Any other information that the city manager determines is necessary
 to review the application and determine compliance with the requirements
 of this paragraph (4).

1 Section 3. Section 9-2-15, B.R.C. 1981, is amended to read:

2 **9-2-15, -Use Review.**

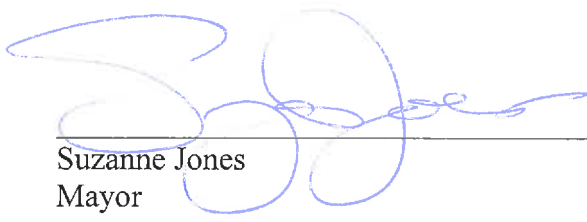
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6 (f) Additional Criteria for Modifications to Nonconforming Uses: No application for a change to
7 a nonconforming use shall be granted unless all of the following criteria are met in addition to
8 the criteria set forth above:

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11 (4) Cannot Reasonably Be Made Conforming: The existing building or lot cannot
12 reasonably be utilized or made to conform to the requirements of chapter 9-6, "Use
13 Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9,
14 "Development Standards," B.R.C. 1981. This paragraph (4) shall not apply to
15 reconstruction or restoration permitted pursuant to Paragraph 9-10-3(c)(4), B.R.C. 1981,
16 with respect to density and other pre-existing nonconformities of the use or nonstandard
17 features of the building.

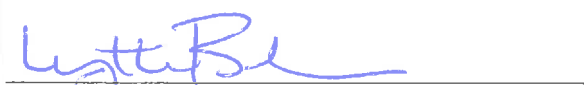
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20 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of
21 the residents of the city, and covers matters of local concern.

22
23 Section 5. The city council deems it appropriate that this ordinance be published by title
24 only and orders that copies of this ordinance be made available in the office of the city clerk for
25 public inspection and acquisition.

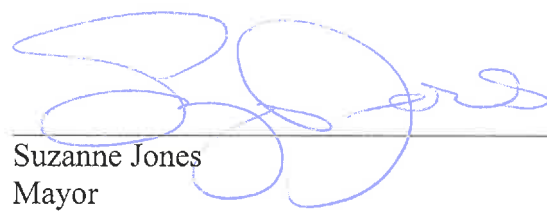
1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 7th day of March, 2017.

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4 
5 Suzanne Jones
Mayor


6 Attest:

7 
8 Lynnette Beck
City Clerk

10 READ ON SECOND READING, PASSED, AND ADOPTED this 4th day of April, 2017.

11
12 
13 Suzanne Jones
Mayor

14 Attest:

15 
16 Lynnette Beck
City Clerk