



**CITY OF BOULDER**  
**PLANNING BOARD MEETING AGENDA**  
**DATE:** April 14, 2016  
**TIME:** 6 p.m.  
**PLACE:** 1777 Broadway, Council Chambers

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- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
- 3. PUBLIC PARTICIPATION**
- 4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**
  - A. Call Up Items:** Boulder Creek Path East of Foothills Parkway, Bridge Replacement, Floodplain Development Permit (LUR2016-00003), Wetland Permit (LUR2016-00004). This decision may be called up before Planning Board on or before April 18, 2016.
- 5. PUBLIC HEARING ITEMS**
  - A. AGENDA TITLE:** Public hearing to consider the following two items:
    - 1) Recommendation to City Council on an ordinance amending Title 9, “Land Use Code,” B.R.C. 1981, to adopt a Form-Based Code (FBC) for the Boulder Junction Phase I through two appendices to Title 9: Appendix L designating “Form-Based Code Areas” and Appendix M as the FBC regulations, and adopting a Form Based Code Review process, and
    - 2) Action on proposed amendments to the Transit Village Area Plan (TVAP) connections plan to be consistent with and to implement the FBC project.
- 6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**
- 7. DEBRIEF MEETING/CALENDAR CHECK**
- 8. ADJOURNMENT**

**CITY OF BOULDER PLANNING BOARD  
MEETING GUIDELINES**

**CALL TO ORDER**

The Board must have a quorum (four members present) before the meeting can be called to order.

**AGENDA**

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

**PUBLIC PARTICIPATION**

The public is welcome to address the Board (3 minutes\* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

**DISCUSSION AND STUDY SESSION ITEMS**

Discussion and study session items do not require motions of approval or recommendation.

**PUBLIC HEARING ITEMS**

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

**1. Presentations**

- a. Staff presentation (10 minutes maximum\*)
- b. Applicant presentation (10 minute maximum\*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

**2. Public Hearing**

Each speaker will be allowed an oral presentation (3 minutes maximum\*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

**3. Board Action**

- d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

**MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY**

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

**ADJOURNMENT**

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

\*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

## MEMORANDUM

**TO:** Planning Board

**FROM:** Jessica Stevens, Floodplain and Wetland Administrator

**DATE:** April 4, 2016

**SUBJECT:** **Call Up Items:** Boulder Creek Path East of Foothills Parkway  
Bridge Replacement  
Floodplain Development Permit (LUR2016-00003)  
Wetland Permit (LUR2016-00004)

This decision may be called up before Planning Board on or before **April 18, 2016**.

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A floodplain development permit and wetland permit were approved by Public Works Development Review staff on April 4, 2016 for the replacement of the Boulder Creek path bridge east of Foothills Parkway.

The City of Boulder Public Works Department has applied for a floodplain development permit and a standard wetland permit for the replacement of an existing wooden bridge over Boulder Creek with a new steel bridge. The existing bridge is in poor structural condition and the replacement is necessary for the safety of the Boulder Creek Path users. The bridge will span Boulder Creek, minimizing impacts to the wetlands. The new bridge will be located to the west of the existing bridge, allowing the Boulder Creek path to remain open during project construction.

The applicant has demonstrated compliance with the City's floodplain regulations. The project will not adversely impact nearby properties. A copy of the floodplain development permit and a vicinity map showing the location of the improvements is attached.

The replacement of the bridge will temporarily impact 388 square feet of wetland buffer zone. Temporarily impacted areas will be revegetated using a native seed mix. Permanent impacts include 184 square feet of shading impacts to the wetlands and 1,030 square feet within the buffer area. Public Works has proposed to mitigate the impacts through removal of the existing bridge and restoration of wetland functions within this area. In addition, a total of 48 native trees and shrubs will be planted within the buffer zone restoration areas along Boulder Creek.

The floodplain development permit and wetland permit were approved by Public Works Development Review staff on April 4, 2016 and the decision may be called up before Planning Board on or before April 18, 2016. There are two Planning Board meetings within the 14 day call up period on **April 7** and **April 14, 2016**.

Questions about the project should be directed to the Floodplain and Wetlands Administrator,

Jessica Stevens at 303-441-3121 or by e-mail at [stevensj@bouldercolordo.gov](mailto:stevensj@bouldercolordo.gov).

Attachments:

- A. Floodplain Development Permit
- B. Vicinity Map - Floodplain
- C. Wetland Permit
- D. Vicinity Map - Wetland



# Boulder Creek Path - Floodplain



## Legend

 Conveyance

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For information call (303) 441-3266 or visit us on the web at <http://www.bouldercolorado.gov/pwplan>





**CITY OF BOULDER**  
**Planning and Development Services**

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1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net

## Wetland Permit

**Date Issued:** 4/4/2016 **Expiration Date: April 4, 2019**  
 (Pursuant to Subsection 9-3-9(k), B.R.C. 1981)

**Permit Number:** LUR2016-00004

### Contact Information

DEBBIE RITTER  
 CITY OF BOULDER PO BOX 791  
 BOULDER, CO 80306  
 303 441 3253

### Project Information

**Location:** 0 ARAPAHOE AV  
**Legal Description:** 100 FT STRIP IN SW 1/4 28-1N-7 0 LESS 5% MIN 4.43 AC M/L  
**Description of Work:** Standard wetland permit to replace a bridge over Boulder Creek along Boulder Creek Path with a new bridge.

### Conditions of Approval

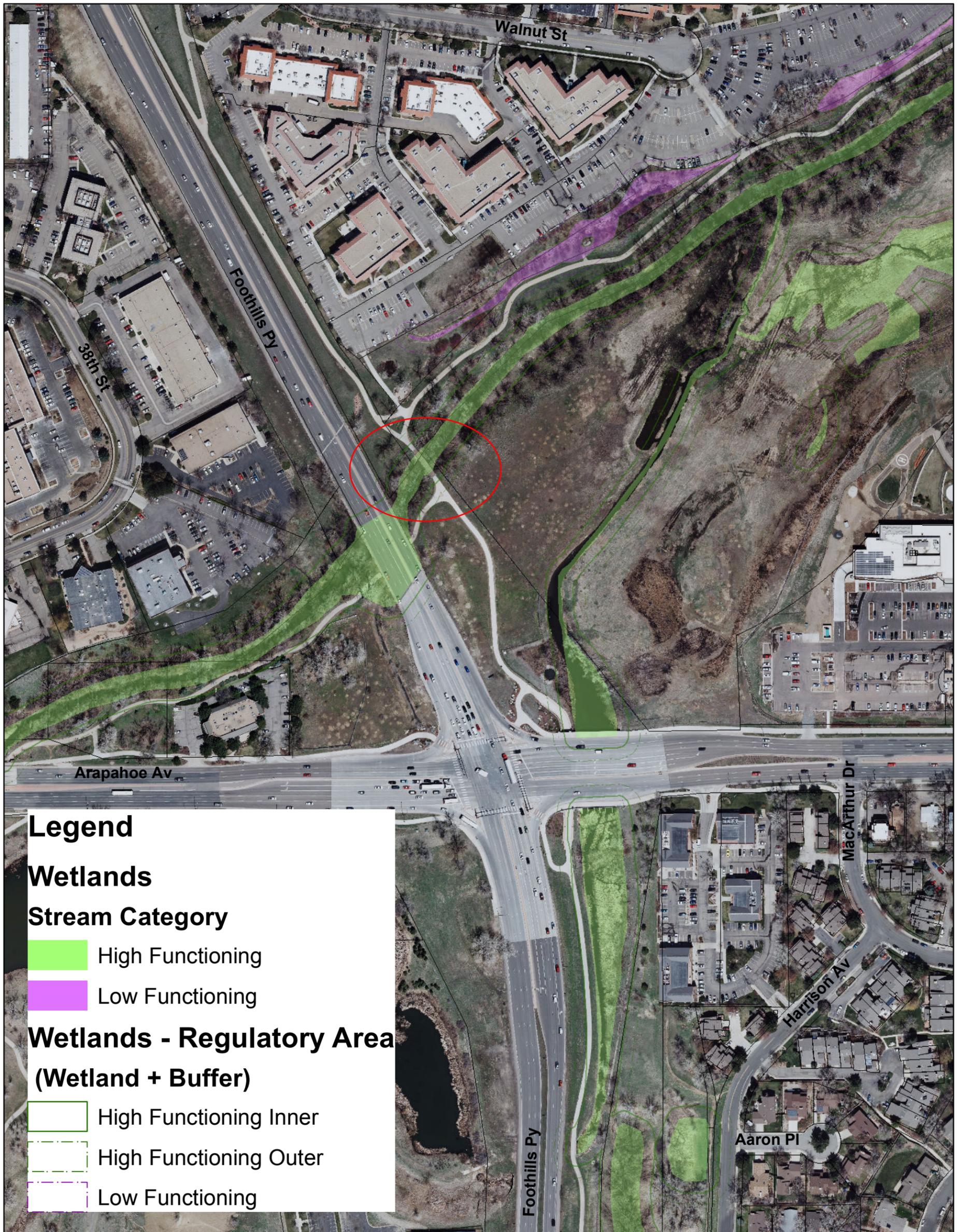
- The proposed project/activity is approved on the basis that it satisfies applicable requirements of Chapter 9-3-9, "Wetlands Protection," Boulder Revised Code 1981. Other wetland requirements as set forth in Chapter 9-3-9 which are not specifically outlined in the conditions of approval below remain applicable to this project/activity.
- The improvements shall be constructed to minimize and mitigate impacts to the existing wetlands in conformance with the conditions of the City of Boulder Wetland Permit issued for this project.
- The applicant shall obtain a site inspection and approval from the City of Boulder Floodplain and Wetlands Coordinator upon completion of the projects.

### Inspections

To schedule an inspection, call 303-441-3280 and refer to your permit number (LUR2016-00004).

- Wetland Mitigation Inspection

# Boulder Creek Path - Wetland



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**CITY OF BOULDER  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE: April 14, 2016**

**AGENDA TITLE:** Public hearing to consider the following two items:

1. Recommendation to City Council on an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to adopt a Form-Based Code (FBC) for the Boulder Junction Phase I through two appendices to Title 9: Appendix L designating "Form-Based Code Areas" and Appendix M as the FBC regulations, and adopting a Form Based Code Review process, and
2. Action on proposed amendments to the Transit Village Area Plan (TVAP) connections plan to be consistent with and to implement the FBC project.

**REQUESTING DEPARTMENTS:**

David Driskell, Executive Director of Community Planning and Sustainability (CP&S)  
Susan Richstone, Deputy Director of CP&S  
Charles Ferro, Development Review Manager, CP&S  
Sam Assefa, Senior Urban Designer, CP&S  
Karl Guiler, Senior Planner/Code Amendment Specialist, CP&S  
Leslie Oberholtzer, Design Consultant, CodaMetrics

**OBJECTIVES:**

1. Hear Staff presentation
2. Planning Board discussion
3. Planning Board recommendation to City Council on FBC.
4. Planning Board action on TVAP amendments

**EXECUTIVE SUMMARY**

The purpose of this memorandum is to consider a recommendation to City Council on an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to adopt a Form-Based Code (FBC) applied to the Boulder Junction Phase I area. The FBC is proposed to be added to the land use code as a new Appendix M (a new Appendix L would include a map showing "Form-Based Code Areas" in Boulder). Further, a new code section, 9-2-16, "Form Based Code Review," B.R.C. 1981 would be added referring to the Appendix M regulations and creating a review process for the FBC.



Some elements of the FBC involve changes to connections in the TVAP and therefore, amendments to the TVAP transportation connections plan are proposed simultaneous with consideration of the FBC.

Planning Board discussed the FBC at a study session on Oct. 29, 2015. Associated background materials

and an overview of the process and the FBC can be found [here](#). Further board discussions on FBC occurred on Dec. 17<sup>th</sup> and an update was provided on March 17<sup>th</sup>. Links to these memos are provided here: [Dec. 17, 2015](#) and [March 17, 2016](#).

This memorandum goes into additional detail on the proposed ordinance to adopt the FBC, descriptions of the required changes to the land use code, an overview of the content of the FBC, staff analysis of the FBC, public comments received on the FBC and a staff recommendation. The draft ordinance is found in [Attachment A](#) and the draft FBC is [Attachment B](#). [Attachment C](#) contains the proposed changes to the TVAP transportation connections plan. Draft design standards for paseos are included in [Attachment D](#).

## **BACKGROUND & PUBLIC INPUT**

### Form-Based Code pilot project

As part of the Design Excellence Initiative, the city has been piloting a Form-Based Code (FBC) in Boulder Junction, defined as the Phase I area within the adopted Transit Village Area Plan. This area was selected on a recommendation by Victor Dover of Dover/Kohl Partners based on his work on the Design Excellence Initiative last winter. That work culminated with a recommendation to City Council last January for piloting a FBC for a limited area such as Boulder Junction where there is already a consensus on land use and urban design policy articulated in an adopted Transit Village Area Plan.

As requested by City Council, the FBC project was commenced in April of 2015 and was anticipated to be a six-month process. Due to the complexity of the changes and how they interface with current city policies and requirements, the project has taken significantly longer. The project has involved outreach to the community and coordination with review boards (i.e., Planning Board, Transportation Advisory Board, Design Advisory Board and Boulder Junction Access District) and council about desired building designs and forms that would inform the final pilot FBC. A working group composed of representatives of above referenced boards has also been informing the pilot FBC and has met seven times to date.

The overall purpose of considering FBC as a new tool for Boulder is to address design quality and provide more predictability on development review issues recently articulated through community, board and council conversations, as summarized in the January 20, 2015 memo from Dover Kohl ([link to memo](#)). The City of Boulder's Community Planning & Sustainability Department (CP&S) is leading the effort in collaboration with other city departments and two consultant teams: Dover Kohl and Partners and CodaMetrics. Dover Kohl and Partners will assist in the broad, citywide Design Excellence discussions that would ultimately inform changes to the land use code, and CodaMetrics will assist in preparation of the pilot FBC.

If adopted, the FBC pilot would apply to the Phase I area of Boulder Junction. Victor Dover's recommendation was that it be tested in a small geographic area where an adopted vision is already established. Several projects in the area recently obtained development review approvals. Staff and CodaMetrics have worked with applicants of the S\*park, Reve and The Commons projects and those projects were informed by the FBC project. While the projects are not 100 percent consistent with the final FBC, each project incorporates design elements that reflect the evolution of the FBC. Staff finds that the approved Commons, Reve and S\*park projects were well-informed by the ideas discussed during the FBC process.

With this pilot, the city is embarking on what could be a longer process of determining whether FBC is appropriate for Boulder to achieve better design outcomes versus just focused changes to the Site Review

process and current design standards. Boulder Junction is an opportunity to test the FBC tool itself as well as the process. If successful, staff anticipates structuring new public processes of review for other areas of the city (e.g., Phase II Boulder Junction, Downtown, North Boulder etc.) based on what has been learned through the pilot project.

Below is a summary of the FBC pilot timeline:

**May & June 2015-** Events related to the FBC pilot commenced in the week of May 11<sup>th</sup> and included a joint meeting of Planning Board, Boulder Design Advisory Board (BJAD), Transportation Advisory Board (TAB) and the Boulder Junction Access District on Thursday, May 14<sup>th</sup>. At the May 14<sup>th</sup> board workshop, CodaMetrics lead a discussion with board members on desired and undesired design elements that would help inform what the FBC covers and the types of prescriptive standards to achieve the desirable elements that may be incorporated into the draft FBC.

On May 15<sup>th</sup>, Dover Kohl and Partners presented to the public, "[Form-Based Code 101](#)", which summarized what form-based codes are, the benefits of a form-based code for the Boulder Junction area, how it might be useful elsewhere in Boulder, as well as some of the limitations of form-based codes. The event also included a question and answers session that can be viewed at the link above.

CodaMetrics held a community workshop open to the greater public on Saturday, May 16<sup>th</sup> at the Hotel Boulderado. The event was attended by roughly 30 persons and involved lively discussion about design and what would be appropriate in the Boulder Junction area. While there were expressions of varying architectural taste, there were also common themes of agreement.

City Council received an update on the FBC project on May 26, 2015 and provided input on draft Guiding Principles on June 15, 2015. The guiding principles were prepared by the consultant, CodaMetrics, to assist in the formulation of the draft FBC and inform applicants that have projects in the pipeline in the Boulder Junction area. The guiding principles included a list of "potential" regulations to address key design concerns identified through the process with goals of creating better buildings and ones that fit the vision for Boulder Junction. The findings of the principles were that Boulder desired "Honest, Simple and Human-Scaled" buildings. The packet regarding the FBC pilot including the guiding principles and a narrative of the entire process since April 2015 can be reviewed [here](#).

**July & August 2015-** CodaMetrics and city staff held a workshop with members of the public on July 22<sup>nd</sup>. CodaMetrics presented an overview of the FBC and the input received thus far before discussing the draft components, which are discussed in the 'Structure and Content' section of this memorandum. Following the presentation, attendees circulated to review information and provide input on the following five topics: I. Regulating Plan, II. Public Realm, III. Building Materials and Construction Quality, IV. Building Proportions, and V. Building Massing. Most of the workshop was an opportunity for members of the public to better understand how FBC might work and what the proposed content would be.

Throughout the duration of the project CodaMetrics and staff have met with members of the community in stakeholder meetings ranging from neighborhood representatives (e.g., Steel Yards, North Boulder etc.) and other groups like the Chamber of Commerce and Downtown Boulder. Most feedback has been positive. Some concerns heard relate to whether FBC would create too many buildings that look the same or whether the FBC would add additional layers of development review complexity or cost upon proposals. CodaMetrics indicated that while certain parameters would have to be met to get a specified level of quality

or design, there would still be flexibility to achieve varied, creative buildings. Portions of the code actually require certain levels of variation between properties in terms of setbacks, materiality etc. In terms of cost, while material costs may increase with higher levels of quality required, more predictability in city expectations and higher likelihood for shorter review process would also decrease cost.

A study session with City Council was held on Aug. 11<sup>th</sup>. A summary of the discussion can be found [here](#) within the Sept. 1, 2015 folder (Agenda item 3B).

**September 2015-** CodaMetrics provided the draft of the FBC to the city in Sept. 2015. The draft was circulated to several city departments for review and then was forwarded to the FBC Working Group for review and comment at two meetings. Victor Dover of Dover Kohl and partners has also reviewed and commented on the draft. Recommended changes from these reviewers have been incorporated into the draft FBC. The summary of the FBC Working Group's September meeting can be found in the Oct. 29<sup>th</sup> packet.

**October 2015-** Based on detailed comments received from City Council, the FBC Working Group, city staff, Victor Dover and stakeholders, CodaMetrics prepared an updated draft. Staff and CodaMetrics held an afternoon open house on Oct. 29<sup>th</sup> to present the draft FBC and then had a detailed discussion of the FBC with Planning Board the same evening. The open house was well attended and included people not previously involved in the process. Most were interested in what the FBC could do and inquired about transportation connections and how the ballot measures may have affected the FBC.

Planning Board was generally supportive of the FBC, but there was some disagreement about how prescriptive the FBC should be including an in-depth discussion about review process. Some board members felt that the FBC was too restrictive while others felt it necessary to have very specific building design requirements to avoid undesired, inflexible design outcomes.

The discussion on review process also included a variety of opinions on the topic of whether or not projects should be eligible for board or citizen call-up. However, the board coalesced around the idea that given that there were limited sites remaining in the Boulder Junction area and the desire to evaluate the efficacy of the FBC, the board agreed that all projects (or at least projects of a certain size) should be eligible for call-up and that if called up, a project would be evaluated for compliance with the FBC standards and any exception criteria.

The board also provided detailed comments on building design elements, such as cap styles and building materials, as well as discussing appropriate building types for the remaining sites. The board discussed the Pollard (city-owned) site and the industrial site just north of the Goose Creek multi-use path. Some board members felt the site north of Goose Creek should be built with row houses while others felt that larger scale buildings may be appropriate. Planning Board also inquired about the possibility of requiring on-site permanently affordable units in the FBC along with specific energy code requirements.

The audio from the meeting can be accessed [here](#) and the written minutes are found in [Attachment E](#).

**November & December 2015-** CodaMetrics has continued to update the draft FBC and has incorporated changes recommended by Planning Board and city staff. Staff returned to Planning Board on Dec. 17<sup>th</sup> to discuss the options related to on-site permanently affordable housing and specific energy code standards. This [link](#) includes the December discussion where Planning Board directed staff to look further into the

prospect of special energy code requirements for the FBC.

### **December 2015-April 2016**

Staff provided another project update to Planning Board in March 2016. The memo describing the work that was completed since the Board's December meeting is provided [here](#). Recently, staff has also met with members of the Steel Yards HOA and other interested stakeholders to discuss the latest draft of the FBC. Generally, the interested parties have been supportive of the concept of implementing FBC. Steel Yards HOA has provided input on the proposed TVAP connection changes and has expressed concern about the ability of buildings on the property immediately to the south of Steel Yards adjacent to Goose Creek to be built up to four stories. To ensure a greater level of compatibility with the three-story context within Steel Yards, staff has proposed a three-story limit on properties north of Goose Creek and west of Junction Place within the FBC.

### **BOARD FEEDBACK**

Planning Board comments on the FBC from the Oct. 29<sup>th</sup> meeting can be found in [Attachment E](#). In March 2016, staff met with the Design Advisory Board (DAB) and Boulder Junction Access District (BJAD) to discuss the latest draft of the FBC. Overall, DAB was complementary of the FBC and generally supported the idea that projects would be staff level, but could be called-up by Planning Board. DAB also appreciated that it would continue to have a say in projects in their compliance with the Transit Village Area Plan (TVAP) policies and the FBC. DAB generally liked the format, graphics and text of the FBC, but also raised points about requiring masonry elements to come down to the ground to make projects more grounded and requested clarification on other elements of the code. Minutes from the DAB meeting can be found in [Attachment F](#). Most of the BJAD discussion entailed changes to the TVAP connections plan. One member of BJAD expressed the concern that with the FBC, the Boulder Junction area was becoming "over-programmed."

### **DISCUSSION**

#### **Draft Ordinance**

The draft ordinance is found in [Attachment A](#) and includes a new Land Use Code section, Section 9-2-16, "Form Based Code Review," B.R.C. 1981, and specifies the review process, including call-up options for the public and Planning Board, submittal requirements, review and exception criteria for projects that are subject to form-based code regulations. The structure of the code section is similar to how the code sections for Use Review and Site Review are outlined. In the past, city staff and Planning Board have expressed the desire to consider a new "Site Review Light" type process and therefore, staff has prepared the new Form Based Code Review process with this goal in mind.

The new code section links to two new appendices, Appendix L and Appendix M. Appendix L is a map that shows the "Form Based Code Areas", which staff anticipates would include possible new form-based code areas in the future or other similar areas with special regulations, and would be updated in the future should the city adopt such regulations. Appendix M includes the specific regulations that would apply to all areas where form-based code would apply (see [Attachment B](#)).

While much of the proposed ordinance sets up the new review process, most of the ordinance includes necessary reference updates in the Land Use Code to refer to the new process as well as making it clear what sections of the Land Use Code would be superseded by the new regulations and which would continue to apply. Some key examples of the differences are:

- **Use Standards:** The use standards of the Land Use Code would continue to apply with the exception that storefront uses along identified locations along the streetscape (e.g., Main Street building types and key intersections) would require retail, dining and personal service uses to provide for active uses as opposed to banks or residential uses that would have less activity in key nodes. Also, a requirement that projects within certain areas of Boulder Junction would have to be at least 50 percent residential has been added to the FBC.
- **Form and Bulk Standards:** The form and bulk standards would be superseded by the special form and design requirements within the FBC with the exception that the height of buildings would still need to be measured from low points 25 feet away from buildings as done in the current code and would still need to show minimum compliance with appurtenances standards despite being held to higher standards in the FBC. Building height in the FBC would be permitted based on the allowable number of floors (with each floor with specific floor to floor heights) and under no condition could go over the 55-foot height limit as measured per the Land Use Code and City Charter.
- **Intensity Standards:** The intensity standards, including the open space amount requirements and floor area limitations, would be superseded. Building massing and intensity and required outdoor space requirements would be specifically prescribed in the FBC. While most of the intensity standards would be superseded, the applicable occupancy requirements in the Land Use Code would not be superseded.

Below are some key points about the review process and exceptions set up by the draft ordinance (some points relative to scope are also specified in the FBC):

- **Scope:** Any property developing within the areas specified in Appendix L would be subject to the new Design Review process and FBC, with the exception of projects previously approved under Site Review, which would continue to subject to the specific approval standards for the project. The FBC would only fully apply if a project were to be substantially redeveloped (i.e., redevelopment). However, a stipulation has been added that any modifications to such projects should be generally consistent with and not conflict, as practicable, with the intent of the FBC areas. Existing buildings that do not conform to the FBC could continue to be subject to the provisions of the Land Use Code until they substantially redevelop (i.e., 60 percent additional floor area), although new construction would be subject to specific façade design standards in the FBC.
- **Review Process:** Projects would be reviewed under the new Design Review process outlined in section 9-2-16, "Form Based Code Review," B.R.C. 1981. Prior to submittal of an application, a Pre-Application submittal is required for staff and the applicant to discuss the direction of the project and allows the applicant to get key advice on designing to the standards of the FBC. After submission of a Form Based Code Review application, approval would be based on meeting the specific standards within the FBC (Appendix M). Reviews would be staff level (no automatic Planning Board hearings) and would be referred to DAB for comment like other Site Review processes in area plan areas. With the exception of small projects (i.e., under 500 square feet of floor area, one-story and no exception requests) and minor modifications limited per the criteria in section 9-2-16(j), B.R.C. 1981, all Form Based Code Review projects would be subject to Planning Board or citizen call up. Staff could also refer applications to Planning Board like the current Site Review process.

- **Exceptions:** FBCs are typically written to be prescriptive and non-discretionary. However, to allow flexibility to the standards, exceptions to FBC standards can be requested and would be subject to the proposed exception criteria in section 9-2-16(i), B.R.C. 1981, which require the following:
  - Consistency with the goals and intents of the applicable adopted area plan;
  - Consistency with the “purpose” of Design Reviews as stated in section 9-2-16(a), B.R.C. 1981 and
  - Avoidance of adverse impacts above what would normally be expected by meeting the FBC standards.

Staff has drafted the exception process to allow flexibility in scenarios where it may be desirable to deviate somewhat from the FBC. Similar to Site Review, exceptions would be treated like modifications and would be specifically called out in any correspondence with the Planning Board and on Notice of Dispositions. If the board disagreed about granting an exception the project could be called up.

### **Draft Form-Based Code (FBC)**

The draft FBC is found in [Attachment B](#). The regulations are written in the same numbering format as the current Land Use Code and include broad regulations that would apply to all form-based code areas (if adopted in the future) as well as enabling options for adding new specific regulations for specific areas. The regulations have been prepared as an appendix, because as part of a pilot process, the appendix would stand separate for the city and community to evaluate whether form-based code is effective for use in achieving better design outcomes. If in the future the city found that the Form Based Code Review process and FBC regulations were effective or even preferable to the current Site Review process, the option of incorporating the appendix as a new chapter in the Land Use Code would exist. Conversely, if it is found that the regulations are not effective, the appendix could be more easily removed from the Land Use Code. Also, if review boards and the community felt that projects did not necessitate discretionary review, call up provisions in the future could be eliminated.

The staff memorandum from Oct. 29<sup>th</sup>, which covers the general content and structure of the FBC, can be found [here](#). A brief overview of the composition of the FBC is below followed by descriptions of what updates have been made to the FBC since the last review.

### ***Content of the FBC:***

- **General Provisions:** The general provisions include the general purpose statement, design goals and organization of the code. The section also outlines what sections of the FBC supersede requirements within the Boulder Revised Code and what BRC rules continue to apply to the Form Based Code area. There is a section in the General Provisions that addresses existing structures and what requirements would be triggered from minor alterations. Lastly, the provisions include the Regulating Plan that specifies where different building types are permitted, what view corridors are to be protected as well as laying out the required Transit Village Area Plan ([TVAP](#)) connections.
- **Site Design:** The site design section is effectively a reworked “Public Realm” section that focuses primarily on the streetscape around projects sites and the outdoor space features that are required on sites. It includes specific standards for different types of outdoor spaces, where at least one

outdoor space meeting the standards must be provided 1/8 of a mile from every building entry. There are provisions to allow reductions to space sizes on small sites as well to enable flexibility.

- **Building Types:** The Building Types section includes descriptions of the applicable building types – Main Street, General Building, Row Building and Commercial Storefront – and outlines the specific dimensional, form and design requirements for each building types. Buildings are required to correspond to the locations specified on the Regulating Plan. Some examples of the form and design standards included in this section are:
  - Build-to zones; how much of the street frontage must be occupied by buildings;
  - Setbacks
  - Maximum building lengths
  - Maximum number of stories
  - Maximum floor to floor heights
  - Parking locations
  - Entry requirements
  - Permitted cap (roof) types
  - Required transparency per floor
  - Special storefront use requirements (i.e., restaurant and dining uses, personal service uses, and retail in specific locations to ensure desired pedestrian activity)

These requirements are supplemented with diagrams and are described in detail in a section following the tables so it is understood by the user how to calculate and verify compliance. The section concludes with requirements for cap (roof) types.

- **Building Design:** Where the prior section focuses on the basic parameters of building form, use and window locations etc., the building design section focuses on the “skins” of building by specifying allowable “major” materials like stone, brick, wood etc. and minor materials like fiber board, stucco etc. and the allowable percentage on the face of the buildings and where and how they should be applied. There are also “limited use” materials that are permitted under certain conditions. The section also includes standards for material transitions, window installation requirements, qualitative standards, and requirements for awnings and balconies that must be followed. More stringent mechanical appurtenance standards have been required as part of the FBC. The Building Design section concludes with standards the inform the massing and articulation of buildings to break down mass and monotony without creating buildings that look to “busy” or out of proportion. For instance, there are requirements to vary the facades of buildings in 90 foot increments for buildings more than 120 feet in length and incentives for pitched roofs and building height variation. New articulation requirements have been added that would avoid indentation of ground level facades to avoid buildings that look top heavy. While there has been disagreement by the board about requiring demonstration that the proportions of buildings would conform to “golden ratio”, staff has continued to find that it may be useful at achieving buildings with pleasing symmetry and has thus, included it in the FBC. If the requirement were too rigid it could be waived with an exception as part of a Form-Based Code Review. However, the board could request that the requirement be removed if there is disagreement.

Since the Oct. 29<sup>th</sup> Planning Board discussion, CodaMetric and staff have made the following edits to the

FBC based on board, community and staff comments:

***Overview of changes since Oct. 29th board review:***

Entire FBC

- The FBC code sections have been renumbered to match the numbering conventions of the current Boulder Revised Code;
- Wording within the FBC has been rewritten to match the regulatory language of the Land Use Code;
- “Intent” statements have been updated so that the basis of the regulations are better understood;
- Alternative compliance standards have been added to certain sections to allow for more flexibility where regulations were found to be too rigid (e.g., outdoor space size for smaller lots, modifications to existing buildings; sight triangles);
- Clarification to code graphics and written content;
- Required storefront use locations have been clarified on the Regulating Plan per board suggestions;
- Terminated Vista language has been clarified;
- Regulations on view corridors has been clarified related to what each view should contain;
- Language permitting roof decks has been added to the view corridor requirements;
- Sight triangle section has been revised to match current process of review;
- Definition of ‘Rear Yard’ changed to ‘Parking Yard’ to distinguish from current rear yard definition in Section 9-16 of the land use code and “Transparency” definition updated to allow visibility at the ground floor while not compromising requirements to meet energy code standards;
- Proposed TVAP connections have been finalized (discussed below)

Public Realm/Site Design

- Outdoor space icons on Public Realm map changed from “P” to “O” to avoid confusion with parking. “Public” from Outdoor Space removed as not all open spaces will be owned by the city or under easement;
- The Public Realm section has been revised to be a Site Design section that eliminates some infrastructural elements in the public right-of-way (e.g., street cross sections that differed from TVAP, shared street standards) that conflict with the DCS and that would effectively require a larger public process and inter-departmental analysis of the options. The FBC would continue to include the following elements:
  - Requirements for public ways, including new design standards for paseos breaking up blocks. Paseo specifications are included in a separate **Attachment D**, and after further analysis may be more appropriate in the FBC as opposed to TVAP (staff is looking for board input in this matter);
  - Streetscape design requirements for sidewalks, bulb-outs and sight triangle requirements;
  - Outdoor space requirements similar to previous iteration;
  - Site access requirements (e.g., alley access, frontage considerations), and
  - Elements of the public realm map have been added to the Regulating Plan.

### Building Types

- Three-story (40-foot) maximum requirement added to buildings west of Junction Place and north of Goose Creek in order to be more compatible with existing development at Steel Yards;
- A requirement for 50 percent of residential floor area of projects with Main Street, Row, and General Building type that have a total combined floor area exceeding 15,000 sf has been added;
- The option of doing row building types in general building type areas has been added;
- Restriction on the location of towers compared to the previous version;
- 8-foot maximum for butterfly roof dimensions removed;
- Eave thickness has been clarified.
- Allowable tower widths has been reduced from 30 feet to 15 feet.

### Site and Building Design

- Building materials have been updated as follows:
  - Acrylic co-polymer finish coat on stucco has been revised to be a prohibited material;
  - Stucco finish has been revised to be cementitious stucco as opposed to acrylic finish;
  - Concrete is no longer restricted as in the previous version;
- Major materials have been updated as follows:
  - Specific types of wood have been replaced with just “wood” (finished and treated);
  - Wood lap siding has been removed as a “limited use” material;
- Minor materials have been updated as follows:
  - CMU restrictions have become less restrictive;
  - Vinyl has been prohibited on soffits;
  - Terra cotta or ceramic tiles have been added as a minor material;
- Building Construction qualitative standards were moved up and emphasized;
- The awning standards have been updated to allow light shelves, the prohibition on security grills removed and an exception to permit Juliet balconies has been added. A new provision permitting two levels of attached or hung balconies has also been added;
- Juliet balconies have been prohibited along Type A frontages.
- Mechanical appurtenance section has been simplified.
- An alternative compliance standard to the building articulation requirements has been added;
- In Building Massing, the varied building height requirement (requiring the step down in height for 30 percent of the building footprint) has been revised require the step down on Type A frontages. The requirement also has been revised to apply to buildings over 40 feet in height;
- A new standard limiting the indentation of ground floors to no more than 18 inches has been added to avoid buildings that look top heavy.

Staff finds that these changes attempt to balance the concerns raised by the board and stakeholders and result in a set of regulations that will more effectively implement the vision of [TVAP](#). Changes made since the October 2015 review would also more effectively allow implementation of the requirements without conflicts with the Land Use Code, DCS and TVAP.

### TVAP transportation connection amendments

The FBC process identified some changes to transportation connections that would need to be made within [TVAP](#) simultaneous to adoption of the FBC. The identified changes, which are shown on [Attachment C](#), are:

- **Change ‘Local Street’ between 31<sup>st</sup> Street and Junction Place north of Goose Creek to an ‘Existing alley’.** This change would recognize that development around the existing circulation functions more like an alley with head-in parking and the backs of buildings fronting upon it. It also recognizes that the connection will likely not redevelop for some time as the Steel Yards development is not expected to redevelop and the connection is needed to serve that development. It also makes more sense as an alley given that there are currently two additional local streets in parallel alignment in Steel Yards to the north with no alleys in between. Future redevelopment on the property to the south of the alley is expected to load from the north (not necessarily the existing alley) and have buildings facing the south.
- **Add a new sidewalk connection between Junction Place to Pearl Parkway through the Depot Square development.** This change acknowledges an existing paseo-like connection constructed in Depot Square that effectively breaks up the block consistent with the intent of TVAP.
- **New connections or changes to existing connection descriptions** (the numbers shown are those currently within TVAP Appendix 3 with the addition of 65 and 66; new language is shown in underline):

**25. Pedestrian connection:** This connection is located approximately mid-way between Goose Creek and the proposed road in the center of the city-owned parcel. The location of this connection is flexible but is meant to meet the objective of providing a pedestrian connection at least every 200-300 feet in a mid-block location. This connection can be accomplished through a narrow paseo per the Form Based Code Area Regulations of Appendix M considering the close proximity to wider connections to the north (i.e., Goose Creek multi-use path and the enhanced paseo described in connection # 66).

**26. Pedestrian connection:** This connection is located approximately mid-way between the proposed road in the center of the city-owned parcel and Pearl Parkway. The location of this connection is flexible but is meant to meet the objective of providing a pedestrian connection at least every 200-300 feet in a mid-block location and to provide a protected pedestrian crossing of 30<sup>th</sup> Street to Crossroad Commons. This connection can be accomplished through a wide paseo per the Form Based Code Area Regulations of Appendix M to continue the connection from Crossroad Commons development into the Boulder Junction neighborhood.

**65. Local Street:** This connection is north-south and connects the existing 31<sup>st</sup> Street and Carbon Place intersection in the Steel Yards development to the proposed connection described in #17 connecting to 30<sup>th</sup> Street.

**66. Pedestrian Connection:** This connection is primarily a pedestrian connection between 30<sup>th</sup> Street to Junction Place just north of the Goose Creek multi-use path. This connection would be required to meet the “enhanced paseo” requirements of the Form Based Code Area Requirements of Appendix M with the intent of providing a more pedestrian-friendly, linear park-like promenade connecting the perimeter 30<sup>th</sup> Street corridor to the Depot Square plaza within Boulder Junction. Buildings would front on the space as if it was a street and the pathway would be wide and well-landscaped.

- **New Paseo requirements:** Based on the discussions with the FBC Working Group, the consultant and staff developed new design requirements and specifications for paseos for the FBC with the goal of creating attractive, pedestrian friendly pathways that would create more permeability through city blocks. As specified above, three TVAP connections have been updated to be subject to the design standards (i.e., narrow, wide and enhanced paseos) that have been developed. The new paseo standards would include a variety of technical requirements including the following:
  - Surface treatment requirements for permeable pavers and bricks;
  - Constructions and maintenance requirements
  - Special landscape and lighting requirements

**Attachment D** includes a full list of the requirements that would pertain to paseos. Originally staff was looking to add section drawings for paseos to TVAP with basic design metrics. However, as the paseo requirements have become more lengthy and prescriptive, it may be more appropriate to add the requirements back to the FBC. Staff will refine this further before the public hearing, but looks forward to Planning Board on this and other aspects of the FBC.

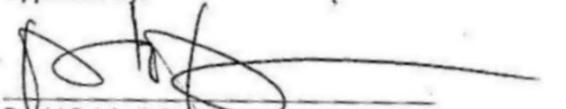
### STAFF RECOMMENDATION

Staff finds that the FBC, as proposed, would address many design and context related concerns expressed in the community related to recent development and would implement the goals of FBC as a more prescriptive implementation tool tailored to Boulder's methods of public involvement and high quality development products. The FBC would not be like FBCs in other communities that are non-discretionary and fully prescriptive, but nevertheless, the pilot FBC would be a way for the city to test and evaluate this alternative development review tool. FBC would be a step forward towards addressing the challenges of Site Review in a manner that does not require the lengthy review and interpretation of Site Review criteria that can lead to subjective discussions regarding conditions of approval or whether or not criteria are met. Projects would be held to the specific standards of the FBC, but would have the flexibility to request exceptions, which would be more easily evaluated than the conventions of Site Review. The effectiveness of the FBC could be evaluated through the provision to allow Planning Board call up of projects and it would be through these means that we learn what tweaks and improvements may need to be made to the FBC to achieve better design outcomes and whether FBC should be implemented elsewhere in Boulder.

Based on this conclusion, staff recommends that Planning Board:

1. Recommend to City Council adoption of an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to adopt a Form-Based Code (FBC) for the Boulder Junction Phase I area and a FBC review process, and setting forth related details, and
2. Approve amendments to the Transit Village Area Plan (TVAP) connections plan to be consistent with and implement the FBC project.

Approved By:



David Driskell, Executive Director  
Department of Community Planning and Sustainability

## **ATTACHMENTS**

- A. Draft Ordinance
- B. Draft FBC
- C. Proposed changes to TVAP transportation connections
- D. Proposed paseo requirements
- E. Approved minutes from the Oct. 29, 2015 Planning Board meeting
- F. Minutes from the March 9, 2016 DAB meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE, B.R.C. 1981, TO ADD A FORM BASED CODE REVIEW PROCESS AND TO ADD REVIEW STANDARDS IN AN APPENDIX TO THE LAND USE CODE APPLICABLE TO DESIGNATED FORM BASED CODE AREAS AND ADMINISTERED THROUGH THE FORM BASED CODE REVIEW PROCESS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Subsection (b) of Section 4-20-43, "Development Application Fees," B.R.C. 1981, is amended by adding a new paragraph (32) and renumbering subsequent paragraphs, to read:

...

(32) An applicant for approval of a form based code review or an amendment to a form based code review shall pay the following fees:

<u>Form Based Code Review: .....</u>	<u>\$8,885</u>
<u>Form Based Code Review Amendment.....</u>	<u>\$2,100</u>
<u>Administrative Form Based Code Review .....</u>	<u>\$757</u>
<u>Minor Modification to a Form Based Code Review (standard).....</u>	<u>\$757</u>
<u>Minor Modification to a Form Based Code Review (simple) .....</u>	<u>\$168</u>

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

....

**9-1-2. - How to Use This Code.**

1 A general description of these land use regulations follows. This description is intended to  
2 provide the reader with some guidance using this code. This section is not intended to be a  
substitute for the standards, criteria and procedures contained in this code.

- 3 (a) Organization: This title is divided into sixteen chapters. Each chapter is further  
4 subdivided into sections, subsections, paragraphs and subparagraphs. A consistent  
5 numbering and formatting convention is used throughout the title to identify these  
divisions and to help orient the user to the organization of information. The example  
below illustrates the formatting and numbering convention:

---

7 **EXAMPLE**

8 **9-1-1. Section Heading.**

- 9 (a) Subsection Heading, with text in the paragraph appearing as hanging indent for the  
entire Title as shown in this paragraph.
- 10 (1) Paragraph Heading, with text in the paragraph appearing as hanging indent for the  
11 entire Title as shown in this paragraph.
- 12 (A) Subparagraph Heading, with text in the paragraph appearing as hanging indent  
for the entire Title as shown in this paragraph.

---

14 When necessary, the numbering system continues beyond the subparagraph heading following a  
15 similar pattern of numbering and indentation. Each section includes all material between two  
16 section headings. For example, section 9-1-1 includes all material beginning with the number 9-  
1-1 up to number 9-1-2. References to any division of this title include all material located within  
the referenced section, subsection, paragraph, subparagraph, etc.

- 17 (b) Zoning Map: Zoning districts are the primary tool for regulating land in Boulder.  
18 Prior to considering developing land, an applicant should refer to the official zoning  
19 map to determine which zoning district his/her property is located within. The official  
zoning map is available at the planning department.
- 20 (c) Modular Zone System: Zoning districts in Boulder are comprised of standards from  
21 three modules: use, form and intensity. Combining elements of the three modules  
creates a zoning district. The zoning districts are identified in section 9-5-2, "Zoning  
Districts," B.R.C. 1981.
- 22 (1) Use Module: The use module establishes the uses that are permitted, conditionally  
23 permitted pursuant to section 9-2-2, "Administrative Review Procedures," B.R.C.  
1981, prohibited, or that may be permitted through use review pursuant to section  
24 9-2-15, "Use Review," B.R.C. 1981. Conditional uses are reviewed through an  
25 administrative (staff) review process to ensure conformance with specific use  
standards. If the use requires a use review, then the project will be required to  
complete a discretionary review to ensure that any impacts of the use on the

1 surrounding area are minimized. Finally, if the use is an existing legal use that is  
2 no longer allowed in the zoning district, and there is a proposal to change or  
modify the use, it may also be required to complete a use review.

3 (2) Form Module: The form module establishes the physical parameters for  
4 development such as setbacks, building coverage, height and special building  
5 design characteristics. Solar access standards, located in section 9-9-17, "Solar  
6 Access," B.R.C. 1981, may also impact building form and should be reviewed in  
conjunction with the form standards. On parcels and lots designated in Appendix  
L, "Form Based Code Areas," the regulations of Appendix M, "Form Based  
Code," apply.

7 (3) Intensity Module: The intensity module establishes the density at which  
8 development may occur and includes: minimum lot sizes, minimum open space  
9 per dwelling unit, number of dwelling units per acre, minimum open space per lot  
or parcel, and floor area ratios when applicable. On parcels and lots designated in  
Appendix L, "Form Based Code Areas," the regulations of Appendix M, "From  
Based Code," apply.

10 (d) Overlay Districts and Development Standards: In addition to the zoning district  
11 standards, there are additional sets of standards that may be applicable to a property,  
12 depending on its location. The applicant should check with the planning department  
13 to find out if the property is subject to such regulations, based on the official maps  
14 available from the department. First, the applicant should determine if the property is  
15 located within a floodplain. Standards regulating lands in the floodplain are found in  
16 sections 9-3-2 through 9-3-8, B.R.C. 1981. If the property is located near the airport,  
17 the applicant should determine if the property is located within the airport influence  
18 overlay zone. Those standards are located in section 9-3-10, "Airport Influence  
19 Zone," B.R.C. 1981. The applicant should also determine if the property contains any  
20 significant wetlands. These regulations are found in section 9-3-9, "Stream, Wetlands  
21 and Water Body Protection," B.R.C. 1981. Finally, the applicant should determine if  
the property is a designated landmark or located in a designated historic district.  
Standards regulating historic preservation are located in chapter 9-11, "Historic  
Preservation," B.R.C. 1981. In all cases, these overlay district standards apply in  
addition to any standards of the underlying zoning district. For example, the  
floodplain overlay regulations may limit or prohibit expansion of existing structures  
on portions of lots located in the floodplain, even though the basic zone standards  
would allow it. Other types of overlays may supplement the basic zone standards. For  
example, a property within the airport influence zone may limit uses or building  
heights beyond what the base zone standards allow.

22 (e) Development Standards: Chapter 9-9, "Development Standards," B.R.C. 1981,  
23 includes development standards that apply in addition to the zoning and overlay  
district standards. These include standards for parking, landscaping, signs, open  
space, site access, lighting, solar access and other elements of development.

24 (f) Variances of Standards/Site Review Process/Form Based Code Review Process:

25 (1) If the applicant cannot meet the standards described in subsections (b), (c) and (d)  
of this section, the applicant should determine whether there are alternative

1 development options or any exceptions to the general rules in the code that may  
2 accommodate the project. If the project does not meet standards and other  
3 development alternatives are not possible, then there are two basic methods  
4 available to attempt to vary the standards: the variance process and the site review  
5 process.

6 (2) The variance process is generally used for existing development. Bulk and form  
7 requirements may be varied if the applicant can demonstrate an unusual physical  
8 circumstance or other hardship. The variance requirements are found in section 9-  
9 2-3, "Variances and Interpretations," B.R.C. 1981.

10 (3) The requirements for the site review process are found in section 9-2-14, "Site  
11 Review," B.R.C. 1981. If the project is large enough to meet the minimum  
12 thresholds set forth in the code, then the bulk and form requirements and other  
13 specified development standards may be ~~varied~~ modified as part of a unified  
14 development proposal through a site review. If the project is smaller than the  
15 minimum thresholds standards, it is not eligible for site review. All projects that  
16 exceed the maximum site review threshold will be required to complete a site  
17 review.

18 (4) The requirements for the form based code review process are found in section 9-  
19 2-16, "Form Based Code Review," B.R.C. 1981. Parcels and lots designated in  
20 Appendix L, "Form Based Code Areas," are subject to the requirements of  
21 Appendix M, "Form Based Code," and will be required to complete a form based  
22 code review. Projects required to complete a form based code review are not  
23 eligible for the variance process and site review process.

24 (g) Nonconformance Standards: Adoption of land use controls and changes in zoning  
25 have created nonconforming uses, nonstandard buildings and nonstandard lots.  
Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, describes the treatment of  
these nonconformities. In general, the policy of the City is to allow these  
nonconforming uses and nonstandard buildings to be changed and upgraded without  
requiring their elimination if the change would not substantially adversely affect the  
surrounding area and if the change would not increase the degree of nonconformity of  
the use.

(h) Subdivision of Land: If the applicant would like to subdivide a piece of property or  
merge a number of different parcels into one parcel, the applicant may need to go  
through the subdivision process. The purpose of the subdivision process is to ensure  
that proposed building sites are appropriate for development; to obtain an accurate  
and permanent record of the separate interests of land that are created by subdivision  
of land; to apportion the costs of public services and facilities serving the subdivision;  
to provide assurances to future buyers of land that the subdivider owns the land to be  
sold; to provide legal and physical access to each lot; and to provide for maintenance  
of improvements, utilities and amenities. There are a number of divisions of land to  
which the subdivision regulations do not apply. The applicant should review these  
exceptions to determine if the project will be required to complete the subdivision  
process. There is also an abbreviated process for projects that only require elimination  
of a lot line between two lots within an existing subdivision. The subdivision process

1 is found in chapter 9-12, "Subdivision," B.R.C. 1981. The exceptions are found in  
2 section 9-12-2, "Application of Chapter," B.R.C. 1981. The minor subdivision  
3 process is found in section 9-12-5, "Minor Subdivision," B.R.C. 1981. The  
4 abbreviated process for lot line eliminations, lot line adjustments and minor  
5 subdivisions is found in section 9-12-4, "Elimination of Lot Lines," B.R.C. 1981.

6 (i) Inclusionary Housing: The City has adopted regulations to assist in providing a  
7 diverse housing stock affordable to people of varying incomes. Chapter 9-13,  
8 "Inclusionary Housing," B.R.C. 1981, sets forth the standards for the City's  
9 inclusionary housing and moderate income housing programs. Inclusionary housing  
10 requires that most new residential development contribute toward permanent  
11 affordable housing in the City. Generally speaking, twenty percent of the total  
12 number of units are required to be permanently affordable to low income households.

13 (j) Growth Management: The growth management system sets the maximum rate of  
14 residential growth at approximately one percent per year. This is achieved by  
15 allocating the number of dwelling units for which a building permit can be granted in  
16 any given year. Provided that there are enough allocations, each development is  
17 entitled to up to forty allocations per year. The allocations are distributed on a  
18 quarterly basis. During the last quarter of the year, the applicant may receive up to  
19 thirty-five more allocations (to a total of seventy-five) if there are enough allocations  
20 available in the system. If the applicant has a project that requires more allocations  
21 than are allowed because of the size of the building, building configuration or  
22 infrastructure phasing, the applicant may bank allocations over time to build out the  
23 project. New residential development that meets the requirements of the City's  
24 affordable housing programs and residential development located in commercial,  
25 industrial and mixed-use zoning districts are not required to meet the allocation  
requirements of the growth management system regulations. Those regulations are  
found in chapter 9-14, "Residential Growth Management System," B.R.C. 1981.

(k) Enforcement of The Land Use Regulations: Violations of the land use regulation are  
investigated by the Development and Inspection Services division of the Public  
Works Department and are prosecuted in municipal court, by district court actions or  
through administrative hearings. A hearing also is available before the Planning  
Board to protest a violation of a development review approval. The enforcement  
provisions are found in chapter 9-15, "Enforcement," B.R.C. 1981.

....

#### 9-1-4. - Transitional Regulations.

This section addresses the applicability of new substantive standards enacted by this title to  
activities, actions and other matters that are pending or occurring as of the effective date of this  
title.

(a) Building Permits: This title will be amended from time to time. Any building permit  
in effect prior to the effective date of a specific amendment to this title will not be  
subject to the requirements of the subsequent amendment.

(b) Expiration of Development Approvals:

- 1 (1) Any approval previously granted, including, without limitation, site reviews, use  
2 reviews, form based code reviews, planned unit developments, special reviews,  
3 height reviews, nonconforming reviews and variances, becomes subject to the  
4 provisions of any amendment to this title, unless application for a building permit  
5 has been made, or a certificate of completion has been issued pursuant to such  
6 approval by the date falling one year after the effective date of such respective  
7 amendment.
- 8 (2) If a building permit has been issued on any such development approval by  
9 September 15, 2006, it may be continued under the conditions of its approval, but  
10 it may only be amended or modified in accordance with the minor modification  
11 and amendment provisions of sections 9-2-14, "Site Review," and 9-2-15, "Use  
12 Review," B.R.C. 1981.
- 13 (c) Expiration of Exceptions, Planned Developments and Planned Residential  
14 Developments: Any exception, PD (planned development) or PRD (planned  
15 residential development) is subject to the provisions of this title, unless construction  
16 of such exception, PD or PRD commenced by February 8, 1984. If, by February 8,  
17 1984, a building permit had been issued for any use or occupation of land previously  
18 approved as an exception, a PD or a PRD, such use or occupation may be continued  
19 under the conditions of its approval. Any change in the use or occupation of such land  
20 shall be made in accordance with the amendment provisions of section 9-2-14, "Site  
21 Review," B.R.C. 1981.
- 22 (d) Additional Development Regulations: Notwithstanding the provisions of subsections  
23 (b) and (c) above, additional development regulations may be imposed as part of a  
24 building permit approval upon properties in a previously granted and otherwise valid  
25 development approval, including, without limitation, site reviews, use reviews,  
planned unit developments, planned developments, planned residential developments,  
exceptions, special reviews, height reviews, nonconforming reviews and variances,  
that are inconsistent with the terms and conditions of the development approval, if:
- (1) The standard is expressly stated in the land use regulations as applicable to such  
development request; and
- (2) The standard will not violate the terms of an annexation agreement or a vested  
right that was granted pursuant to section 9-2-19, "Vested Rights," B.R.C. 1981.
- (e) Existing Uses That Require a Use Review or Conditional Use Approval: Any  
previously approved use that was established prior to the adoption of new regulations  
that make such use permitted only pursuant to a conditional use or a use review shall  
be allowed to continue in operation. Any change or expansion of a use that was  
established prior to the adoption of new regulations that make such use permitted  
pursuant to a conditional use or a use review shall be made in conformance with the  
applicable standards for use review, conditional uses or for changes or expansions to  
nonconforming uses. If active and continuous operations of such a use are not carried  
on for a period of one year, it shall thereafter be occupied and used by a use meeting  
the requirements of this title, as required by subsection 9-10-2(a), B.R.C. 1981.

(f) Violations Continue: Any violation of the previous land development regulations of the city shall continue to be a violation under this title and shall be subject to the penalties and enforcement set forth in chapter 9-15, "Enforcement," B.R.C. 1981, unless the use, development, construction or other activity is clearly consistent with the express terms of this title.

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

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

- (a) Purpose: This section identifies the numerous types of administrative and development review processes and procedures. The review process for each of the major review types is summarized in Table 2-1 of this section.
- (b) Summary Chart:

TABLE 2-1: REVIEW PROCESSES SUMMARY CHART

I. ADMINISTRATIVE REVIEWS	II. ADMINISTRATIVE REVIEWS - CONDITIONAL USES	III. DEVELOPMENT REVIEW AND BOARD ACTION
<p><u>Administrative form based code review</u></p> <p>Building permits</p> <p>Change of address</p> <p>Change of street name</p> <p>Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981</p> <p>Easement vacation</p> <p>Extension of development approval/staff level</p>	<p>Accessory Units (Dwelling, Owners, Limited)</p> <p>Antennas for Wireless Telecommunications Services</p> <p>Attached Dwelling Units and Efficiency Living Units in the University Hill General Improvement District</p> <p>Bed and Breakfasts</p> <p>Cooperative Housing Units</p> <p>Daycare Centers</p> <p>Detached Dwelling Units with Two Kitchens</p> <p>Drive-Thru Uses</p> <p>Group Home Facilities</p>	<p>Annexation/initial zoning</p> <p>BOZA variances</p> <p>Concept plans</p> <p>Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981</p> <p><u>Form based code review</u></p> <p>Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration</p>

1	Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Home Occupations	Certificate," B.R.C. 1981
2		Manufacturing Uses with Off-Site Impacts	Lot line adjustments
3			Lot line elimination
4	Landscape standards variance	Medical or Dental Clinics or Offices or Addiction Recovery Facilities in the Industrial	Minor Subdivisions
5	Minor modification <a href="#">to approved site plan</a>	General Zoning District near the Boulder Community Health Foothills Campus	Out of city utility permit
6			Rezoning
7	Minor modification <a href="#">to approved form based code review</a>	Neighborhood Service Centers	Site review
8			
9	Nonconforming use (extension, change of use (inc. parking))	Offices, Computer Design and Development, Data Processing,	Subdivisions
10	Parking deferral per Subsection 9-9-6(e), B.R.C. 1981	Telecommunications, Medical or Dental Clinics and Offices, or Addiction Recovery	Use review
11		Facilities in the Service	Vacations of street, alley, or access easement
12	Parking reduction of up to fifty percent per Subsection 9-9-6(f), B.R.C. 1981	Commercial Zoning Districts	
13		Recycling Facilities	
14	Parking reductions and modifications for bicycle parking per Paragraph 9-9-6(g)(6), B.R.C. 1981	Religious Assemblies	
15		Residential Care, Custodial Care, and Congregate Care	
16	Parking stall variances	Facilities	
17			
18	Public utility	Residential Development in Industrial Zoning Districts	
19	Rescission of development approval	Restaurants, Brewpubs, and Taverns	
20	Revocable permit		
21	Right of way lease	Sales or Rental of Vehicles on Lots Located 500 Feet or Less from a Residential Zoning District	
22	Setback variance		
23	Site access variance	Service Stations	
24			
25	Solar exception	Shelters (Day, Emergency, Overnight, temporary)	

Zoning verification	Temporary Sales Transitional Housing	
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**9-2-5. - Development Review Process.**

- (a) Purpose: The development review process is established in order to provide a uniform and consistent method for evaluating and reviewing all proposals for discretionary and ~~review~~ form based code review.
- (b) Compliance Required: No person shall commence or complete construction of any structure or part thereof which requires a development review under this title without first complying with all applicable requirements of this title, receiving approval under this title, and complying with any condition of approval given under this title. No person shall use, occupy, or maintain any structures or part thereof for which a discretionary or ~~review~~ form based code review approval under this title is required if no such approval was given, or in violation of any condition of approval.

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

- (a) Application Requirements for Use Review, ~~and~~ Site Review, and Form Based Code Review: A person having a demonstrable property interest in land to be included in a development review may file an application for approval on a form provided by the city manager that shall include the following:
  - (1) The written consent of the owners of all property to be included in the development;
  - (2) An improvement survey of the land;
  - (3) Development plans including site, landscaping, building plans, and building elevations as applicable;
  - (4) A written statement addressing the criteria for approval;
  - (5) All information required in Sections 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code Review," B.R.C. 1981, for the type of review requested;
  - (6) Any other information that the applicant wishes to submit; and
  - (7) The fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981, for the type of review requested.
- (b) Combined Reviews: If a development proposal, by its nature, requires more than one type of approval under Sections 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code Review," B.R.C. 1981, the following will apply in addition to other requirements of this chapter:

- 1 (1) All applicable fees will be collected as prescribed in Section 4-20-43,  
2 "Development Application Fees," B.R.C. 1981.
- 3 (2) The notice requirements of Subsection (c) of this section shall be met for each  
4 individual type of approval required, although such notices may be combined in  
5 one document, one posting, and one publication.
- 6 (3) The approving agency will apply the criteria for each type of approval required  
7 under Sections 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16,  
8 "Form Based Code Review," B.R.C. 1981.
- 9 (c) Public Notice of Application: The city manager shall provide the public notice for a  
10 development review application as specified in Section 9-4-3, "Public Notice  
11 Requirements," B.R.C. 1981.
- 12 (d) Notice - Mineral Estate: The applicant shall notify all owners of a mineral estate as  
13 specified in Subsection 9-4-3(e), B.R.C. 1981.
- 14 (e) Inactive Applications:
  - 15 (1) If, at any point in a development review process, the city manager has notified the  
16 applicant that additional or corrected materials are required, and the applicant has  
17 not submitted those materials within sixty days after the date of such notification,  
18 the application will be considered withdrawn. The city manager may extend the  
19 sixty-day period if requested by the applicant prior to its expiration and upon the  
20 applicant's demonstrating good cause for the additional delay.
  - 21 (2) Any re-submittal of the application after the sixty day deadline will be treated as a  
22 new application for purposes of review, scheduling, public notice, and payment of  
23 application fees.

#### 24 **9-2-7. - Development Review Action.**

25 No development review application will be accepted unless and until it is determined to be complete. Such determination will be made within five days after the submission of the application. The city manager will review the application and provide the applicant with a list of any deficiencies.

##### (a) City Manager Review and Recommendation:

- (1) The city manager shall, after acceptance of the application, review the application for compliance with the review criteria. The city manager shall provide the applicant with a written evaluation of the application and whether it meets or does not meet applicable criteria, and what modifications the applicant may wish to consider in order to meet applicable criteria and obtain the city manager's support.
- (2) The applicant shall be afforded a maximum of sixty days to make any corrections or changes recommended by the city manager. If corrections or changes are not submitted in the prescribed time period, the application shall be considered withdrawn.
- (3) The city manager shall approve the application in whole or in part, with or without modifications and conditions, deny the application or may refer the application to the planning board for review or decision, as provided in Sections

1 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code  
2 Review," B.R.C. 1981, for the type of review requested.

3 (4) The manager will mail a written disposition of approval or denial with the reasons  
4 for denial to the applicant, appeal body and to any person that requested  
5 notification of the final decision. A decision not referred to, appealed to or called-  
6 up by the planning board is final fourteen days after the date of approval indicated  
7 on the disposition.

8 (b) Planning Board Review and Recommendation: Development review applications  
9 requiring a decision by the planning board shall be reviewed as follows:

10 (1) Referral: The city manager shall refer to the planning board any application for a  
11 development review which requires a board decision as required by sections 9-2-  
12 14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code  
13 Review," B.R.C. 1981, and any other application which the manager deems  
14 appropriate.

15 (2) Decision: Within thirty days of the public hearing provided for in section 9-2-8,  
16 "Public Hearing Requirement," B.R.C. 1981, or within such other time as the  
17 agency and the applicant mutually agree, the board will either grant the  
18 application in whole or in part, with or without modifications and conditions, or  
19 deny it. The board will review the application in accordance with the standards  
20 and guidelines established in Sections 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use  
21 Review," and 9-2-16, Form Based Code Review," B.R.C. 1981, for the type of  
22 review requested. The decision will specifically set forth in what respects the  
23 application meets or fails to meet the standards and criteria set forth in Sections 9-  
24 2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code  
25 Review," B.R.C. 1981, for the type of review requested. A planning board  
decision not called up by the city council is final thirty days after the date of the  
decision.

(3) Appeal and Call-Ups:

(A) The applicant or any interested person may appeal the city manager's decision  
pursuant to Section 9-4-4, "Appeals, Call-Ups and Public Hearings," B.R.C.  
1981.

(B) A member of the planning board may call-up an application for review  
pursuant to Section 9-4-4, "Appeals, Call-Ups and Public Hearings," B.R.C.  
1981.

(c) City Council Call-Up: The city council may call-up any planning board decision  
pursuant to Section 9-4-4, "Appeals, Call-Ups and Public Hearings," B.R.C. 1981.

(d) Building Permit Pending Appeal: A building permit may be applied for after the  
initial approval of a development review application, but no building permit will be  
issued until after any and all applicable call-up or appeal periods have expired. An  
applicant for such a permit bears all risks of subsequent disapproval and waives any  
claims arising from the permit application.

- 1 (e) Judicial Review: Any person aggrieved by the final decision of the city manager may  
2 seek judicial review pursuant to Subsection 9-4-4(g), B.R.C. 1981.

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4 **9-2-9. - Final Approval Requirements.**

- 5 (a) Development Agreement: After the approving agency has finally approved an  
6 application for use review, ~~or~~ site review, or form based code review, the owner and  
7 the city manager will execute a development agreement that incorporates all  
8 conditions of the approval, including, without limitation, time limits for completion of  
9 the development, and, if applicable, requirements for appropriate easements or deed  
10 restrictions if unique conditions of approval apply. The development agreement shall  
11 be binding on all parties thereto, shall run with the land and will be recorded upon  
12 execution by the city clerk in the office of the County Clerk and Recorder of Boulder  
13 County. Any violation of a development agreement is a violation of this title. If there  
14 are no public improvements associated with a form based code review application,  
15 the city manager can waive the requirements for a development agreement.
- 16 (b) Final Approved Plans: The applicant shall file a paper or electronic copy containing  
17 the approved site plan, any applicable restrictions or modifications to the underlying  
18 zoning district, and any conditions approved by the approving agency. The paper or  
19 electronic copy shall be filed with the city manager, who will endorse and date the  
20 approved site plan. The location of the approved development will be included on an  
21 official map showing development in the City. The paper or electronic copy will  
22 remain on file in the planning department.
- 23 (c) Expiration: Unless expressly waived by the city manager for good cause, pursuant to  
24 a request made prior to expiration of the approval, if the applicant fails to file the final  
25 approved plans according to the specifications in subsection (b) above or sign the  
development agreement within ninety days of final approval, the approval expires.

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18 **9-2-11. - Compliance With Development Agreement.**

- 19 (a) Issuance of the Certificate of Occupancy or Certificate of Completion: Prior to  
20 issuance of a certificate of occupancy pursuant to a building permit or a certificate of  
21 completion for a use undertaken pursuant to a development agreement, the city  
22 manager will determine whether the provisions of the development agreement have  
23 been met. If the manager so finds, the manager will sign the certificate of occupancy  
24 or the certificate of completion. If not, the manager will provide to the developer or  
25 its successors an opportunity for a hearing before the planning board under chapter 1-  
3, "Quasi-Judicial Hearings," B.R.C. 1981, which will determine whether the  
development complies with the agreement and may:
- (1) Revoke the site review, ~~or~~ use review, or form based code review approval;
  - (2) Impose additional conditions or modifications to carry out the purposes of the original approval; or

1 (3) Seek enforcement remedies as provided in chapter 9-15, "Enforcement," B.R.C.  
2 1981.

3 (b) Request for Planning Board Hearing for Failure to Comply With the Development  
4 Agreement: At any time after the execution of a development agreement, any person  
5 aggrieved by an alleged failure of the developer or its successors to comply with the  
6 development agreement may request a hearing, conducted pursuant to the provisions  
7 of chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, before the planning board.  
8 The planning board will determine whether the conditions of the agreement have been  
9 met and may:

6 (1) Revoke the site plan, ~~or~~ use review, or form based code review approval;

7 (2) Impose additional conditions or modifications to carry out the purposes of the  
8 original approval; and

8 (3) Seek enforcement remedies as provided in chapter 9-15, "Enforcement," B.R.C.  
9 1981.

10 **9-2-12. - Development Progress Required.**

11 (a) Three-Year Rule: The applicant must begin and substantially complete the approved  
12 site review, ~~or~~ use review, or form based code review as specified in the development  
13 agreement within three years from the time of the final approval of the site, ~~or~~ use, or  
14 review form based code review or as modified by a development schedule  
15 incorporated in the development agreement. For the purposes of this section,  
16 substantially complete means the time when the construction is sufficiently complete  
17 so the owner can occupy the work or portion thereof for the use for which it is  
18 intended. If the project is to be developed in stages, the applicant must begin and  
19 substantially complete the development of each stage within three years of the time  
20 provided for the start of construction of each stage in the development agreement.  
21 Failure to substantially complete the development or any development stage within  
22 three years of the approved development schedule shall cause the unbuilt portion of  
23 the development approval to expire. Nothing in this section is deemed to create a  
24 vested property right in any applicant; such vested property right may only be created  
25 pursuant to the provisions of Section 9-2-19, "Creation of Vested Rights," B.R.C.  
1981.

19 (b) Extension: Prior to the expiration of a form based code review, use review, or site  
20 review approval, the applicant may request an extension of the time allowed for the  
21 completion of the development.

21 (1) City Manager Level Extension: The city manager may grant up to two six-month  
22 extensions for each phase of the development if such extension will enable the  
23 applicant to substantially complete the phase of development or is necessary to  
24 allow the applicant to request an extension from the planning board.

24 (2) Planning Board Level Extension: The planning board may grant an extension of a  
25 development approval, pursuant to a hearing conducted under the provisions of  
chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, after the applicant has  
exhausted any extension granted pursuant to Paragraph (b)(1) of this section. The

1 applicant shall be required to demonstrate that it exercised reasonable diligence in  
2 completing the project according to the approved development schedule and good  
cause as to why the extension should be granted.

3 (A) Criteria for Demonstrating Reasonable Diligence: An applicant may show that  
4 it has exercised reasonable diligence by providing evidence that it has done  
5 substantial work towards completing the project. Such evidence may include,  
6 without limitation, drafting plans for building permit or technical document  
review, applications for building permits or other permits that are required  
prior to the issuance of building permits, site preparation and grading, or  
commencement of the construction of a portion of the project.

7 (B) Criteria for Demonstrating Good Cause: An applicant may show good cause  
8 as to why an extension should be granted by providing evidence that includes,  
9 without limitation, the following: a demonstration of the applicant's ability to  
10 complete the project within the extension; the extension is needed because of  
the size of the project or phasing of the development; or economic cycles and  
market conditions prevented the construction of the project during the original  
approval period.

11 (C) Additional Conditions: As part of a hearing to consider an extension, the  
12 planning board may impose additional conditions on the applicant in order to  
ensure compliance with any amendments to this title enacted after the date of  
the original approval.

13 (c) Building Permits: Upon issuance of a building permit pursuant to a development  
14 review approval, the applicant must adhere to the schedule for construction and  
15 inspection as defined in the city building code, chapter 10-5, "Building Code," B.R.C.  
1981. In addition to the provisions of this title, all provisions of the building code  
regarding expiration and termination of building permits shall apply.

16 (d) Annexations/Six-Month Rule: If an owner of property not located within the city, for  
17 which a development review application is approved, fails to annex the property to  
18 the city within six months of the date of approval, the approval shall expire unless the  
19 approving agency extends the time period, upon a finding of good cause predicated  
upon a written request of the applicant delivered to the city manager before the  
expiration of the six-month period.

20 (e) Rescission of Development Approval: If, after use review, site review, Planned  
21 Development (PD), Planned Residential Development (PRD), or Planned Unit  
22 Development (PUD) approval is granted pursuant to this chapter, the owner of  
23 property desires to develop, instead, under the provisions of Chapters 9-6, "Use  
24 Standards," 9-7, "Form and Bulk Standards," and 9-8, "Intensity Standards," B.R.C.  
1981, the owner may request rescission of such use review, site review, PD, PRD or  
25 PUD approval by filing a written request for rescission with the city manager. The  
manager will grant a rescission of such use review, site review, PD, PRD, or PUD  
approval if no building permit has been issued for the development and neither the  
city nor the developer has taken any actions in detrimental reliance on the terms of  
the development agreement. The manager may also rescind a site review, PD, PRD,  
or PUD approval if the existing or proposed development complies with all the use,

1 form, and intensity requirements of Chapters 9-6, "Use Standards," 9-7, "Form and  
2 Bulk Standards," and 9-8, "Intensity Standards," B.R.C. 1981, and there is no  
3 substantial public benefit in maintaining the original approval. An owner may also  
4 request a rescission of a use review or special review approval in order to return the  
5 property to a use that is permitted as a matter of right, or as a conditional use if it is  
6 able to meet all applicable standards for such use under this title.

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8 **9-2-14. - Site Review.**

- 9 (a) Purpose: The purpose of site review is to allow flexibility and encourage innovation  
10 in land use development. Review criteria are established to promote the most  
11 appropriate use of land, improve the character and quality of new development, to  
12 facilitate the adequate and economical provision of streets and utilities, to preserve  
13 the natural and scenic features of open space, to assure consistency with the purposes  
14 and policies of the Boulder Valley Comprehensive Plan and other adopted plans of  
15 the community, to ensure compatibility with existing structures and established  
16 districts, to assure that the height of new buildings is in general proportion to the  
17 height of existing, approved, and known to be planned or projected buildings in the  
18 immediate area, to assure that the project incorporates, through site design, elements  
19 which provide for the safety and convenience of the pedestrian, to assure that the  
20 project is designed in an environmentally sensitive manner, and to assure that the  
21 building is of a bulk appropriate to the area and the amenities provided and of a scale  
22 appropriate to pedestrians.
- 23 (b) Scope: The following development review thresholds apply to any development that  
24 is eligible or that otherwise may be required to complete the site review process:
- 25 (1) Development Review Thresholds:
- (A) Minimum Thresholds for Voluntary Site Review: No person may apply for a  
site review application unless the project exceeds the thresholds for the  
"minimum size for site review" category set forth in Table 2-2 of this section  
or a height modification pursuant to Subsection (e) below on any lot is  
requested.
- (B) Minimum Thresholds for Required Site Review: No person may apply for a  
subdivision or a building permit for a project that exceeds the thresholds for  
the "concept plan and site review required" category set forth in table 2-2 of  
this section until a site review has been completed.
- (C) Common Ownership: All contiguous lots or parcels under common ownership  
or control, not subject to a planned development, planned residential  
development, planned unit development, or site review approval, shall be  
considered as one property for the purposes of determining whether the  
maximum site review thresholds below apply. If such lots or parcels cross  
zoning district boundaries, the lesser threshold of the zoning districts shall  
apply to all of the lots or parcels.

(D) Previously Approved Developments: Previously approved valid planned unit developments that do not otherwise meet the minimum site review thresholds may be modified or amended consistent with the provisions of this title pursuant to Subsections (k) and (l) of this section.

(E) Height Modifications: A development which exceeds the permitted height requirements of Section 9-7-5, "Building Height," or 9-7-6, "Building Height, Conditional," B.R.C. 1981, is required to complete a site review and is not subject to the minimum threshold requirements. No standard other than height may be modified under the site review unless the project is also eligible for site review.

TABLE 2-2: SITE REVIEW THRESHOLD TABLE

Zoning District Abbreviation	Use	Form	Intensity	Minimum Size for Site Review	Concept Plan and Site Review Required	Former Zoning District Abbreviation
A	A	a	1	2 acres	-	(A-E)
BC-1	B3	f	15	1 acre	3 acres or 50,000 square feet of floor area	(CB-D)
BC-2	B3	f	19	1 acre	2 acres or 25,000 square feet of floor area or any site in BVRC	(CB-E)
BCS	B4	m	28	1 acre	3 acres or 50,000 square feet of floor area	(CS-E)
BMS	B2	o	17	0	3 acres or 50,000 square feet of floor area	(BMS-X)
BR-1	B5	f	23	0	3 acres or 50,000 square feet of floor area	(RB-E)
BR-2	B5	f	16	0	3 acres or 50,000 square feet of floor area	(RB-D)

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BT-1	B1	f	15	1 acre	2 acres or 30,000 square feet of floor area	(TB-D)
BT-2	B1	e	21	0	2 acres or 30,000 square feet of floor area	(TB-E)
DT-1	D3	p	25	0	1 acre or 50,000 square feet of floor area	(RB3-X/E)
DT-2	D3	p	26	0	1 acre or 50,000 square feet of floor area	(RB2-X)
DT-3	D3	p	27	0	1 acre or 50,000 square feet of floor area	(RB2-E)
DT-4	D1	q	27	0	1 acre or 50,000 square feet of floor area	(RB1-E)
DT-5	D2	p	27	0	1 acre or 50,000 square feet of floor area	(RB1-X)
IG	I2	f	22	2 acres	5 acres or 100,000 square feet of floor area	(IG-E/D)
IM	I3	f	20	2 acres	5 acres or 100,000 square feet of floor area	(IM-E/D)
IMS	I4	r	18	0	3 acres or 50,000 square feet of floor area	(IMS-X)
IS-1	I1	f	11	2 acres	5 acres or 100,000 square feet of floor area	(IS-E)
IS-2	I1	f	10	2 acres	5 acres or 100,000 square feet of floor area	(IS-D)

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MH	MH	s	-	5 or more units are permitted on the property	-	(MH-E)
MU-1	M2	i	18	0	1 acre or 20 dwelling units	(MU-D)
MU-2	M3	r	18	0	3 acres or 50,000 square feet of floor area	(RMS-X)
MU-3	M1	n	24	5 or more units are permitted on the property	1 acre or 20 dwelling units or 20,000 square feet of nonresidential floor area	(MU-X )
MU-4	M4	o	24.5	0	3 acres or 50,000 square feet of floor area	-
P	P	c	5	2 acres	5 acres or 100,000 square feet of floor area	(P-E)
RE	R1	b	3	5 or more units are permitted on the property	-	(ER-E)
RH-1	R6	j	12	0	2 acres or 20 dwelling units	(HR-X)
RH-2	R6	c	12.5	0	2 acres or 20 dwelling units	(HZ-E)
RH-3	R7	l	14	5 or more units are permitted on the property	2 acres or 20 dwelling units	(HR1-X)
RH-4	R6	h	15	5 or more units are permitted on the property	2 acres or 20 dwelling units	(HR-D)

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RH-5	R6	c	19	5 or more units are permitted on the property	2 acres or 20 dwelling units	(HR-E)
RH-6	R8	j	17.5	5 or more units are permitted on the property	3 acres or 20 dwelling units	-
RH-7	R7	i	14	5 or more units are permitted on the property	2 acres or 20 dwelling units	-
RL-1	R1	d	4	5 or more units are permitted on the property	3 acres or 18 dwelling units	(LR-E)
RL-2	R2	g	6	5 or more units are permitted on the property	3 acres or 18 dwelling units	(LR-D)
RM-1	R3	g	9	5 or more units are permitted on the property	2 acres or 20 dwelling units	(MR-D)
RM-2	R2	d	13	5 or more units are permitted on the property	2 acres or 20 dwelling units	(MR-E)
RM-3	R3	j	13	5 or more units are permitted on the property	2 acres or 20 dwelling units	(MR-X)
RMX-1	R4	d	7	5 or more units are permitted on the property	2 acres or 20 dwelling units	(MXR-E)
RMX-2	R5	k	8	0	2 acres or 20 dwelling units	(MXR-D)
RR-1	R1	a	2	5 or more units are permitted on the property	-	(RR-E)

RR-2	R1	b	2	5 or more units are permitted on the property	-	(RR1-E)
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(2) Poles Above the Permitted Height: The city manager will follow the following procedures for the review, recommendation, call-up and effective date for the approval of poles above the permitted height.

(A) Light Poles at Government-Owned Facilities: The city manager will determine whether or not to approve an application for light poles at government-owned recreation facilities between thirty-five and fifty-five feet in height, subject to call-up by the planning board pursuant to the procedures set forth in Subsection 9-2-7(b), B.R.C. 1981.

(B) Poles Over Fifty-Five Feet in Height: The city manager will determine whether or not to approve all applications for poles over fifty-five feet in height, subject to call-up by the city council pursuant to the procedures set forth in Subsection 9-2-7(c), B.R.C. 1981.

(3) Exceptions: The following developments that exceed the maximum 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; and

(E) City of Boulder public projects that are otherwise required to complete a public review process.

(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.

.....

**9-2-16. – Form Based Code Review.**

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

- (1) is consistent with the purposes and policies of the Boulder Valley Comprehensive Plan and other adopted plans of the community,
- (2) creates a fine-grained transportation network that provides safe, convenient, and attractive multi-modal connections,
- (3) includes transportation connections and outdoor spaces that create attractive, usable amenities around which buildings and site features are organized in a manner that promotes pedestrian activity, a sense of security and community,
- (4) is compatible with the existing character of the area or the character established in the city's adopted plans and regulations for the area in terms of height, massing, scale, bulk, orientation, configuration, and architecture,
- (5) results in aesthetically pleasing buildings in that designs are simple and varied, use durable, high quality and natural building materials that create a sense of permanence, and provide human scale through the use of building elements and design details, such as contrast, form, window and door placement, color, and materials, and
- (6) is environmentally sensitive, considers the physical setting, and respects and preserves historic, natural and scenic features.

(b) Scope and Application:

- (1) The requirements of this section apply to all development on parcels and lots designated in Appendix L, "Form Based Code Areas." No person shall develop or apply for a building permit for a project on or for subdivision of a parcel or lot designated in Appendix L, "Form Based Code Areas," until a form based code review has been completed.
- (2) Projects required to complete a form based code review are neither required nor eligible to complete the processes under Sections 9-2-13, "Concept Plan," and 9-2-14, "Site Review," B.R.C. 1981.
- (3) Administrative Form Based Code Review for Minor Floor Area Expansions: Projects to expand floor area by no more than 500 square feet that are limited to one story and do not entail changes to existing form based code review approvals may be reviewed as an administrative form based code review pursuant to the process of Section 9-2-2, "Administrative Review Procedures," B.R.C, 1981, and applicants for such projects shall not be required to complete a pre-application review under subsection (c) of this section; otherwise, such projects shall meet all of the requirements of this section and the requirements of Appendix M, "Form Based Code,"
- (4) Exceptions to Form Based Code Review Process: The following developments shall not be required to complete a form based code review:
  - (A) Administrative form based code reviews pursuant to Paragraph 9-2-16(b)(3), B.R.C. 1981.
  - (B) Minor modifications to approved form based code review applications;

1 (C) Previously Approved Developments: Any development on a lot or parcel  
2 designated in Appendix L, "Form Based Code Areas," for which an  
3 application for site review was made prior to the adoption of an ordinance  
4 including said lot or parcel in the designation of said appendix and that is  
5 approved or for which valid planned unit development (PUD) approval exists  
6 shall not be subject to these requirements and may be amended or modified in  
7 accordance with the minor modification and amendment provisions of Section  
8 9-2-4, "Site Review," B.R.C. 1981; such minor modification or amendment  
9 shall not be approved unless the proposed changes are, to the extent  
10 practicable, compatible in terms of building height, mass, scale, orientation,  
11 architecture, and project configuration with the regulations applicable to the  
12 area pursuant to Appendix L, "Form Based Code Areas," and Appendix M,  
13 "Form Based Code," and consistent with the standards established in  
14 Subsection M-1-5(c) of Appendix M, "Form Based Code."

15 (D) Interior building remodels or modifications that do not include an expansion  
16 of floor area, do not change the exterior appearance of the building, and  
17 otherwise conform to this section and Appendix M, "Form Based Code,"  
18 B.R.C. 1981.

19 (E) Subdivisions solely for the purpose of amalgamating lots or parcels of land;  
20 and

21 (F) Subdivisions solely for the purpose of conveying property to the City.

22 (c) Pre-Application Review: No person shall file an application for a form based code  
23 review until a pre-application review has been completed with the city manager.

24 (1) Purpose: The purpose of the pre-application review is to give the applicant an  
25 opportunity to solicit comments from the city manager prior to submittal of an  
26 application related to the review process and whether the conceptual design  
27 addresses the requirements of the city as set forth in adopted ordinances, plans,  
28 and policies. Comments provided during a pre-application review are not  
29 binding, but are meant to inform any subsequent form based code review  
30 application. A pre-application review and comments shall not relieve the  
31 applicant of the burden to seek approvals for elements of the project that require  
32 review and approval under the Boulder Revised Code.

33 (2) Pre-Application requirements: The applicant for a form based code review shall  
34 submit an application for pre-application review on a form provided by the city  
35 manager and the application shall include, without limitation, the following:

36 (A) A conceptual site plan of sufficient accuracy for discussing the plan's  
37 conformance with adopted ordinance, plans, and policies of the city;

38 (B) Sketch building elevations or renderings illustrating conceptual designs;

39 (C) A description of proposed land uses and the following, if the development  
40 includes new dwelling units: sizes, number of bedrooms, anticipated sale  
41 prices, the percentage of affordable units to be included;

1 (D) Any other material and information the city manager finds relevant to provide  
2 comments on the applicant's questions and whether the conceptual design  
3 addresses the requirements of the city as set forth in adopted ordinances,  
4 plans, and policies.

5 (3) Pre-Application Meeting: Following the filing of the application for pre-  
6 application review, the applicant shall attend a pre-application meeting with the  
7 city manager. The meeting shall occur a minimum of thirty days prior to  
8 submitting an application for form based code review.

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

13 (1) All materials and information required by Subsection 9-2-6(a), B.R.C. 1981;

14 (2) Written Statement: A written statement containing the following information:

15 (A) A statement of current ownership and a legal description of all of the land  
16 included in the project;

17 (B) An explanation of the objectives to be achieved by the project, including,  
18 without limitation, building descriptions, sketches or elevations that may be  
19 required to describe the objectives;

20 (C) A development schedule indicating the approximate date when construction of  
21 the project or phases of the project can be expected to begin and be  
22 completed; and

23 (D) Copies of any special agreements, conveyances, restrictions or covenants that  
24 will govern the use, maintenance and continued protection of the goals of the  
25 project and any related parks, recreation areas, playgrounds, outlots or open  
space;

(3) Context Map: A context map, drawn to scale, showing the site and an area of not  
less than a 300-foot radius around the site, including streets, zoning, general  
location of buildings, sidewalks, and parking areas of abutting properties;

(4) Site Plan: A site plan with a north arrow showing the major details of the  
proposed development, prepared on a scale of not less than one inch equals one  
hundred feet providing sufficient detail to evaluate the features of the  
development required by this section. The site plan shall contain, insofar as  
applicable, the information set forth as follows:

(A) Topography. The existing topographic character of the land, showing contours  
at two-foot intervals;

(B) Flood Areas. If applicable, the areas subject to the one hundred-year flood as  
defined in Chapter 9-16, "Definitions," B.R.C. 1981, and any area of the site  
that is within a designated space conveyance zone or high hazard zone;

(C) Building Footprints. The location and size of all existing and proposed  
buildings, structures and improvements with dimensions indicating the

1 distance from lot lines, structure low point elevations pursuant to the  
2 definition of “height,” and the general location of adjacent streets, structures  
3 and properties;

4 (D) Uses. Site and location of existing and proposed uses, including density and  
5 type of uses;

6 (E) Outdoor Spaces. The following shall be illustrated on a site plan:

7 (i) The areas intended to function as outdoor space as specified within  
8 Appendix M, “Form Based Code;”

9 (ii) Detailed design for outdoor space, illustrating hardscape and site  
10 furnishings; and

11 (iii) Any other areas that qualify as useable open space per Section 9-9-11,  
12 B.R.C. 1981.

13 (F) Public Spaces. The following shall be illustrated on a site plan:

14 (i) The areas that are to be conveyed, dedicated or reserved as parks,  
15 recreation areas, playgrounds, outlots or open space and as sites for  
16 schools and other public buildings, and

17 (ii) The areas that are to be conveyed, dedicated or reserved for streets,  
18 alleys, paths, sidewalks, and utility easements;

19 (5) Signs and Lighting. A separate signs and lighting plan at a scale of not less than  
20 one inch equals one hundred feet with the location, height and size of proposed  
21 signs, lighting and advertising devices. The signs and lighting plan shall illustrate  
22 compliance with Sections 9-9-16, “Outdoor, Lighting,” and 9-9-21, “Signs,”  
23 B.R.C. 1981.

24 (6) Landscaping Plan. A detailed landscaping plan, consistent with Section 9-9-12,  
25 B.R.C. 1981, showing the spacing, sizes, specific types of landscaping materials,  
quantities of all plants and whether the plant is coniferous or deciduous. All trees  
with a diameter of six inches and over measured fifty-four inches above the  
ground on the property or in the landscape setback of any property adjacent to the  
development shall be shown on the streetscape and landscaping plan.

(7) Streetscape Plan. A detailed streetscape plan, consistent with Section 9-9-13,  
B.R.C. 1981, and section M-1-10 of Appendix M to this title, shall include the  
following:

(i) Location street trees,

(ii) Designation of ground plane vegetation for any landscape bed  
areas, planter areas, and open tree wells,

(iii) Location and quantities of all pedestrian and vehicular lighting.  
Cut sheets and samples shall also be submitted,

(iv) Specification of materials and patterns for street and sidewalk  
pavement design,

1                   (v) Location and quantities of furnishings, such as benches, seatwalls,  
2                   planters, planter fences, tree grates, tree guards, and trash  
3                   receptacles on each street and for other public way where  
4                   furnishings are required or proposed, and

5                   (vi) Location and quantities of any other elements designed to establish  
6                   the identity of the street, such as pavement markers or artwork.

7                   (8) Traffic Circulation and Parking Plan. A separate site plan at a scale of not less  
8                   than one inch equals one hundred feet illustrating the internal vehicular,  
9                   pedestrian, and bicycle circulation systems, transit station locations within 300  
10                   feet of the site, on-site transit amenities, off-street vehicular and bicycle parking  
11                   areas, service areas, loading areas and major points of access to public rights-of-  
12                   way, and how the project connects to its surrounding context;

13                   (9) Travel Demand Management Techniques. A description of travel demand  
14                   management techniques with an implementation plan, including without  
15                   limitation, site design, land use, covenants, transit passes, parking restrictions,  
16                   information or education materials, or programs to reduce single-occupant vehicle  
17                   trip generation to and from the site.

18                   (10) Design and Construction Standards Materials. Materials required by the City of  
19                   Boulder Design and Construction Standards, including, without limitation, a  
20                   traffic study, master utility plan, utility report and storm water report and plan for  
21                   any application that proposes to construct or have an impact on public  
22                   improvements;

23                   (11) Natural Feature Plan. Plans for preservation of natural features existing on the site  
24                   or plans for mitigation of adverse impacts to natural features existing on the site  
25                   from the proposed development and anticipated uses. Natural  
26                   features include, without limitation, healthy long-lived trees, significant plant  
27                   communities, ground and surface water, wetlands, riparian areas, drainage areas  
28                   and habitat for species on the federal Endangered Species List, "Species of  
29                   Special Concern in Boulder County" designated by Boulder County, or prairie  
30                   dogs (*Cynomys ludovicianus*) which is a species of local concern.

31                   (12) Tree Inventory. A tree inventory prepared by a certified arborist that has a valid  
32                   contractor license pursuant to Chapter 4-28, "Tree Contractor License," B.R.C.  
33                   1981, shall include the following:

34                   (A) The location, size, species and general health of all trees with a diameter of  
35                   six inches and over, measured fifty-four inches above the ground, on the  
36                   property or in the landscape setback of any property adjacent to the  
37                   development;

38                   (B) Existing and proposed topography;

39                   (C) Existing and proposed paving and structures; and

40                   (D) An indication of which trees will be adversely affected and what if any  
41                   steps will be taken to mitigate the impact on the trees;

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

- 2 (A) Building Schematic Floor plans. Building floor plans shall be included for  
3 each floor, illustrating the location of uses, common spaces, and doors and  
4 windows.
- 5 (B) Building Details. Plans, sections, and elevations illustrating compliance with  
6 Sections M-1-13 through M-1-28 of Appendix M, "Form Based Code," to  
7 this title.
- 8 (C) Building Elevations. Building elevations at a scale of one sixteenth inch  
9 equals one foot or larger illustrating the following:
- 10 (i) The height of all building roofs;
  - 11 (ii) The grade elevations of all ground floors and visible basements;
  - 12 (iii) Indication of how elevations and heights are calculated consistent with the  
13 definition of "height" in Section 9-16-1, "General Definitions," B.R.C.  
14 1981;
  - 15 (iv) Elevations and dimensions of all floor-to-floor heights;
  - 16 (v) Materials and colors for every plane of the building;
  - 17 (vi) Roof designs;
  - 18 (vii) Building design elements to meet building type and site and building  
19 design;
  - 20 (viii) Color and material samples; and
  - 21 (ix) A three dimensional, digital model illustrating the surrounding context for  
22 view and scale analysis, unless exempted by the city manager for smaller  
23 projects.
- 24 (D) Golden Rectangle Use. Diagram or series of diagrams demonstrating the use  
25 of the golden rectangle in the design of each building to demonstrate  
compliance with Section M-1-29, of Appendix M, "Form Based Code," to this  
title.

(14) View Corridor Analysis. A view corridor analysis including the following:

- 20 (i) A plan illustrating location of mountain range and notation of  
21 Flatirons 1 through 5, location of other features subject to view  
22 corridor protection, location of building footprints with heights  
23 noted, location of streets, and location of outdoor spaces, and
- 24 (ii) A three-dimensional, geographically accurate digital site and  
25 proposed building model illustrating views required to be  
preserved through the site and photographically depicting the  
mountains in their accurate geographic locations. Refer to Figure  
M-1(4), "Example Documentation of Preserved Views from  
Junction Place Bridge," in Appendix M, "Form Based Code,

1 (iii) Additional Submittal Requirements by Request. The city manager may request  
2 additional information to illustrate compliance with the requirements of this  
3 section.

4 (iv) Waiver. The city manager may waive submittal requirements if the city manager  
5 finds that the requirement is not applicable to a project and would not illustrate  
6 compliance with the requirements of this section.

7 (e) Public Notification: After receiving a form based code review application, the city  
8 manager shall provide public notification pursuant to section 9-4-3, "Public Notice  
9 Requirements," B.R.C. 1981.

10 (f) Review and Recommendation:

11 (1) The city manager shall review and make decisions on form based code review  
12 applications pursuant to Section 9-2-7, "Development Review Action," B.R.C.  
13 1981. The manager may refer to the planning board for a decision by the board  
14 any application which the manager deems appropriate.

15 (2) Reviews by either the city manager or the planning board shall be pursuant to  
16 section 9-2-7, "Development Review Action," B.R.C. 1981.

17 (g) Criteria for Review: No form based code review application shall be approved unless the  
18 approving agency finds that:

19 (1) Consistency with Appendix M, "Form Based Code." The proposed plans and  
20 building designs are consistent with the requirements of Appendix M, "Form  
21 Based Code."

22 (h) Parking Reductions. The approving authority may grant a parking reduction as part of the  
23 form based code review process pursuant to the criteria in Subsection 9-9-6(f), "Motor  
24 Vehicle Parking Reductions," B.R.C. 1981, for commercial developments, residential  
25 developments, industrial developments, and mixed use developments if the approving  
authority finds that the criteria of Subsection 9-9-6(f), B.R.C. 1981, are met. The  
approving authority may also grant reductions to bicycle parking as part of the form  
based code review process pursuant to Subsection 9-9-6(g)(6), B.R.C. 1981.

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

(1) Application Requirements: If an application includes a request for an exception  
to the requirements of Appendix M, "Form Based Code," the requested  
exceptions shall be noted on the plans and the application shall include a written  
statement describing how the standards applicable to the exception are being met.

(2) Exceptions: Exceptions may be granted by the approving authority if the  
following criteria are met:

(A) The proposed exception is consistent with the goals and intents of the  
adopted area plan applied to the area;

(B) The proposed exception is consistent with the purpose of the form  
based code review process described subsection (a) of this section; and

1 (C) The proposed exception will not create any adverse impacts on  
2 residents of the development or surrounding properties beyond what is  
3 ordinarily expected through implementation of the standards within  
4 Appendix M, "Form Based Code."

5 (A)(D) An exception may be granted by the approving authority if the  
6 approving authority finds that individual conditions of the property  
7 that were not created by the applicant make compliance with a  
8 provision of Appendix M, "Form Based Code," impractical and the  
9 proposed alternative design is the minimum modification of the  
10 requirements of Appendix M that provides relief and is consistent with  
11 the intent and purpose of the section being modified and the form  
12 based code review process described in subsection (a) of this section.

13 (E) An exception may be granted by the approving authority if otherwise  
14 the requirements of Appendix M, "Form Based Code," would result in  
15 a violation of federal legislation, including but not limited to the  
16 Americans with Disabilities Act, and the exception would be the  
17 minimum modification of the requirements of Appendix M that  
18 provides relief.

19 (F) An exception may be granted by the approving authority if the  
20 building or property has been designated as an individual landmark or  
21 recognized as a contributing building to a designated historic district  
22 and as part of the review of an alternation certificate pursuant to  
23 Chapter 9-11, "Historic Preservation," B.R.C. 1981, the approving  
24 authority has found that the development in conforming locations on  
25 the lot or parcel or conforming with other requirements of Appendix  
M, "Form Based Code," would have an adverse impact upon the  
historic character of the individual landmark or the contributing  
building and the historic district, if a historic district is involved. The  
exception may be approved only if the modification to the  
requirements of Appendix M is the minimum modification that  
provides relief.

26 (j) Minor Modifications to Approved Form Based Code Reviews: Up to a total of five  
27 cumulative modifications to the site plan, buildings plans, landscaping and parking plans  
28 previously approved through a form based code review application may be approved by  
29 the city manager without requiring an amendment to the approved form based code  
30 review if such changes are minor. All minor modifications shall be noted, signed, and  
31 dated on the approved form based code review plans. For proposed minor modification  
32 of form based code review projects that are partially or totally developed, the applicant  
33 shall provide notice to any owners of property within the development that might be  
34 affected, as determined by the manager. In determining whether a proposed is a minor  
35 modification, the following standards shall apply:

36 (1) The modification does not include any change in window sizes, types, and  
37 dimensions, building materials, façade configurations or cap types on any street  
38 facing façade;

1 (2) The modification does not result in an expansion or shifting of floor area by more  
2 than ten percent; and

3 (3) The modification is consistent with the requirements of Appendix M, "Form  
4 Based Code," and does not include a request for an exception.

5 (k) Amendments to Approved Form Based Code Reviews:

6 (1) No proposal to expand or otherwise modify any approved form based code  
7 review, other than a minor modification, shall be approved unless the form based  
8 code review is amended and approved in accordance with the procedures  
9 prescribed by this section for approval of a form based code review, except for the  
10 notice and consent provision of this subsection.

11 (2) If an applicant requests approval of an amendment to an approved form based  
12 code review, the city manager shall provide public notice pursuant to Section 9-4-  
13 3, "Public Notice Requirements," B.R.C. 1981.

14 (3) The owners of all property for which an amendment is requested shall sign the  
15 application.

16 (l) Existing Buildings: Existing buildings may be modified and expanded pursuant to the  
17 standards established in Appendix M, "Form Based Code."

18 (m) Rescission of Site Review. If, after a site review approval is granted, the owner of the  
19 property desires to develop, instead, under the provisions of this section, the owner may  
20 request rescission of such site review approval if no building permit has been issued for  
21 the development and neither the city nor the developer has taken any actions in  
22 detrimental reliance on the terms of the development agreement. The city manager may  
23 also rescind a site review or PUD approval if the existing or proposed development  
24 complies with all the requirements of this section and other applicable requirements of  
25 this title and there is no substantial public benefit in maintaining the original approval

(n) Subdivisions: An approved form based code review may be subdivided under Chapter 9-  
12, "Subdivision," B.R.C. 1981. The approved form based code review site plan may  
substitute for a preliminary plat if it meets the requirements of Section 9-12-6,  
"Application Requirements for a Preliminary Plat," B.R.C. 1981. As part of subdivision  
review, the city manager will consider any conditions of the form based code review  
approval and assure that they will be met within the future subdivision.

(o) Appeals and Call-Ups:

(1) The applicant or any interested person may appeal the city manager's decision  
pursuant to Section 9-4-4, "Appeal, Call-Ups and Public Hearings," B.R.C. 1981.

(2) A member of the planning board may call up the manager's decision pursuant to  
Section 9-4-4, "Appeals, Call-Ups and Public Hearings," B.R.C. 1981.

(3) The city council may call up any planning board decision pursuant to Section 9-4-  
4, "Appeal, Call-Ups and Public Hearings," B.R.C. 1981.

.....

Section 4. Chapter 9-4, B.R.C. 1981, shall be amended to read:

1           ....

2 **9-4-2.- Development Review Procedures.**

3       (a)   Development Review Authority: Table 4-1 of this section summarizes the review and  
 4           decision-making responsibilities for the administration of the administrative and  
 5           development review procedures described in this chapter. The table is a summary tool  
 6           and does not describe all types of decisions made under this code. Refer to sections  
 7           referenced for specific requirements. Form and bulk standards may also be varied by  
 8           site review. Additional procedures that are required by this code but located in other  
 9           chapters are:

- 10       (1)    "Historic Preservation," chapter 9-11;
- 11       (2)    "Inclusionary Housing," chapter 9-13; and
- 12       (3)    "Residential Growth Management System," chapter 9-14.

13 **TABLE 4-1: SUMMARY OF DECISION AUTHORITY BY PROCESS TYPE**

14	Standard or Application Type	Staff/City Manager	BOZA	Planning Board	City Council
15	Code Interpretation SECTION 9-2-3	D	CA(14)	CA(30)	CA
16	Setback variance ≤20% SECTION 9-2-3	D	D	—	—
17	Setback variance >20% SECTION 9-2-3		D	—	—
18	Parking access dimensions SECTION 9-2-2	D	—	—	—
19	Parking deferral SECTION 9-2-2	D	—	—	—
20	Parking reduction ≤25% SECTION 9-2-2	D	—	—	—
21	Parking reduction >25% but ≤50% SECTION 9-2-2	D(14)	—	CA, D(30)	CA
22	Parking reduction >50% SUBSECTION 9-9-6(f)		—	D(30)	CA

1	Parking height, conditional SECTION 9-7-6	D	—	—	—
2					
3	Building height, less than principal or nonstandard building height max SECTION 9-2-14	D(14)	—	CD, D(30)	CA
4					
5	Building height, greater than principal building height max SECTION 9-2-14	—	—	D(30)	CA
6					
7	Building height SECTION 9-7-5	—	—	D(30)	CA
8					
9	Conditional Use SECTION 9-2-1	D	—	—	—
10					
11	Site Review SECTION 9-2-14	D(14)	—	CA, D(30)	CA
12					
13	Use Review SECTION 9-2-15	D(14)	—	D(30)	CA
14	<u>Form Based Code Review</u>  <u>Section 9-2-16</u>	<u>D(14)</u>	<u>---</u>	<u>CA, D(30)</u>	CA
15					
16	Annexation SECTION 9-2- <u>17</u>	—	—	R	D
17					
18	Rezoning SECTION 9-2- <u>19</u>	—	—	R	D
19					
20	Wetland Permit -Simple SECTION 9-3-9	D	—	—	—
21					
22	Wetland Permit-Standard SECTION 9-3-9	D(14)	—	D(30)	CA
23					
24	Extension of Dev't Approval ≤1 yr PARAGRAPH 9-2-12(b)(1)	D	—	—	—
25					
26	Extension of Dev't Approval >1 yr PARAGRAPH 9-2-12(b)(2)	—	—	D(30)	CA
27					
28	Rescission of Dev't Approval	D	—	—	—

1	SUBSECTION 9-2-12(e)				
2	Creation of Vested Rights >3 yrs	—	—	R	D
3	SECTION 9-2-19				
4	Floodplain Dev't Permit	D(14)	—	CA(30)	CA
5	SECTION 9-3-6				
6	Wetland Boundary change-Standard	—	—	R	D
7	SUBSECTION 9-3-9(e)				
8	Substitution of Nonconforming Use	D	—	—	—
9	SECTION 9-10-3				
10	Expansion of Nonconforming Use	D(14)	—	CA(30)	CA
11	SECTION 9-10-3				
12	Subdivision, prelim plat	D	—	D(30)	CA
13	SECTION 9-12-7				
14	Subdivision, final plat	D(14)	—	CA(30)	CA
15	SECTION 9-12-8				
16	Subdivision, minor	D(14)	—	CA(30)	CA
17	SECTION 9-12-5				
18	Subdivision, LLA or LLE	D	—	—	—
19	SECTIONS 9-12-3 and 9-12-4				
20	Solar Exception	D	D	—	—
21	SUBSECTION 9-9-17(f)				
22	Solar Access Permit	D	D	—	—
23	SUBSECTION 9-9-17(h)				
24	Growth Mgmt. Allocations, Std.	D	—	—	—
25	SECTION 9-14-5				
26	Growth Mgmt. Allocations, ≤40 per year	D(14)	—	CA(30)	CA
27	SUBSECTION 9-14-3(f)				
28	Accessory Bldg Coverage	—	D	—	—
29	SUBSECTION 9-7-8(a)				
30	Minor Modification of Discretionary Approval	D	—	—	—
31	SUBSECTION 9-2-14(k)				

1	Minor Amendment of Discretionary Approval SUBSECTION 9-2-14(l)	D(14)	—	CA(30)	CA
2					
3	Amendment of Discretionary Approval not involving height SUBSECTION 9-2-14(m)	D(14)	—	CA, D(30)	CA
4					
5	Amendment of Discretionary Approval involving height SECTION 9-2-14	—	—	D(30)	CA

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**KEY:**

D = Decision Authority      CA = Call-Up and Appeal Authority

R = Recommendation only      (n) = Maximum number of days for call-up or appeal

10 **9-4-3.-Public Notice Requirements.**

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

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

15	Public Notice Type	Type of Application, Meeting or Hearing	Mailed Notice	Posted Notice
16	1	Administrative Reviews (except those identified below)	none	none
17	2	Subdivisions and Minor Subdivisions	To adjacent property owners and mineral rights 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
18	3	Good neighbor meetings	To property owners within 600 feet of subject property a minimum of 10 days before meeting	none
19	4	Solar exceptions, solar access permits, accessory units, cooperative housing	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
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22				
23				
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1 2 3	5	Applications requiring BOZA action, wetland permit and boundary determination	To property owners within 300 feet of subject property 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
4 5	6	Development Review Applications (site review, use review, <u>form based code review</u> , annexation, rezoning, concept plans)	To property owners within 600 feet of subject property and any mineral rights 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

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**9-4-4. - Appeals, Call-Ups and Public Hearings.**

When a section of the land use regulations indicates that a decision is subject to appeal or call-up, the following standards shall apply:

- (a) Appeal: If noted in table 4-1, section 9-4-2, "Development Review Procedures," B.R.C. 1981, in a specific section, an applicant or any interested person may appeal the city manager's decision to grant or deny an application to the planning board by delivering a written notice of appeal to the city manager within fourteen days of the decision.
- (b) Board Call-Up: If noted in table 4-1, section 9-4-2, "Development Review Procedures," B.R.C. 1981, a member of the planning board may call up a city manager's decision upon written notification to staff or by making a verbal request, on the record, at a regularly scheduled board meeting within fourteen days of the manager's decision. A member of the BOZA may call up a city manager's decision regarding an interpretation upon written notification to staff or by making a verbal request, on the record, at a regularly scheduled board meeting within fourteen days of the manager's decision. On any application that it calls up, the board will hold a public hearing under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, after publishing notice as provided in subsection 9-4-3(d), B.R.C. 1981. Within thirty days of the public hearing or within such other time as the board and the applicant mutually agree, the board will either grant the application in whole or in part, with or without modifications and conditions, or deny it. The decision will specifically set forth in what respects the development review application meets or fails to meet the standards and criteria required by sections 9-2-14, "Site Review," and 9-2-15, "Use Review," and 9-2-16, "Form Based Code Review." B.R.C. 1981, for the type of review requested.
- (c) City Council Call-Up: The city council may call up any board decision within thirty days of the board's action. The city manager may extend the call-up period until the council's next regular meeting, if the manager finds in writing within the original call-up period that the council will not receive notice of a decision of the board in time to enable it to call up the decision for review. On any application that it calls up, the council will hold a public hearing under the procedures prescribed by chapter 1-3,

"Quasi-Judicial Hearings," B.R.C. 1981, after publishing notice as specified by subsection 9-4-3(d), B.R.C. 1981, summarized in subsection (b) of this section. Together with the evidence presented at such public hearing, the council may consider the record, or any portion thereof, of the hearing before the board. Within thirty days of the public hearing or within such other time as the council and the applicant mutually agree, the council will either grant the application in whole or in part, with or without modifications and conditions, or deny it. The decision will specifically set forth in what respects the development review application meets or fails to meet the standards and criteria required by sections 9-2-14, "Site Review," ~~and~~ 9-2-15, "Use Review," and 9-2-16, "Form Based Code Review." B.R.C. 1981, for the type of review requested.

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Section 5. Chapter 9-6, B.R.C. 1981, shall be amended to read:

**9-6-1. - Schedule of Permitted Land Uses.**

The schedule shows the uses which are permitted, conditionally permitted, prohibited, or which may be permitted through use review pursuant to Section 9-2-15, "Use Review," B.R.C. 1981.

(a)

Explanation of Table Abbreviations: The abbreviations used in Table 6-1 of this section have the following meanings:

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(8)

Additional Regulations: There may be additional regulations that are applicable to a specific use type. The existence of these specific use regulations is noted through a reference in the last column of the use table entitled "Specific Use." References refer to subsections of Sections 9-6-2 through 9-6-9, B.R.C. 1981, for "Specific Use Standards," or other sections of this title. Such standards apply to all districts unless otherwise specified. Uses located on a lot or parcel designated in Appendix L, "Form Based Code Areas," are subject to the requirements of this chapter, but may also be subject to additional use regulations pursuant Appendix M, "Form Based Code ."

(9)

n/a: Not applicable; more specific use applications apply.

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(d)

Use Table:

Zoning District	RR-1, RR-2, RR-2,	RL-2, RL-M-1, RL-M-	R M-1, R	RM X-1	RM X-2	RH-1, RH-2, RH-2,	RH-3, RH	RH-6	M H	M U-3	M U-1	M U-2	M U-4	BT-1, BT	BM S	BC-1, BC	BC S	BR-1, BR	DT-4	DT-5	DT-1, DT-2, DT-2,	IS-1, IS	I G	I M	IM S	P	A
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Zoning District	A RR-1	RR-2 RE	RH-2 RH-5 P	RL-1 RM-2 RMX-1	BT-2	BT-1 BC BR IS-1 IS-2 IG IM	RL-2 RM-1	RH-4	MU-1	RM-3 RH-1 RH-6	RMX-2	RH-3 RH-7	BC S	MU-3	BMS MU-4	DT-1 DT-2 DT-3 DT-5	DT-4	MU-2 IMS	MH												
Form module	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s												
SETBACK AND SEPARATION REQUIREMENTS <sup>(a)</sup>																															
Principal Buildings and Uses <sup>(a)</sup>																															
Minimum front yard landscaped setback (e), (h)	25' (k)			20'			15'			10'			0' (k)			See section 9-7-13															
Minimum front yard setback for all covered and uncovered parking areas	25' (k)			20'			20'			20'		10'		20' (k)			See section 9-7-13														
Maximum front yard landscaped setback for corner lots and side yards adjacent a street	n/a			n/a			n/a			10'		n/a		n/a		10'		15' (k)		n/a		10'		n/a							
Maximum front yard landscaped setback for an interior lot	n/a			n/a			n/a			15'		n/a		n/a		15'		15'		n/a		15'		n/a							
Minimum side yard landscaped setback from a street (a)	25'		12.5' (k)		15'		10'		1' per 2' of bldg. height, 10' min.		0' or 5' (b)		1' per 2' of bldg. height, 10' min.		0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs)		1' per 2' of bldg. height, 10' min.		10'		0' for first and second stories 12' for third story and above		0' (k)		0'		0'		n/a		
Minimum side yard setback from an interior lot line	15'		10'		5'		10'		0' or 12'		1' per 2' of bldg. height, 5' min.		0' or 5' (b)		0' or 3'		0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs)		1' per 3' of bldg. height, 5' min.		0' or 12'		0' or 5'		0' or 12'		0' or 5'		See section 9-7-13		
Minimum total for both side yard setbacks	40'		25'		20'		15'		20'		n/a			n/a			n/a			n/a			n/a			n/a					
Minimum rear yard setback (f)	25'			25'			20'			10'		15'		20'		15'		20'		15'		0'		15'		15'		10'		See section 9-7-13	

1	Minimum side yard bulk plane	See Section 9-7-9		n/a															
2	Minimum front yard setback from a street for all principal buildings and uses for third story and above	n/a		n/a		n/a		n/a		20'		15'		15'		20'		20'	
6	Accessory Buildings and Uses <sup>(m)</sup>																		
7	Minimum front yard setback uses (e)	55'		55'		Behind rear wall of principal structure	55'	Behind rear wall of principal structure	Behind rear wall of principal structure	55'	55'	Behind rear wall of principal structure	55'	55'	Behind rear wall of principal structure	See Section 9-7-13			
9	Minimum side yard landscaped setback from a street (a)	25'	12.5' (k)	15'	10'	1' per 2' of bldg. height, 10' min.	0' or 5'(b)	1' per 2' of bldg. height, 10' min.	0' (attached DUs); 1' per 2' of bldg. height, 5' min. (detached DUs)	1' per 2' of bldg. height, 10' min.	10'	0'	0' (k)	0'	0'	n/a			
13	Minimum side yard setback from an interior lot line	15'	10'	0' or 3' (b)		0' or 3' (b)		0' or 3' (b)		0' or 3' (b)		0' or 3' (b)				See Section 9-7-13			
15	Minimum rear yard setback (f)	0' or 3' (b)		0' or 3' (b)		0' or 3' (b)		0' or 3' (b)		0' or 3' (b)				See Section 9-7-13					
16	Minimum separation between accessory buildings and any other building	6'		6'		6'		6'		6'				6'					
19	BUILDING SIZE AND COVERAGE LIMITATION (Accessory and Principal Buildings) <sup>(m)</sup>																		
19	Maximum floor area of any principal building permitted by Chapter 9-8	See Section 9-8-2 (FAR Requirements)				15,000 sq. ft.	See Section 9-8-2 (FAR Requirements)				15,000 sq. ft.	See Section 9-8-2 (FAR Requirements)	15,000 sq. ft.	n/a					
22	Maximum accessory building coverage within principal building rear yard setback (9-7-8)	500 sq. ft.	n/a	500 sq. ft.	n/a	500 sq. ft.	n/a	n/a		n/a		n/a				n/a			
25	Maximum	For residential uses - no greater than coverage of the principal building																	

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cumulative coverage of all accessory buildings regardless of location (m)													
Maximum total building coverage	See Section 9-7-11	n/a	See Section 9-7-11	n/a	See Section 9-7-11	n/a							
PRINCIPAL AND ACCESSORY BUILDING HEIGHT <sup>(m)</sup>													
Maximum height for principal buildings and uses (c), (d), (l)	35'		35'; 40' (in I-zones)	35'	35'	40'	35'	38'	38'	35'	35'		
Conditional height for principal buildings and uses	See Section 9-7-6 for conditional height standards												
Maximum number of stories for a building	3		3	n/a	n/a	2	3	3	2	3	2 (3 on DT-5 corner lots)	2	3
Maximum wall height for detached dwelling units at zero lot line setback (9-7-2(b)(3))	12'		12'		12'		12'			12'		n/a	
Maximum height for all accessory buildings, structures and uses (g)	20' (30' in agricultural zone)		20' (25' in industrial zones)		20'		20'			20'		20'	
FENCES, HEDGES and WALLS (for additional standards see Section 9-9-15)													
Maximum height of fences, hedges, or walls	7'		7'		7'		7'			7'		7'	
Minimum height of fence on top of retaining wall	42"		42"		42"		42"			42"		42"	
Maximum combined height of fence/retaining wall in side yard within 3' of lot line with neighbor	12'		12'		12'		12'			12'		12'	

1	approval											
BUILDING DESIGN REQUIREMENTS <sup>(m)</sup>												
2	Minimum ground floor window area facing a public street (9-9-3)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	60%	n/a	n/a	
3	Primary building entrance location facing street	n/a	n/a	yes	yes	yes	yes	n/a	n/a	yes	yes	n/a
4												
5	Minimum percent of lot frontage that must contain a building or buildings	n/a	n/a	n/a	n/a	n/a	n/a	n/a	70%	50%	n/a	
6												
7	Maximum % of 3 <sup>rd</sup> story floor area that can be in a 4 <sup>th</sup> story	n/a	n/a	n/a	n/a	70% (j)	n/a	n/a	n/a	n/a	n/a	
8												
9	Wall length articulation standards for side walls over 14' in height within 20' of side property line	See Section 9-7-10	n/a	See Section 9-7-10	n/a	See Section 9-7-10	n/a	n/a	n/a	n/a	n/a	
10												

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

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

20 (a) On corner lots, use principal building front yard setback where adjacent lot fronts upon the street.

21 (b) For zero lot line development, see Subsection 9-7-2(b), B.R.C. 1981.

22 (c) The permitted height limit may be modified only in certain areas and only under the standards and procedures provided in Sections 9-2-14, "Site Review," and 9-7-6, "Building Height, Conditional," B.R.C. 1981.

23 (d) For buildings over 25 feet in height, see Subsection 9-9-11(c), B.R.C. 1981.

24 (e) For other setback standards regarding garages, open parking areas, and flagpoles, see Paragraph 9-7-2(b)(8), B.R.C. 1981.

25 (f) Where a rear yard backs on a street, see Paragraph 9-7-2(b)(7), B.R.C. 1981.

(g)

1 Not including light poles at government-owned facilities. For additional height standards regarding light poles at government facilities, see Section 9-2-14, "Site Review," B.R.C. 1981.

2 (h) For front yard setback reductions, see Subsection 9-7-2(a), B.R.C. 1981.

3 (i) For side yard setback requirements based on building height, see Appendix B, "Setback Relative to Building Height," of this title.

4 (j) The maximum percentage of the third floor area that can be in a fourth story standard may not be modified as part of a site review.

5 (k) For properties located in the DT-5 and P zoning districts and shown in Appendix I, the minimum setback shall be as required by Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, Table 7-1, Form and Bulk Standards or 65 feet measured from the centerline of Canyon Boulevard right of way.

6 (l) For buildings on nonstandard lots within the RMX-1, RL-1, RE, RR-1, and RR-2 zoning districts, refer to Table 10-1, Maximum Height Formulas, within Section 9-10-3, "Changes to Nonstandard Buildings, Structures and Lots and Nonconforming Uses."

7 (m) For nonstandard buildings or structures, refer to Subparagraph 9-10-3(a)(1)(B), B.R.C. 1981.

8 (n) \_\_\_\_\_  
9 For principal and accessory buildings or structures located on a lot or parcel designated in Appendix L, "Form Based Code Areas," and  
10 subject to the standards of Appendix M, "Form Based Code," refer to Appendix M, "Form Based Code," for design standards applicable to  
11 such lot or parcel. With the exception of Charter section 84, "Height limit," and Sections 9-7-3, "Setback Encroachments," and 9-7-5,  
12 "Building Heights," 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, the form and bulk standards of this chapter are superseded by  
13 the requirements of Appendix M, "Form Based Code." Building heights in areas designated in Appendix L are not subject to the height  
14 limits of Table 9-7, Form and Bulk Standards.

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16  
17 Section 7. Chapter 9-8, B.R.C. 1981, shall be amended to read:

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19 **9-8-1. - Schedule of Intensity Standards.**

20 The purpose of this chapter is to indicate the requirements for the allowed intensity of all types  
21 of development, including maximum density for residential developments based on allowed  
22 number of units and occupancy. All primary and accessory structures are subject to the  
23 standards set forth in table 8-1 of this section except that developments within an area designated  
24 in Appendix L, "Form Based Code Areas," and subject to the standards or Appendix M, "Form  
25 Based Code," are exempt from table 8-1 and Sections 9-8-1 through 9-8-4, B.R.C. 1981.  
Developments within an area designated in Appendix L, "Form Based Code Areas," and subject  
to the standards or Appendix M, "Form Based Code," are subject to the standards of Sections 9-  
8-5, "Occupancy of Dwelling Units," 9-8-6, "Occupancy Equivalencies for Group Residences,"  
and 9-8-7, "Density and Occupancy of Efficiency Living Units," B.R.C. 1981. No person shall  
use any land within the city authorized by Chapter 9-6, "Use Standards," B.R.C. 1981, except

1 according to the following requirements unless modified through a use review under Section 9-2-  
 2 15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C.  
 3 1981, or granted a variance under Section 9-2-3, "Variances and Interpretations," B.R.C. 1981,  
 4 or approved through a form based code review under Section 9-2-16, "Form Based Code  
 5 Review," B.R.C. 1981.

6 **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>(a)</sup>	Number of Dwelling Units Per Acre <sup>(a)</sup>	Minimum Open Space Per Dwelling Unit (square feet) <sup>(a)</sup>	Minimum Open Space on Lots (Residential Uses) <sup>(a)</sup>	Minimum Open Space on Lots (Nonresidential Uses) <sup>(a), (c)</sup>	Minimum Private Open Space (Residential Uses) (square feet) <sup>(a)</sup>	Maximum Floor Area Ratio <sup>(a)</sup>
					See Section 9-9-11 for additional open space requirements. For mixed use developments, use the requirements of either the residential or nonresidential standards that result in the greatest amount of open space				
A	1	5 acres	5 acres	0.2	0	-	10 - 20%	0	0
RR-1, RR-2	2	30,000	30,000	1.4	0	-	10 - 20%	0	See Table 8-3
RE	3	15,000	15,000	2.9	0	-	10 - 20%	0	See Table 8-3
RL-1	4	7,000	7,000	6.2	0	-	10 - 20%	0	See Table 8-3
P	5	7,000	7,000	6.2	0	-	10 - 20%	0	0
RL-2	6	0	0	-	6,000	-	10 - 20%	0	See Table 8-3
RMX-1	7	6,000	6,000	7.3	600	-	10 - 20%	0	See Table 8-3
RMX-2	8	0	0	10 (up to 20 by review)	0	15%	15%	60	0
RM-1	9	0	0	-	3,000	-	10 - 20%	0	0
IS-2	10	0	0	-	600	-	10 - 20%	60	0.5:1
IS-1	11	7,000	0	-	0	-	10 - 20%	60	0.5:1
RH-1	12	0	0	-	1,600	-	10 - 20%	0	0
RH-2	12.5	6,000	3,000	14 (up to 27.2 by review)	600	-	10 - 20%	0	0
RM-2, RM-3	13	6,000	3,500	12.4	-	-	10 - 20%	0	0
RH-3, RH-7	14	0	0	-	0	60% <sup>(b)</sup>	60% <sup>(b)</sup>	60	0
RH-4, BT-1, BC-1	15	0	0	-	1,200	-	10 - 20%	0	0
BR-2	16	0	0	-	0	40%	10 - 20%	60	0

1	BMS	17	0	0	-	0	15%	15%	60	0.67 (1.85 if within CAGID or UHGID)
2	RH-6	17.5	-	1,800	-	600	-	-	-	
3	MU-1, MU-2, IMS	18	0	0	-	0	15%	15%	60	0.6:1
4	RH-5, BC-2	19	6,000	1,600	27.2	600 (400 by site review if in a mixed use development)	-	10—20%	0	0
5	IM	20	7,000	1,600	27.2	600	40% (20% if within a park service area)	10—20%	60	0.4:1
6	BT-2	21	6,000	1,600	27.2	600	-	10—20%	0	0.5:1
7	IG	22	7,000	1,600	27.2	600	40% (20% if within a park service area)	10—20%	60	0.5:1
8	BR-1	23	6,000	1,600	27.2	0	-	10—20%	0	2.0:1
9	MU-3	24	0	0	-	0	15%	15%	60	1.0:1
10	MU-4	24.5	0	0	-	0	15%	15%	60	2.0
11	DT-1	25	0	0	-	0	-	10—20%	60	1.0:1
12	DT-2	26	0	0	-	0	-	10—20%	60	1.5:1
13	DT-3, DT-4, DT-5	27	0	0	-	0	-	10—20%	60	1.7:1
14	BCS	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) Open space may be reduced using the standards in Sections 9-8-3, "Density in the RH-1, RH-2, RH-3 and RH-7 Districts," and 9-9-11, "Useable Open Space," B.R.C. 1981.

(c) 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.

**9-8-2. - Floor Area Ratio Requirements.**

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TABLE 8-2: FLOOR AREA RATIO ADDITIONS

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	DT-1	DT-2	DT-3	DT-4	DT-5	MU-1	MU-2	MU-3	BT-2	BMS	IS-1/2	IG	IM	IMS	BR-1 (c)
Base FAR	1.0	1.5	1.7	1.7	1.7	0.6	0.6	1.0	0.5	0.67 <sup>(a)</sup>	0.5	0.5	0.4	0.6	n/a
Maximum total FAR additions (FAR) <sup>(a)</sup>	1.0	0.5	1.0	0.5	1.0	0.07	n/a	n/a	n/a	0.33	n/a	n/a	n/a	n/a	n/a
FAR additional components:															
1) Residential floor area (FAR)	0.5	0.5	0.5	0.5	1.0 <sup>(b)</sup>	n/a	n/a	n/a	n/a	n/a	n/a	Not counted	Not counted	n/a	n/a
2) Residential floor area if at least 35% of units are permanently affordable and at least 50% of total floor area is residential (FAR)	n/a	n/a	n/a	n/a	n/a	0.07	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
3) Residential floor area for a project NOT located in a general improvement district that provides off-street parking	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.33	n/a	n/a	n/a	n/a	n/a
4) On-site parking provided entirely within the principal structure, or above grade parking structure	0.5	0.5	0.5	n/a	0.5	Not counted	Not counted	Not counted	n/a	Not counted	Not counted	Not counted	Not counted	Not counted	n/a
5) Below grade area used for occupancy	Not counted	n/a	n/a	n/a	Not counted	Not counted	n/a	n/a	n/a	n/a	n/a				
6) Nonresidential floor area (FAR) (see Paragraph 9-8-2(e)(3) and Section 4-20-62, Table 4)	n/a	n/a	n/a	n/a	1.0 <sup>(b)</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum allowable FAR (sum of base plus all	2.0 + row 5	2.0 + row 5	2.7 + row 5	2.2 + row 5	2.7 + row 5	0.67 + row 4 above	0.6 + row 4 above	1.0 + row 4 above	0.5 + row 5 above	1.0 + rows 4 and 5 above	0.5 + row 4 above	0.5 + rows 1 and 4 above	0.4 + rows 1 and 4 above	0.6 + row 4 above	4.0 <sup>(c)</sup>

1	available additions)																	
---	----------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

2  
3 Footnotes:

4 (a) FAR up to 1.85:1 if property is located in a general improvement district providing off-street parking.

5 (b) The maximum additional FAR component is 1.0. FAR additional components may be combined, but shall not exceed the 1.0 maximum total  
6 floor area ratio limit.

7 (c) See Subparagraph 9-2-14(h)(2)(J), B.R.C. 1981.

8 (d) n/a: not applicable.

9 (e) For properties located in an area designated in Appendix L, "Form Based Code Areas," and subject to the standards of Appendix M, "Form  
10 Based Code," the floor area and floor area ratio (FAR) requirements do not apply. Refer to Appendix M, "Form Based Code," for specific form,  
11 bulk, intensity, and outdoor space requirements.

12 Section 9. The council adopts Attachment A, titled "Appendix L: Form Based Code  
13 Areas," as an amendment to Title 9, "Land Use Code," B.R.C. 1981.

14 Section 10. The city council adopts Attachment B, titled "Appendix M: Form Based  
15 Code," as an amendment to Title 9, "Land Use Code," B.R.C. 1981.

16 Section 11. The city council orders and directs the city manager to make any additional  
17 citation, renumbering, and reference changes not included in this ordinance that are necessary to  
18 properly implement this ordinance.  
19

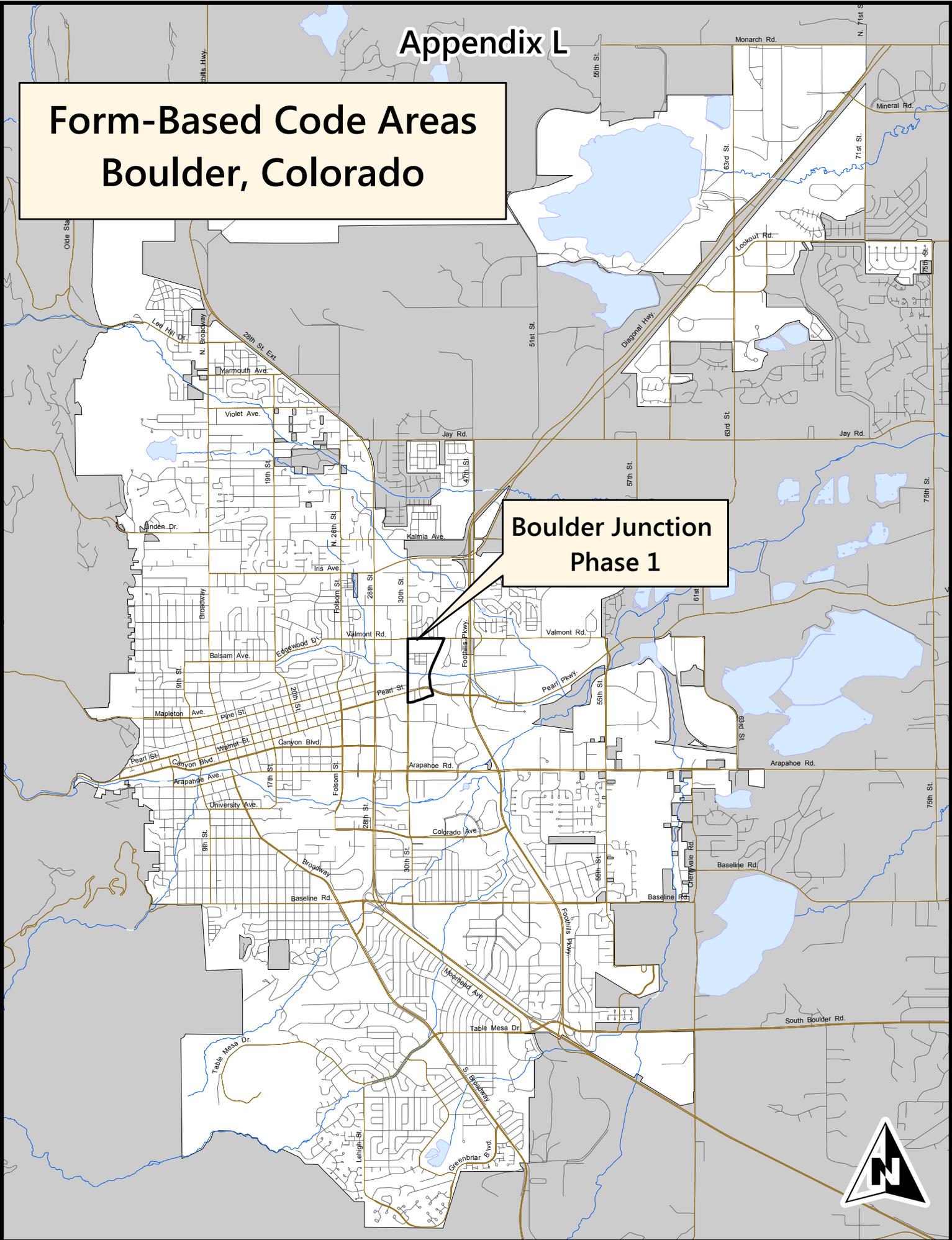
20 Section 12. If any section, paragraph, clause, or provision of this ordinance shall for any  
21 reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining  
22 provisions of this ordinance.  
23  
24  
25



# Appendix L

## Form-Based Code Areas Boulder, Colorado

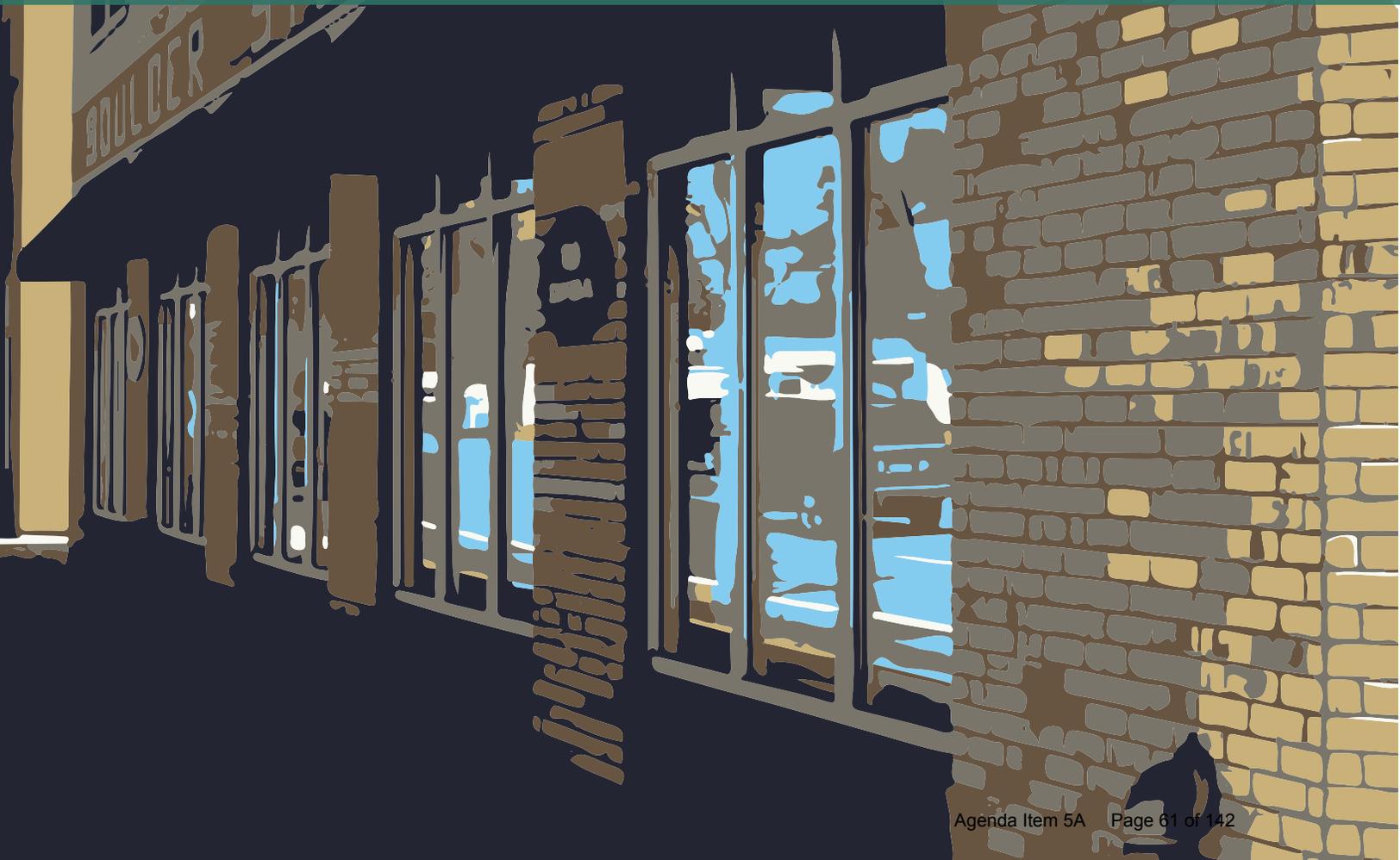
**Boulder Junction  
Phase 1**



Title 9, Land Use Code,  
APPENDIX M:

# Form-Based Code Areas

Boulder Junction Phase I





# Contents

## Title 9, Appendix M: Form-Based Code Areas

### **General Provisions**

- M-1-1. Purpose of Form-Based Code
- M-1-2. Form-Based Code Requirements
- M-1-3. Design Goals for the Form-Based Code Areas
- M-1-4. Organization and Scope
- M-1-5. Existing Structures and Uses not Conforming with this Appendix
- M-1-6. Regulating Plans
- M-1-7. View Corridors
- M-1-8. Definitions

### **Site Design**

- M-1-9. Rights-of-Way
- M-1-10. Streetscape Design Requirements
- M-1-11. Site Design Requirements
- M-1-12. Outdoor Space Requirements

### **Building Types**

- M-1-13. General Requirements of Building Types
- M-1-14. Descriptions of Building Types
- M-1-15. Main Street Storefront Building Type
- M-1-16. Commercial Storefront Building Type
- M-1-17. General Building Type
- M-1-18. Row Building Type
- M-1-19. Civic Building Type
- M-1-20. Measurement of Building Type Requirements
- M-1-21. Cap Types

### **Building Design**

- M-1-22. Applicability and Intent of Building Design Requirements
- M-1-23. Facade Materials
- M-1-24. Building Construction Quality
- M-1-25. Building Facade Elements
- M-1-26. Mechanical Equipment & Appurtenances
- M-1-27. Building Articulation
- M-1-28. Building Massing
- M-1-29. Building Proportions



# General Provisions

3014



**M-1-1. PURPOSE OF FORM-BASED CODE**

The purpose of this appendix is to establish building form and design requirements for development within the areas designated in Appendix L to Title 9, "Form-based Code Areas." The requirements for these areas implement the desired development, including functional characteristics, form, design character and quality, as guided by the plans for each designated area and the Boulder Valley Comprehensive Plan.

**M-1-2. FORM-BASED CODE REQUIREMENTS**

No person shall occupy, use, change the use of, alter or develop any building, structure or land within the areas shown in Appendix L, "Form-based Code Areas," B.R.C. 1981, and subject to form-based code review pursuant to Section 9-2-16, "Form-based Code Review," B.R.C. 1981, except in conformance with the requirements of this appendix.

- (a) **Specific Locations.** The locations where form-based code standards apply are shown in Appendix L, "Form-based Code Areas," B.R.C. 1981, and include: Boulder Junction Phase I

**M-1-3. DESIGN GOALS FOR THE FORM-BASED CODE AREAS**

The requirements of this appendix are intended to accomplish the following objectives:

- (a) **Character, Context, and Scale.** Preserve or enhance the character, context, and scale planned for the area while supporting a more sustainable future by accommodating future residents, reducing dependence on single occupant vehicles, increase energy efficiency, and promoting safe transportation options for pedestrians and bicycles.
- (b) **Human-Scaled Building Design.** Design to a human scale and to create a safe and vibrant pedestrian experience.
- (c) **Building Design Quality and Aesthetics.** Design high-quality buildings that are compatible with the character of the area or the character established by adopted plans for the area through simple, proportional, and varied design, high quality and natural building materials that create a sense of permanence, and building detailing, materials and proportions.
- (d) **A Variety of Housing Types.** Produce a variety of housing types, such as multifamily, townhouses, and detached single family units, as well as a variety of lot sizes, number of bedrooms per unit, and sizes of units within the form-based code area.

- (e) **Efficient, Adaptable, Sustainable Buildings.** Build adaptable buildings with flexible designs that allow changes in uses over time:
- (f) **Provision of Outdoor Space.** Provide outdoor space that is accessible and close to buildings. Active and passive recreation areas will be designed to meet the needs of anticipated residents, occupants, employees, and visitors to the property.
- (g) **Support of Multi-Modal Mobility.** Provide safe and convenient multi-modal connections and promote alternatives to the single occupant vehicle. Connections shall be accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, paseos, and multi-use paths.

**M-1-4. ORGANIZATION AND SCOPE**

This section describes how this appendix is organized to provide the user with some guidance using this appendix and addresses the scope of its application.

- (a) **Organization.** This appendix is organized into the following sections:
- (1) **Sections M-1-1 through M-1-8: General Provisions.** The general provisions include a purpose statement for the form-based code, a description of where the requirements for the form-based code apply, a description of this appendix's organization and scope, the regulating plans for each form-based code area, and definitions that apply to the terms of this appendix.
  - (2) **Sections M-1-9 through M-1-12: Site Design.** These sections establish general site design and minimum outdoor space requirements, applicable to all form-based code areas, unless otherwise specified. Outdoor space types are established to guide the design of common outdoor spaces.
  - (3) **Sections M-1-13 through M-1-21: Building Types.** These sections establish a variety of building types and building form, design, location, and use requirements applicable to each building type. The regulating plans determine which building type may be used on a particular site.
  - (4) **Sections M-1-22 through M-1-29: Building Design.** These sections establish general building design requirements that are applicable

## Organization and Scope

to all of the building types, unless otherwise stated.

**(b) Scope.** The requirements of this appendix supplement those imposed on the same lands by underlying zoning provision and generally applicable development standards of this title and other ordinances of the city. If there is a conflict between the requirements of this appendix and Title 9, "Land Use Code," B.R.C. 1981, the standards of this section control. The following describes how specific requirements of this title relate to requirements of this appendix:

- (1) **Chapter 9-6: Use Standards.** Chapter 9-6, "Use Standards," B.R.C. 1981, regulates uses which are permitted, conditionally permitted, prohibited, or which may be permitted through use review. Additional use standards may be established for the different building types in Sections M-1-15 through M-1-19.
- (2) **Chapter 9-7: Form and Bulk Standards.** This appendix supersedes the standards in Chapter 9-7, "Form and Bulk Standards," B.R.C. 1981, with the exception of Sections 9-7-3, "Setback Encroachments," 9-7-5, "Building Heights," and 9-7-7, "Building Heights, Appurtenances," B.R.C. 1981. Building height shall be measured in accordance with the requirements of Section 9-7-5, B.R.C. 1981.
- (3) **Chapter 9-8: Intensity Standards.** This appendix supersedes the standards in Chapter 9-8, "Intensity Standards," B.R.C. 1981, with the exception of Sections 9-8-5, "Occupancy of Dwelling Units," 9-8-6, "Occupancy Equivalencies for Group Residences," and 9-8-7, "Density and Occupancy of Efficiency Living Units," B.R.C. 1981.
- (4) **Chapter 9-9: Development Standards.** Chapter 9-9, "Development Standards," B.R.C. 1981, applies to developments that are regulated by this appendix as follows:
  - (A) **9-9-1.** Intent
  - (B) **9-9-2.** General Provisions
  - (C) **9-9-4.** Public Improvements
  - (D) **9-9-5.** Site Access Control, in addition to the access location requirements in Section M-1-11(a) "Driveways," B.R.C. 1981.
  - (E) **9-9-6.** Parking Standards
  - (F) **9-9-7.** Sight Triangles
  - (G) **9-9-8.** Reservations, Dedication, and Improvement of Right of Way
  - (H) **9-9-9.** Loading
  - (I) **9-9-10.** Easements
  - (J) **9-9-12.** Landscape and Screening Standards
  - (K) **9-9-13.** Streetscape Design Standards, in addition to the requirements established in M-1-10, Streetscape Design Requirements.
  - (L) **9-9-14.** Parking Lot Landscape Standards
  - (M) **9-9-15.** Fences and Walls
  - (N) **9-9-16.** Lighting, Outdoor
  - (O) **9-9-17.** Solar Access
  - (P) **9-9-18.** Trash Storage and Recycling Areas
  - (Q) **9-9-19.** Swimming Pools, Spas, and Hot Tubs
  - (R) **9-9-20.** Addressing
  - (S) **9-9-21.** Signs
  - (T) **9-9-22.** Trip Generation Requirements for the MU-4, RH-6, and RH-7 Zoning Districts.
- (5) **Applicable Sections.** The following sections of Chapter 9-9, "Development Standards," B.R.C. 1981, are applicable:
  - (A) 9-9-3, Building Design, is superseded by this appendix.
  - (B) 9-9-11, Useable Open Space, is superseded by the requirements of this appendix.
- (6) **Superseded Sections.** The following sections of Chapter 9-9, "Development Standards," B.R.C. 1981, are superseded by this appendix:
  - (A) 9-9-3, Building Design, is superseded by this appendix.
  - (B) 9-9-11, Useable Open Space, is superseded by the requirements of this appendix.
- (c) Other Sections and Ordinances.** The Boulder Revised Code and other ordinances of the city are applicable unless expressly waived or modified in this appendix. If there is a conflict between the requirements of this appendix and other portions of the Boulder Revised Code other than Title 9, "Land Use Code," B.R.C. 1981, the most restrictive standards shall control.

**M-1-5. EXISTING STRUCTURES AND USES NOT CONFORMING WITH THIS APPENDIX**

- (a) **Purpose.** Adoption of the requirements of this appendix will create buildings, structures, and use that were legally established but do not conform to the requirements of this appendix. The purpose of this section is to allow these preexisting buildings, structure and uses to be changed and upgraded without requiring their elimination if the change would not substantially adversely affect the surrounding area and would not increase the degree of nonconformity of uses.
- (b) **Scope.** The provisions of this section apply to buildings and uses that were legally established prior to the adoption of this appendix. This section does not apply to sites that are subject to a valid site review or planned unit development. The buildings and uses can be continued, restored, modified or changed in compliance with Chapter 9-10, "Nonconformance Standards," B.R.C. 1981. The following modifications are not permitted to buildings as provided in Chapter 9-10, B.R.C. 1981: Subsection 9-10-2 (c), "Replacement of Nonstandard Architectural Building Features" and Subsection 9-10-3 (a), "Nonstandard Buildings and Structures," B.R.C. 1981. For the purpose of applying the applicable standards of Chapter 9-10, B.R.C. 1981, the standards for nonstandard structures shall be applied to legally established buildings and structures that do not meet the requirements of this appendix and the standards for nonconforming uses shall be applied to legally established uses that do not meet the requirements of this appendix.
- (c) **Expansions and Modifications to Existing Structures that do not Meet the Standards of this Appendix.**
- (1) **Expansions of 60 Percent of Floor Area.** Any modification to a legally established building or structure that does not meet the standards of this appendix and was not approved as part of a site review or planned unit development that adds more than sixty percent to the floor area existing at the time of adoption of this appendix shall meet the requirements of this appendix. For the purposes of calculating the amount of floor area being added, all floor area added in the five years preceding the building permit application shall be included.
  - (2) **Facade Additions or Replacement.** Any facade being added or replaced shall meet the applicable site and building design

requirements of sections M-1-15 through M-1-29 of this appendix under any of the following circumstances:

- (A) New exterior facades added as a result of the addition of any floor area;
  - (B) Replacement of thirty percent or more of the exterior facade material;
  - (C) Replacement or addition of thirty percent or more of the windows on any exterior facade;
  - (D) Replacement of or addition to any door or balcony located on any exterior facade.
- (3) **Facade Requirements.** If the facade exists or will be constructed within the build-to zone, the facade requirements, not including the cap types, of the applicable building type shall be met if any one of the following is included in the building modification or expansion:
- (A) New exterior facades added as a result of the addition of any floor area.
  - (B) Installation or change of location of two or more additional doors.
  - (C) Expansion or change in location of thirty percent of window area.
  - (D) Replacement of thirty percent or more of facade materials with a different facade material.
- (4) **Roof Renovation.** The cap type requirements of the applicable building type shall be met when the shape or style of more than sixty percent of the roof is changed and thirty percent of the façade is within the build-to zone of the applicable building type.
- (5) **Other Expansions and Modifications.** All expansions and modifications to existing structures that do not meet the standards of this appendix and do not meet the thresholds of this subsection (c) shall be subject to the underlying zoning and standards of Title 9, "Land Use Code," B.R.C. 1981.

### M-1-6. REGULATING PLANS

No person shall construct, develop, use or occupy a property located in the area designated in Appendix L, "Form-based Code areas," except in conformance with Title 9, "Land Use Code," B.R.C. 1981, this appendix, and the regulating plan that applies to such property, except as otherwise specified in this appendix.

#### (a) Boulder Junction Phase I Regulating Plan.

Within the Regulating Plan: Boulder Junction Phase I, as shown on Figure M-1 (1), the following standards apply:

- (1) **Transportation Connections.** The arrangement, type, character, extent, and location of streets, alleys, paseos, paths, and other transportation connections shall conform to the regulating plans shown in Figure M-1 (1) and the Transit Village Area Plan.
- (2) **Required Building Types.** The building shall be of the building type shown for the property in Figure M-1 (1) or the civic building type meeting the requirements of Section M-1-19, "Civic Building Type," B.R.C. 1981.
- (3) **Location Based Height Limits.** No building shall exceed the maximum height and number of stories established for specific locations by figures Figure M-1 (1) and Figure M-1 (2). These location based maximum height and story limitations supercede the maximum height and number of stories established in this appendix for the applicable building type.
- (4) **Required Residential.** Developments that include general, main street or row type buildings with a total combined floor area exceeding 15,000 square feet shall include a minimum of fifty percent of residential floor area.
- (5) **Required Storefront.** Buildings shall have storefronts in the locations shown on figures Figure M-1 (1) and Figure M-1 (2).
- (6) **Type A and Type B Streets.** Type A and B street designations establish design standards for how a building must address the street and regulate access to the property; all buildings shall meet the standards applicable to the types of street frontages shown for the property in Figure M-1 (1) and Figure M-1 (2). (See building type regulations and Section M-1-13, "General Requirements of Building Types," B.R.C. 1981.)
- (7) **Required Outdoor Space Locations.** Outdoor space shall be provided in the locations shown

in Figure M-1 (1). The required outdoor space shall meet the standards of section M-1-12 "Outdoor Space Requirements," B.R.C. 1981

- (8) **Terminated Vistas.** When a street terminates or curves on a property as designated on Figure M-1 (1) or Figure M-1 (2), the site design or building shall include a feature to terminate the view from the street. The project shall meet the following standards:
  - (A) If the property where the vista is required to be terminated is open space, one of the outdoor space types established in Section M-1-12, "Outdoor Space Types," B.R.C. 1981, shall be utilized, and a vertical feature shall terminate the view. Acceptable vertical features include, but are not limited to, a stand or grid of trees, a sculpture, a gazebo or a fountain.
  - (B) If the property where the vista is required to be terminated is not utilized as open space, the facade of a building shall terminate the view. The building facade shall meet the standards applicable to a Type A frontage, whether or not fronting on a Type A street, with the exception of the entrance requirements. The building shall include a feature that terminates the view, such as, a tower, cupola, bay, or courtyard.
  - (C) A parking structure, surface parking lot, or side or rear facade shall not be permitted to terminate a vista.

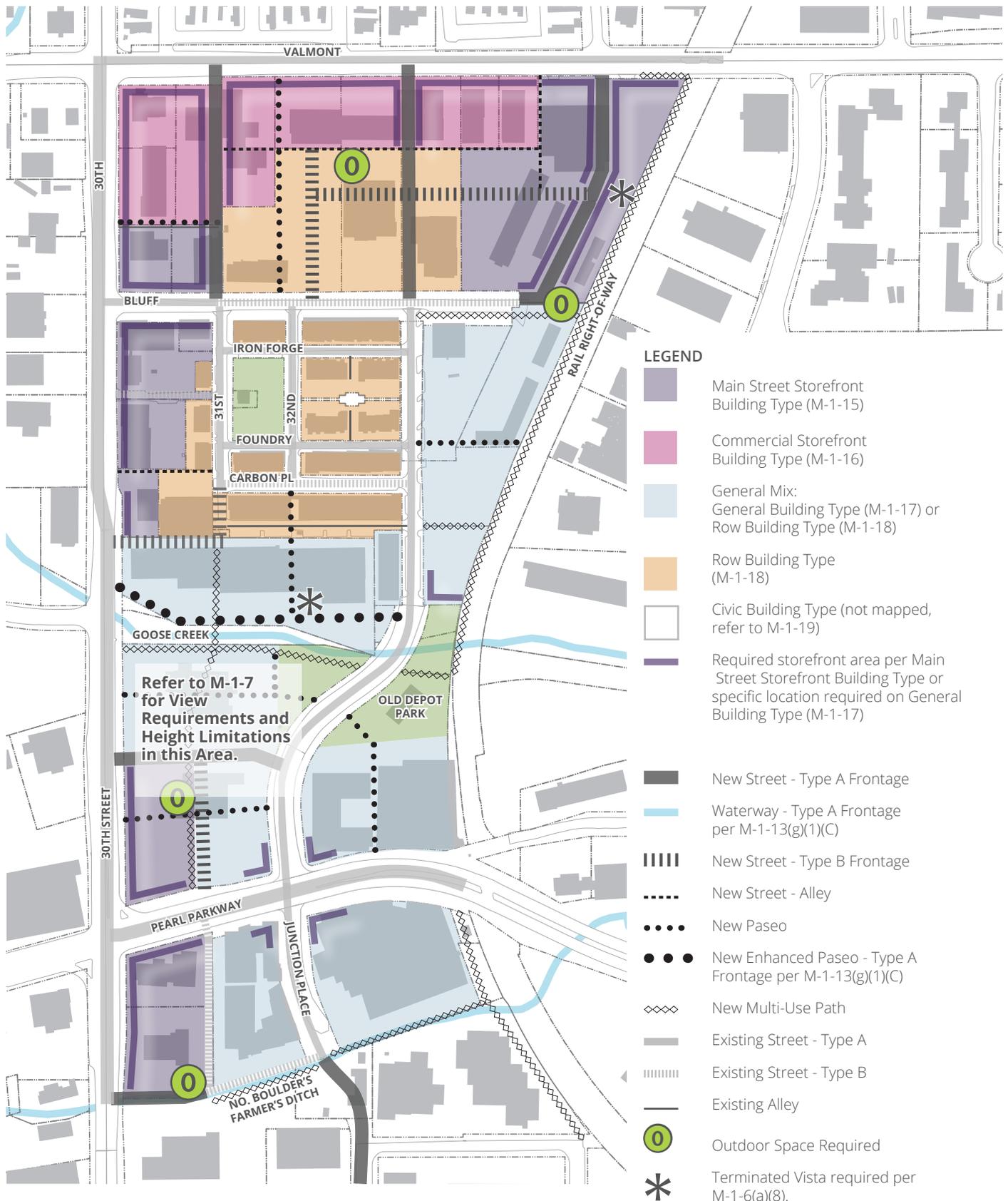
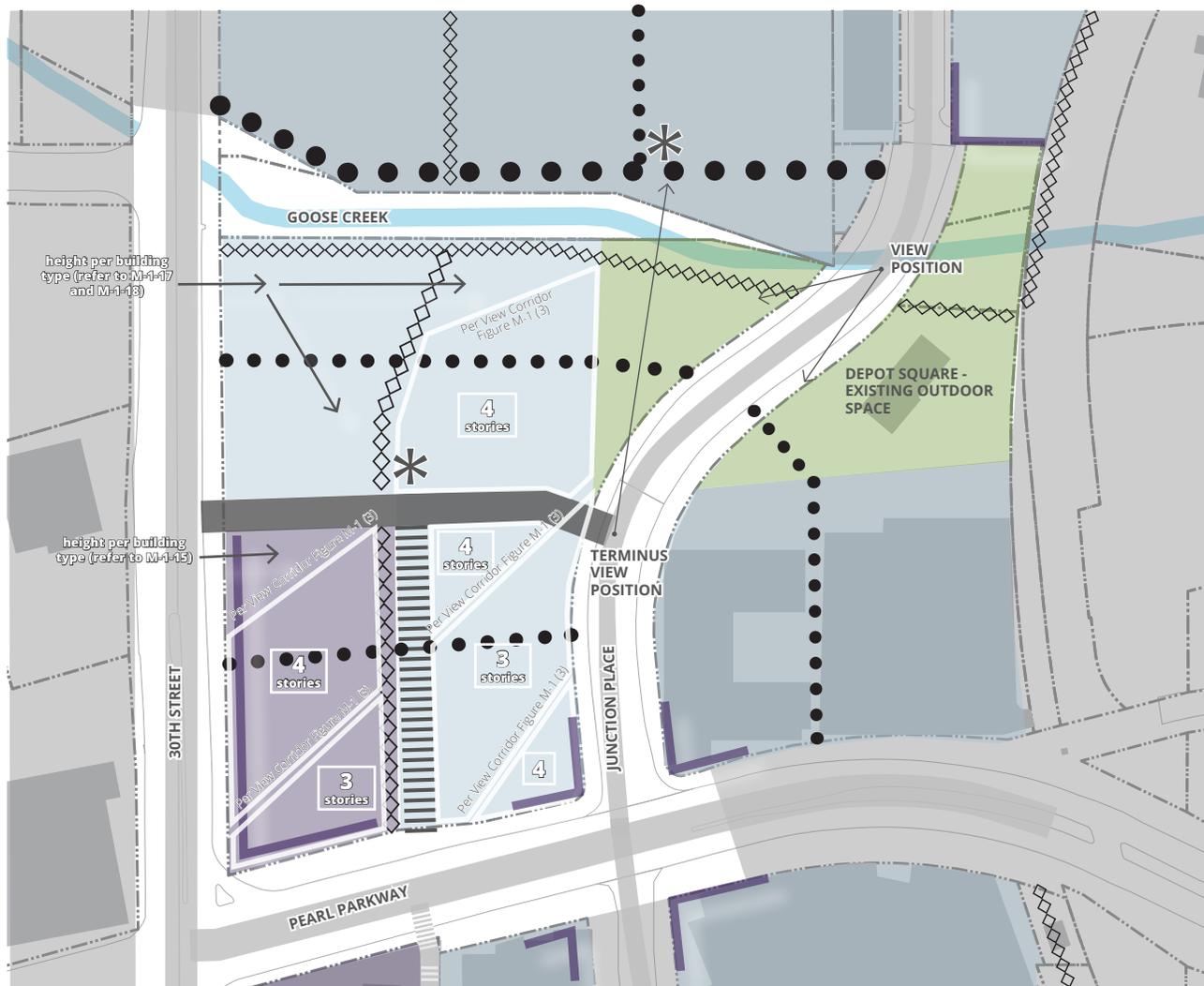


Figure M-1 (1). Regulating Plan: Boulder Junction Phase I



### LEGEND

- |   |   |   |                              |
|---|---|---|------------------------------|
|  | Main Street Storefront Building Type (M-1-15)   |  | New Street - Type A Frontage |
|  | General Mix: General Building Type (M-1-17) or Row Building Type (M-1-18))  |  | New Street - Type B Frontage |
|  | Civic Building Type (not mapped, refer to M-1-19)   |  | New Street - Alley           |
|  | Required storefront area per Main Street Storefront Building Type or specific location required on General Building Type (M-1-17) |  | New Paseo                    |
|  | Maximum Height permitted in locations   |  | New Enhanced Paseo           |
|  | Street Terminus required per M-1-6(a)(8).   |  | New Multi-Use Path           |
|   |   |  | Existing Street - Type A     |
|   |   |  | Existing Street - Type B     |

Figure M-1 (2). Regulating Plan Inset: SE Corner of Boulder Junction Phase I

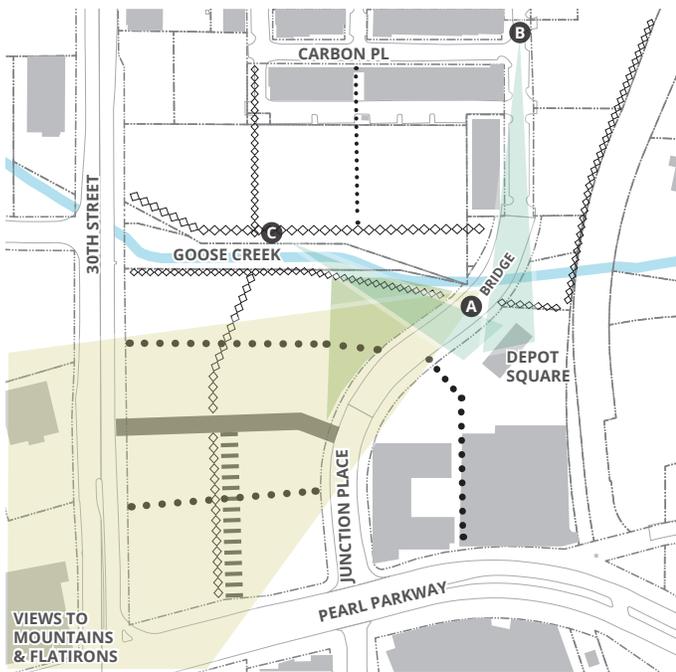


Figure M-1 (3). View Corridors to Retain

**M-1-7. VIEW CORRIDORS**

(a) **Purpose.** Projects should be designed to protect important public view corridors. The purpose of this section is to identify and preserve within the built environment view corridors of identified features when viewed from the public locations described in this section.

(b) **Boulder Junction Phase I.** The view corridors identified in Figure M-1 (3) and Figure M-1 (2) shall be preserved consistent with the requirements of this section.

(1) **View Corridors.** The following views are intended to be preserved:

- (A) From the southernmost point of the Depot Square bridge through the site to the Flatirons and west to tops of mountains as shown in yellow in Figure M-1 (3). The view corridor shall preserve the complete view of all five Flatirons when viewed from the identified location.
- (B) From Junction Place north of the Depot Square bridge, south to the old Depot Building in Depot Square as shown in light blue in Figure M-1 (3). The view corridor shall preserve the view of the entire Depot Building when viewed from the identified location.
- (C) From the north side of Goose Creek at approximately the intersection between the north-south multi-use path and the east-west enhanced paseo, to the old Depot Building in Depot Square as shown in light blue in Figure M-1 (3). The view corridor shall preserve the view of the entire Depot Building when viewed from the identified location.

- (2) **Height Limitations.** Building heights shall be limited on the sites affected by the view corridors pursuant to the following standards:
  - (A) The maximum number of stories shall not exceed the number of stories shown for a particular location in Figure M-1 (2). (Refer to the building types regulations for floor-to-floor heights requirements for stories.)
  - (B) Roof top mechanical equipment, utilities, and appurtenances shall not be located within the view corridors.
  - (C) Roof decks are permitted on all roofs provided they do not exceed any overall building height limitations and do not inhibit the views established by the view corridors.

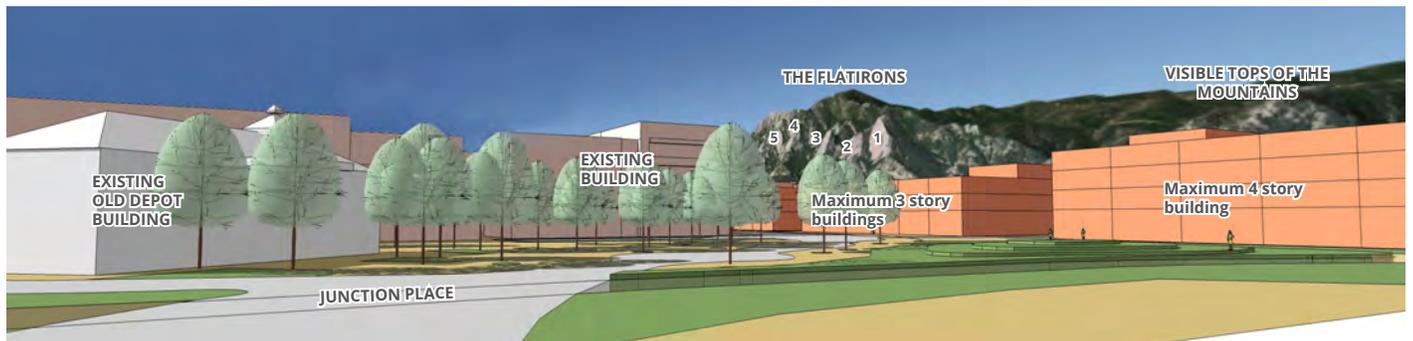


Figure M-1 (4). Example Documentation of Preserved Views from Junction Place Bridge

## Definitions

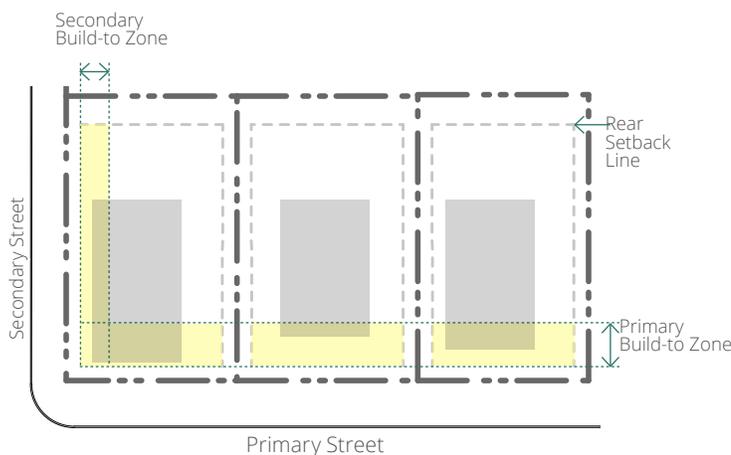
Roof deck structures are to be included in building modeling.

- (3) **Specific Location.** The specific location of the horizontal limits of the view corridors established in paragraph (1) of this subsection shall be established by the reviewing authority based on a view corridor analysis so as to preserve the views described in paragraph (b)(1) of this section.

### M-1-8. DEFINITIONS

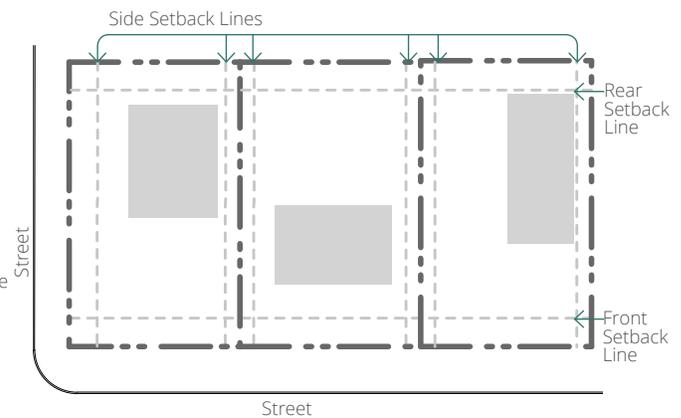
The definitions in Chapter 1-2, "Definitions," and Chapter 9-16, "Definitions, B.R.C. 1981, apply to this appendix unless a term is defined different in this appendix or the context clearly indicates otherwise. For the purposes of this appendix, the following terms shall have the following meanings:

- (a) **Balcony.** Balcony means a platform that projects from a facade of a building above grade and is enclosed by a parapet or railing. This does not include false balconies that consist of a railing across a door with no outdoor platform.
- (b) **Build-to Zone.** Build-to zone means an area in which the facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line. Refer to Figure M-1 (5). Build-to Zone & Setback Lines, and Figure M-1 (6). Facade Definition.
- (c) **Expression Line.** Expression line means an architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade of a building. Vertical elements may include a column, pilaster, or other continuous vertical ornamentation. Horizontal elements may include a cornice, belt course, molding, string courses, canopy, balcony, or other continuous horizontal ornamentation and projections. Expression lines are typically utilized to



#### BUILD-TO ZONES ALONG FRONTAGE LINE

A build-to zone indicates a zone or area in which the facade of a building must be located. The use of a build-to zone allows control over building placement, while the range provides some flexibility. This method provides more predictability in building placement.



#### SETBACK LINES ALONG FRONTAGE LINE

A setback line indicates the closest a building may be placed to a property line, but is silent on where behind that line a building may be placed.

Figure M-1 (5). Build-to Zone & Setback Lines

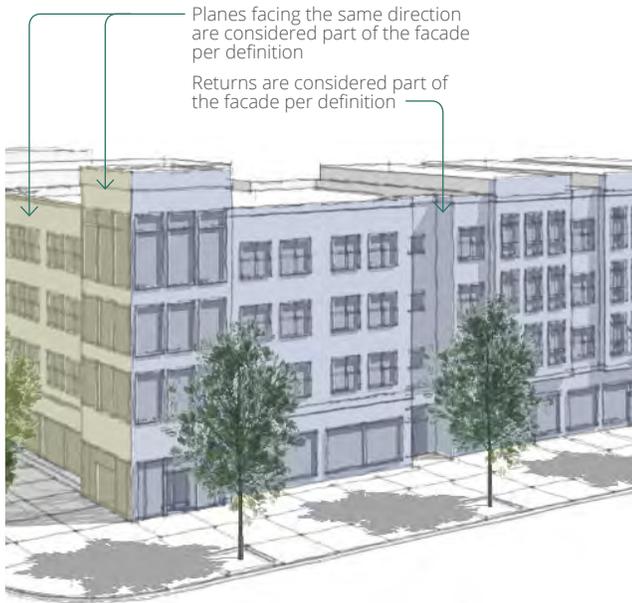


Figure M-1 (6). Facade Definition.

delineate the top or bottom of floors or stories of a building or divide a facade into smaller sections.

- (d) **Facade.** Facade means the exterior walls of a building exposed to public view from a public street and walls as shown in Figure M-1 (6). Facade Definition.
- (e) **Ground Story Transparency.** Ground story transparency means the measurement of the ground story facade that has highly transparent, low reflectance windows with a minimum sixty percent transmittance factor and a reflectance factor of not greater than 0.25.
- (f) **Impervious Site Coverage.** Impervious site coverage means the percentage of a lot or parcel developed with principal or accessory structures and other surfaces that prevent the absorption of stormwater into the ground, including without limitation, driveways, sidewalks, and patios.
- (g) **Occupied Building Space.** Occupied building space means interior building spaces regularly occupied by the building users. It does not include storage areas, utility space, vehicle service areas, or parking, or other uninhabitable spaces.
- (h) **Parking Yard.** Parking yard means an area extending from the rear building facade to the rear property line between the side yards or, on a corner

property, between the street adjacent side and side yards. Parking yards are fully screened from Type A streets by the building and do not extend to any side lot line or street lot line.

- (i) **Paseo.** Paseo means a pathway designed for use by pedestrians, located mid-block, allowing pedestrian movement through the block from one street to another without traveling along the block's perimeter.
- (j) **Porch.** Porch means a roofed, raised structure at the entrance to the building, and a transition between the interior of the building and the exterior yard or adjacent sidewalk. Refer to Figure M-1 (7). Example of a Porch.
- (k) **Public Way.** Public way means streets, paseos, and multi-use paths, but not alleys.
- (l) **Semi-Pervious Surface or Material.** Semi-pervious surface or material means a material such as pervious pavers, permeable asphalt and concrete, or a green roof that allows for absorption of water into the ground or roof.
- (m) **Stoop.** Stoop means an elevated or at grade platform entranceway at the door to a building, providing a transition between the interior of the building and the sidewalk outside the building. The stoop may be covered by a canopy or awning. Refer

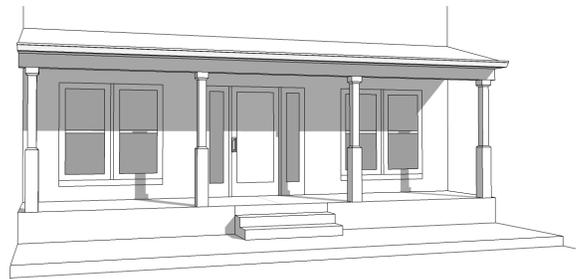


Figure M-1 (7). Example of a Porch.



Figure M-1 (8). Example of a Stoop

## Definitions

to Figure M-1 (8). Example of a Stoop.

- (n) **Storefront.** Storefront means a use limitation in specified areas that permits only dining and entertainment uses, personal service uses, and retail sales uses. Such uses must also meet the standards of Chapter 9-6, "Use Standards," B.R.C. 1981.
- (o) **Story, Ground.** Ground story means the first floor of a building that is level to or elevated above the finished grade on the front and corner facades. The ground story excludes basements or cellars. Refer to Section 9-16-1, "General Definitions," B.R.C. 1981, for a definition for basement.
- (p) **Story, Half.** Half story means either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with windows or doors facing the street.
- (q) **Story, Upper.** Upper story means one story or more located above the ground story of a building.
- (r) **Transparency.** Transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows with a minimum fifty percent transmittance factor and a reflectance factor of not greater than 0.25.
- (s) **Type A Frontage.** Type A frontage means a frontage along a Type A street that receives priority over other frontages in terms of locating principal entrances, prioritizing facade design elements, and incorporating design requirements associated with pedestrian orientation.
- (t) **Type A Street.** Type A street means a street designated on the regulating plan that receives priority over other streets in terms of setting front lot lines and locating building entrances.
- (u) **Type B Frontage.** Type B frontage means a frontage along a Type B street that allows for a lower level of facade treatment as well as permits locations for garage and parking lot driveway entrances.
- (v) **Type B Street.** Type B street means a street designated on the regulating plan that receives lower priority than type A street in terms of building frontage and facade requirements; it allows for a lower level of facade treatment as well as permits locations for garage and parking lot driveways entrances.
- (w) **Visible Basement.** Visible basement means a half story partially below grade and partially exposed above.



# Site Design



### M-1-9. RIGHTS-OF-WAY

The arrangement, type, character, extent, and location of all rights-of-way shall conform to the requirements of Section M-1-6, "Regulating Plans," and Section 9-9-8, "Reservations, Dedication, and Improvement of Rights-of-Way," B.R.C. 1981, unless modified in accordance with this section.

(a) **Amendments.** Amendments to the location of rights-of-ways and addition to or deletion of rights-of-ways shown in the Transit Village Connections Plan or the regulating plan may be approved pursuant to the process and criteria established in the Transit Village Area Plan for amendments to the Transit Village Connections Plan. A request for such an amendment may be processed in conjunction with a form based code review under Section 9-2-16, "Form Based Code Review," B.R.C. 1981

### M-1-10. STREETScape DESIGN REQUIREMENTS

In addition to the requirements of the Boulder Revised Code and the City of Boulder Design and Construction Standards, the streetscape of all new and existing streets, paseos, and enhanced paseos shall meet the standards of this section unless modified through approval of an exception under Section 9-2-16, "Form Based Code Review," B.R.C. 1981.

- (a) **Conformance to Plans.** The streetscape shall be designed and completed consistent with the streetscape guidelines of the Transit Village Connections Plan.
- (b) **Streetscape Area.** The streetscape of any existing or new street shall occupy the full pedestrian realm, including the pedestrian facilities area and any street buffer required for the street type or similar area of an existing street. For enhanced paseos and paseos, the streetscape occupies the entire right-of-way or easement.
- (c) **Compatible Design.** The streetscape design, including but not limited to paving patterns, seating areas, bulb-outs, of all street frontages within the development shall be designed to be compatible in character.
- (d) **Additional Design Requirements.** The streetscape design shall meet the following standards:
- (1) **Bulb-outs.** To shorten pedestrian crossings, pedestrian bulb-outs shall be installed at each end of any pedestrian crossing located at an intersection except in locations where the city manager determines that the street design

would not adequately accommodate the turning movements of emergency vehicles.

- (2) **Sight Triangle Area.** The requirements of Section 9-9-7, "Sight Triangle," B.R.C. 1981, shall be complied with.
  - (A) **Alternative Method of Compliance.** The approving authority may approve an alternative design to the sight triangle requirements of Section 9-9-7, "Sight Triangle," B.R.C. 1981, if the applicant demonstrates that accepted engineering practice would indicate that a modified visibility distance, either greater or lesser, would be acceptable or necessary for the safety of pedestrians, motorists, and bicyclists.
- (3) **Street Furnishings.** At least two benches and one trash receptacle shall be installed in each block of a street.

### M-1-11. SITE DESIGN REQUIREMENTS

- (a) **Driveways.** Driveway locations are permitted consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981. For the purposes of this appendix and determining site access, Type B frontages are lower category streets than Type A frontages.
- (b) **Treatment of Build-to Zones, Yards, & Setbacks.** All build-to zones, where not occupied by a building, all setbacks, and all yards shall be designed consistent with the following standards:
- (1) **Site Open Space.** Build-to zones, setbacks, and yards, with the exception of parking areas, driveways, loading zones, mechanical equipment, and refuse and recycling areas, shall meet the design standards for useable open space established in Subsection 9-9-11(e), "Types of Useable Open Space," B.R.C. 1981.
  - (2) **Prohibited Uses.** Surface parking spaces, mechanical equipment, refuse and recycling areas, and loading areas shall not be located within any build-to zone or minimum setback.
  - (3) **Driveways.** Driveways may not be located in any build-to zone and setbacks unless consistent with Section 9-9-5, "Site Access Control," B.R.C. 1981, or with paragraph (b)(2) of this section to connect to an adjacent parking lot. When allowed, driveways shall may cross perpendicularly through build-to zones and setbacks.
- (c) **Inter-Lot Drives.** Adjacent parking lots in a development shall be connected with a shared drive that perpendicularly crosses any side and /or rear setback.

### M-1-12. OUTDOOR SPACE REQUIREMENTS

- (a) **Intent.** The intent of the outdoor space requirements is the provision of common outdoor spaces for gathering and socializing between neighbors as well as to provide breaks in the urban fabric of the area buildings.
- (b) **Applicability.** Outdoor space shall be designed and constructed or improved consistent with the requirements of this section.
- (c) **Outdoor Space Required by Location.** Outdoor space shall be provided in the following locations:
- (1) **Specific Locations.** Outdoor space shall be provided in the locations shown in Figure M-1 (10), "Boulder Junction: Required Locations for Outdoor Space."
  - (2) **Underpass Outdoor Space.** Outdoor space shall be provided in any location where Figure M-1 (10) shows a future underpass. The minimum size of such outdoor space shall be determined by the city manager. The space shall be not less than 200 feet in length and 35 feet in width and must be long enough to provide for transition grades and wide enough to allow for landscaping and paving area.
- (d) **Outdoor Space on Site or within 1/8 Mile.** One outdoor space shall be provided on the project site unless one outdoor space that is a public outdoor space or to which the anticipated residents, tenants, employees, customers, and visitors to the development have a right of access and use is located within no more than 1/8 of a mile of all public entrances to the buildings of the development.
- (e) **Outdoor Space Types.** All required outdoor space shall comply with one of the outdoor space types defined in subsections M-1-12(p) through (t) of this section and the specifications applicable to the type used.
- (1) **Specified Type.** If a type of outdoor space is specified in Figure M-1 (10) for the project site, such type must be utilized.
  - (2) **No Specified Type.** If no type is specified in Figure M-1 (10) or the type is designated as flexible, any one of the outdoor space types defined in subsections M-1-12(p) through (t) of this section shall be utilized provided that the type utilized will result in a mix of outdoor spaces in the vicinity of the development.
- (f) **General Design Standards.** All outdoor space shall be designed and maintained to meet the

following standards:

- (1) **Landscaped Areas.** Landscaped areas must meet the requirements of Section 9-9-12, "Landscaping and Screening Standards," B.R.C. 1981;
  - (2) **Exterior Paved Areas.** Exterior paved areas shall meet the standards of Subparagraphs 9-9-11 (e) (5)(A) and (B), B.R.C. 1981; and
  - (3) **Recreational Amenities.** Seating and other elements encouraging use and occupation of the space and spatially defining the space shall be included in the design so as to make the space attractive and an integral part of the circulation pattern of the development. Such elements may include benches, tables, ornamental lighting, sculptures, landscape planters or movable containers, trees, tree grates, water features, or other recreational amenities.
- (g) **Access.** All required outdoor spaces shall be accessible from a pedestrian route associated with a vehicular right-of-way and/or adjacent building entrances or exits.
- (h) **Fencing.** Outdoor space types may incorporate fencing provided that the following requirements are met:
- (1) **Height.** No fence shall exceed forty-eight inches in height. This maximum fence height may be modified by the approving authority to ensure functionality and safety of the users of the outdoor space, for example, in proximity to railroad right-of-way and around swimming pools, ball fields, and ballcourts.
  - (2) **Level of Opacity.** Fence opacity shall not exceed sixty percent.
  - (3) **Type.** Chain-link fencing is prohibited along any street frontage. The approving authority may modify this standard around sports field or courts to ensure the safety of the users and visitors to the property and functionality of the outdoor space use.
  - (4) **Openings.** Openings or operable, unlocked gates shall be provided on every street frontage at a minimum of one per every 100 feet of frontage.
- (i) **Open Water Body.** All open water bodies, such as lakes, ponds, pools, creeks, and streams within an outdoor space type shall be located at least twenty feet from a property line to allow for pedestrian and bicycle access as well as a landscape area surrounding the water body.
- (j) **Parking Requirements.** Parking shall not be required for any outdoor space type, unless a use other than open space is determined by the city manager.
- (k) **Continuity.** New outdoor space shall connect to abutting, or proximate existing, or planned public way or open space.
- (l) **Measuring Size.** When determining whether dimensions requirements of this section are met, the following standards apply:
- (1) **Size.** The size of the outdoor space is measured to include all landscape and hardscape areas associated directly with the outdoor space.
  - (2) **Minimum Dimension.** The minimum length or width of the outdoor space type shall be measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot consistent with "Figure M-1 (9). Outdoor Space: Measuring Minimum Dimensions." on page 17.
  - (3) **Minimum Percentage of Street Frontage Required.** A minimum percentage of the outdoor space perimeter, as measured along the outer edge of the space, shall be located directly adjacent to a street.
- (m) **Improvements.** When determining the specific improvements standards applicable to each outdoor space type, the following shall apply:
- (1) **Designated Sports Fields.** Designated sports field shall mean sports fields or ball courts designated for one or more particular sports, including but not limited to baseball fields, softball fields, soccer fields, basketball courts, football fields, and tennis courts.
  - (2) **Playgrounds.** Playgrounds shall mean a defined area with play structures and equipment typically designed for children under twelve years of age, such as slides, swings, climbing structures, and skate parks. Where a playground is required, it shall include soft surfacing and structures and shall be a minimum of 1800 square feet in total area.
  - (3) **Fully Enclosed Structures.** Where permitted, fully enclosed structures may include such uses as small cafes, kiosks, community centers, and restrooms. For some outdoor space types, fully enclosed structures are subject to a maximum building coverage limitation, limiting the building

coverage to a percentage of the outdoor space area.

- (4) **Semi-Enclosed Structures.** Semi-enclosed structure shall mean open-air structure, such as a gazebo. Semi-enclosed structures are permitted in all outdoor space types.
- (5) **Maximum Impervious and Semi-Pervious Surface.** The amounts of impervious and semi-pervious coverage are provided separately for each type to allow an additional amount of semi-pervious surface, such as permeable paving, above the impervious surfaces permitted, including, but not limited to, sidewalks, paths, and structures as permitted.
- (6) **Maximum Percentage of Open Water Body.** Maximum percentage of open water body shall mean the maximum amount of area within the outdoor space that may be covered by an open water body, including but not limited to ponds, lakes, and pools.

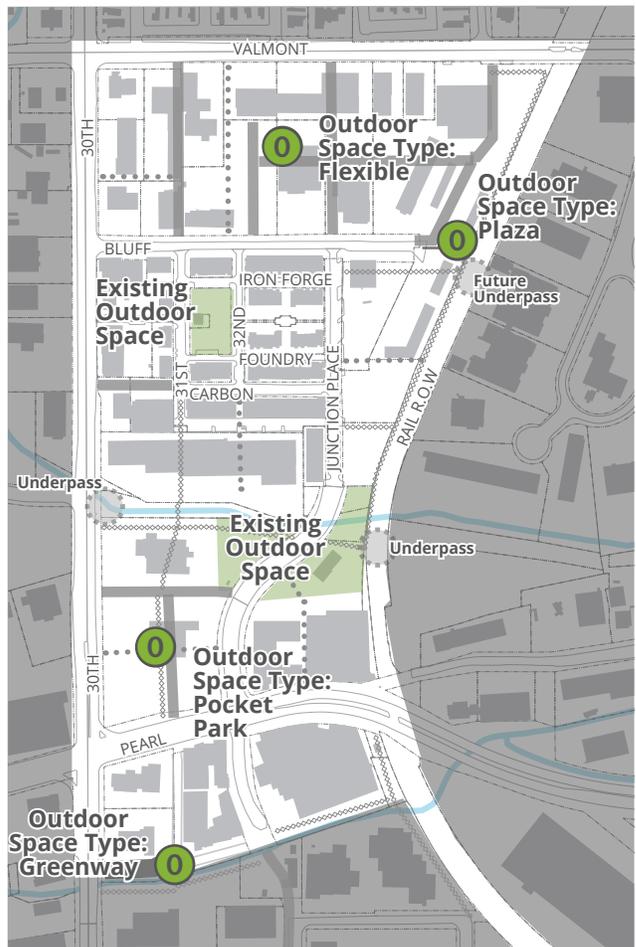
**(n) Stormwater in Outdoor Space Types.**

Stormwater management practices, such as storage and retention facilities, may be integrated into any of the outdoor space types and utilized to meet stormwater requirements for surrounding parcels subject to the following standards:

- (1) **Stormwater Features.** Stormwater features in outdoor space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, pond, or pool, as part of the landscape design.
- (2) **Fencing.** Stormwater features shall not be fenced and shall not impede public use of the space.
- (3) **Walls.** Retaining walls over 2.5 feet in height are not permitted in any outdoor space accommodating stormwater. Exposed concrete is prohibited; all concrete shall be faced with stone or brick.
- (4) **Structures.** All inlets, pipes, overflows, outfalls, and other structures required for the stormwater facility shall be incorporated into a landscape design and designed as unobtrusively as feasible. Exposed concrete is prohibited; all concrete shall be faced with stone or brick.
- (5) **Qualified Professional.** A qualified landscape architect shall be utilized to design the space



**Figure M-1 (9).** Outdoor Space: Measuring Minimum Dimensions.



**Figure M-1 (10).** Boulder Junction: Required Locations for Outdoor Space

for use by people, incorporating the stormwater features into the design.

- (o) Small Projects.** The approving authority shall reduce the minimum size requirement of an outdoor space type to a size of fifteen percent of the project size if the applicant demonstrates the following:
- (1) The outdoor space requirements cannot be met through an off-site outdoor space within 1/8 of a mile of all public entrances to the buildings of the development that is a public outdoor space or a space to which the anticipated residents, tenants, employees, customers, and visitors to the development have a right of access and use; and
  - (2) The project site is smaller than 0.7 acres in size. All contiguous lots or parcels under common ownership or control shall be considered the project site for purposes of determining the project size under this subparagraph. Contiguity shall not be affected by the existence of a platted street or alley or any other public or private right-of-way.



**(p) Plaza.**

The intent of the plaza is to provide a formal outdoor space of medium scale that may serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other type of outdoor space regulated in this section. Special features, such as fountains and public art installations, are encouraged.

**PLAZA REQUIREMENTS**

Dimensions	
Minimum Size	0.10 acres
Maximum Size	1 acres
Minimum Dimension	80 feet
Minimum Percentage of Street or Public Way Frontage Required	25%
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Not permitted
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum Impervious Surface + Semi-Pervious Surface	60%+ 20%
Maximum Percentage of Open Water	30%



**(q) Green.**

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

**(r) Commons.**

The intent of the commons is to provide an informal, small to medium scale outdoor space for active or passive recreation. Commons are typically internal to a block and tend to serve adjacent building occupants.

**GREEN REQUIREMENTS**

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

**COMMONS REQUIREMENTS**

Dimensions	
Minimum Size	0.25 acres
Maximum Size	1.5 acres
Minimum Dimension	45 feet
Minimum Percentage of Street or Public Way Frontage Required	0%; requires a minimum of two access points (minimum 20 feet wide)
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Permitted
Fully Enclosed Structures	Not permitted
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%



### (s) Pocket Park.

The intent of the pocket park is to provide a small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.

### (t) Park/Greenway.

The intent of the park/greenway is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

#### POCKET PARK REQUIREMENTS

Dimensions	
Minimum Size	.10 acres
Maximum Size	1
Minimum Dimension	None
Minimum Percentage of Street Frontage Required	30%
Improvements	
Designated Sports Fields	Not permitted
Playgrounds	Required
Fully Enclosed Structures	Not permitted
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water	30%

#### PARK/GREENWAY REQUIREMENTS

Dimensions	
Minimum Size	2 acres
Maximum Size	None
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size
Improvements	
Designated Sports Fields	Permitted
Playgrounds	Permitted
Fully Enclosed Structures	Permitted in parks 5 acres or larger in size
Maximum Impervious Surface + Semi-Pervious Surface	20% + 10%
Maximum Percentage of Open Water	30%



# Building Types



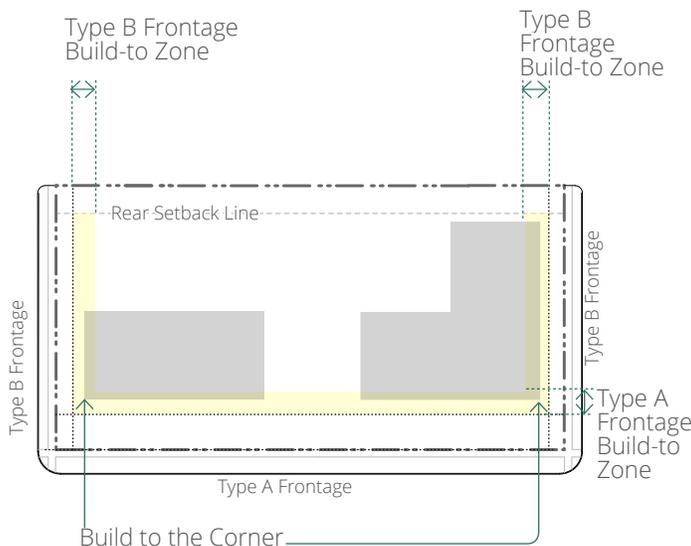


**M-1-13. GENERAL REQUIREMENTS OF BUILDING TYPES**

- (a) **Purpose.** The purpose of the building types requirements is to establish standards for building design, building form, siting of buildings, and specific uses based on the building type that may be utilized on a property pursuant to the applicable regulating plan or as otherwise authorized.
- (b) **Building Types Requirements.** No person shall develop, use, or occupy any building or other property located within the area designated in Appendix L, 'Form Based Code Areas,' B.R.C. 1981, except in conformance with the building type standards of Sections M-1-15 through M-1-19 of this appendix.
- (c) **Uses in Building Types.** All uses of a property shall meet the requirements of Chapter 9-6, "Use Standards," B.R.C. 1981. Where use regulations are imposed by this appendix based on the building type, the use of the property shall also be consistent with those standards.
- (d) **General Building Design Requirements.** All buildings shall comply with the building design requirements of sections M-1-21 through M-1-29 of this appendix.
- (e) **Multiple Principal Structures.** Multiple structures may be constructed on a lot or parcel.

All structures shall meet the applicable building type requirements, including the build-to zone requirements.

- (f) **Build to the Corner.** On corners, a building or structure shall be located at the intersection of the two build-to zones as shown in Figure M-1 (11). The standards of Section M-1-10(d)(2), Sight Triangles, must also be met.
- (g) **Type A & B Frontages.** A hierarchy of frontages is established for properties located within the area shown on Appendix L, "Form Based Code Areas." Frontages include streets, paths, waterways, and other public ways.
  - (1) **Type A Frontage Description.** A Type A frontage designation establishes the fronts of lots and buildings and where to locate the principal entrance to the building. A Type A frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Type A frontages must be provided as follows:
    - (A) **Type A Street Frontages.** Type A frontage requirements have to be met along those locations where a Type A frontage is designated on the regulating plan.
    - (B) **Outdoor Space Types.** Where a lot or parcel contains or abuts a required outdoor



**Figure M-1 (11).** Build-to Corner and Build-to Zones

space, the frontage of a building abutting the outdoor space shall meet Type A frontage requirements.

(C) **Specific Type A Frontages.** Type A frontage requirements also have to be met along the following ways:

(1) **Boulder Junction Phase I.** Goose Creek, the North Boulder Farmer's Ditch, and all enhanced paseos.

(D) **Corners.** At corners of buildings on public ways, Type A frontage treatments shall be continued around the corner along the public way for a minimum of thirty feet.

(E) **Multiple Type A Frontages and No Type B Frontage.** If multiple Type A frontages and no Type B frontages are required on a building, one Type A frontage may be treated as a Type B frontage for the building type requirements if the approving authority finds that one of the following standards is met with regard to such frontage:

(1) Configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with Type B requirements.

(2) The classification of the street is more focused on traffic movement than pedestrian orientation.

(3) The area plan prioritizes the street lower than other Type A Frontages.

(2) **Type B Frontages Description.** A Type B frontage designation allows for a lower level of facade treatment and allows garage and parking lot driveway entrances on the frontage. Type B frontages have to be provided as follows:

(A) **Type B Street Frontages.** Type B frontage requirements shall be met along those locations where a Type B frontage is designated on the regulating plan.

(B) **Other Ways.** All ways other than streets or alleys, including, but not limited to, paseos, multi-use paths, waterways, busways, and rail lines, shall be treated as Type B frontages unless otherwise required in this appendix; however, vehicular access and recycling, refuse, and loading access is not permitted off these ways.

(C) **Yard Definition.** Yard is defined in Section 9-16-1, "General Definitions," B.R.C. 1981.

For the purposes of this Appendix M, the following standards shall supplement and, where inconsistent, supercede the definition of Section 9-16-1, B.R.C. 1981:

(1) **Side and Rear Yards Abut Other Lots, an Alley, or a Rail Right-of-Way.** On a property located in an area designated in Appendix L, "Form Based Code Areas," only yards abutting a lot, an alley, or a rail right-of-way at the lot line, and not a street, waterway or other Type A or B frontage, are considered side or rear yards.

(2) **Front Yards, Street Adjacent Yards, and Side equals Front Yards.** Front yards, street adjacent yards, and side equals front yards are regulated through the designation of Type A and Type B frontages.

(3) **Parking Yard.** Parking yard shall have the meaning defined in Section M-1-8, "Definitions," B.R.C. 1981.

(h) **Modifications.** The approving authority may approve the following modifications if the approving authority finds the proposed design substantially meets the intent of the requirement being modified

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

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

(3) **Type A Frontage Lot Line Coverage.** For the commercial storefront building only, up to ten percent decrease in Type A frontage lot line coverage requirements.

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

(5) **Transparency.** Up to two percent reduction of the required transparency on a non-Type A frontage facade; and up to four square feet increase of the blank wall area limitation of Paragraph Subsection M-1-20(e)(2) on a non-Type A frontage facade.

### M-1-14. DESCRIPTIONS OF BUILDING TYPES

This section generally describes the building types established for development on land designated in Appendix L, "Form Based Code Areas." Sections M-1-15 through M-1-19 establish standards applicable to a building type. Sections M-1-20 and M-1-21 regulate the application of the requirements specific to a building type. No person shall use land designated in Appendix L except in conformance with the building type requirements of those sections, unless modified through an exception under Subsection 9-2-16(i), B.R.C. 1981.

for more iconic designs within the urban fabric of the area. This building type is limited to specific public and institutional uses, such as governmental facilities, religious assemblies, schools, colleges, and universities, as well as parks and recreation uses, museums, and live theaters. Refer to Section M-1-19, B.R.C. 1981, for requirements.

- (a) **Main Street Storefront Description.** The main street storefront building type is a highly pedestrian-oriented, mixed-use building. Ground story storefront is required along all Type A streets with only personal service, retail, dining, and entertainment uses to provide activity. Upper story uses are highly flexible. Parking is in the rear or off-site. Refer to Section M-1-15, B.R.C. 1981, for requirements.
- (b) **Commercial Storefront Description.** The commercial storefront building type permits single use buildings and more parking locations, but still addresses pedestrian orientation with buildings built up to the sidewalk and storefront glass requirements. This building type allows a broader variety of commercial, retail, and industrial uses on the ground story, including vehicle-related uses. Refer to Section M-1-16, B.R.C. 1981, for requirements.
- (c) **General Building Description.** The general building type is a basic building that serves as urban fabric, built along the sidewalk connecting the more commercial spaces with open spaces. This building can accommodate a wide range of uses. It differs from the storefront by its lower requirement for ground story glass and allowance for an above-sidewalk level ground story elevation. Refer to Section M-1-17, B.R.C. 1981, for requirements.
- (d) **Row Building Description.** The row building type is similar to the general building, but is smaller in scale. The ground story is required to be divided into different units, each with separate entrances. Townhouses, rowhouses, live-work units, incubator space, or small width industrial or craftsman spaces fit well into this building type. Refer to Section M-1-18, B.R.C. 1981, for requirements.
- (e) **Civic Building Description.** The civic building type is the most flexible building, meant to allow

### M-1-15. MAIN STREET STOREFRONT BUILDING TYPE

Refer to M-1-6 Regulating Plans for the locations of buildings in the Form Based Code Areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure M-1 (12).			
1	Minimum Type A Frontage Build-to Zone Coverage	90% required	One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards Type A frontage build-to zone coverage.
2	Type A Frontage Build-to Zone	0' to 5' from minimum streetscape, see note right	Build-to zones are measured from the outside edge of any sidewalk/public access easement or the right-of-way, if no sidewalk/public access easement is required or exists. Refer to M-1-20(b) for additional information.
3	Type B Frontage Build-to Zone	0' to 5' from minimum streetscape, see note right	
4	Minimum Side Setback	5'; 0' required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Minimum Rear Setback	10'; minimum 25' if no alley; 0' required at paseo or multi-use path	
6	Maximum Building Length along any Public Way	150'	Refer to Section M-1-28 for Building Massing Requirements.
7	Maximum Site Impervious Coverage Additional Semi-Pervious Coverage	70% 25%	Refer to Section M-1-8. Definitions for semi-pervious coverage.
8	Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location	Parking yard only	Refer to Section 9-9-9 for loading requirements and 9-9-12, B.R.C., 1981, for screening requirements.
9	Permitted Driveway Access Locations Permitted Garage Entrance Location	Alley Rear facade only; if no rear facade, Type B Frontage street is permitted	If no alley exists or is planned, driveway access off a Type B street is permitted.
<b>HEIGHT</b> Refer to Figure M-1 (13).			
10	Overall: Minimum Height Maximum Height	2 stories 3 stories and up to 40' in height north of Goose Creek and west of Junction Place; 5 stories elsewhere up to 55', unless otherwise required by M-1-6. Regulating Plans and/or M-1-8. View Corridors	Refer to Subsections M-1-20(c) Measuring Height and M-1-28 for Building Massing requirements. Subsection M-1-21(d) Tower allows additional height in a limited footprint.
11	Ground Story: Minimum Height Maximum Height	14' 22'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.

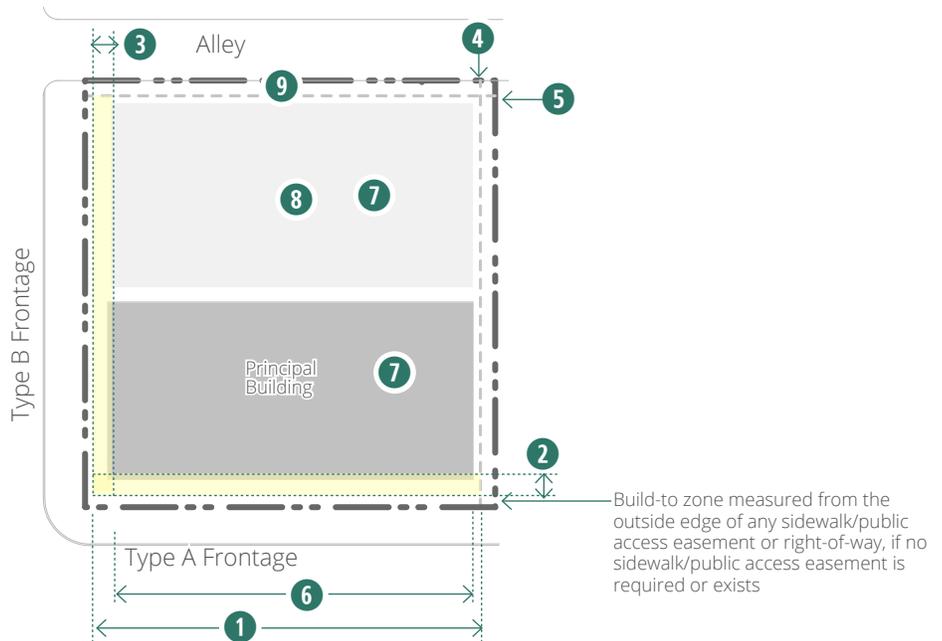
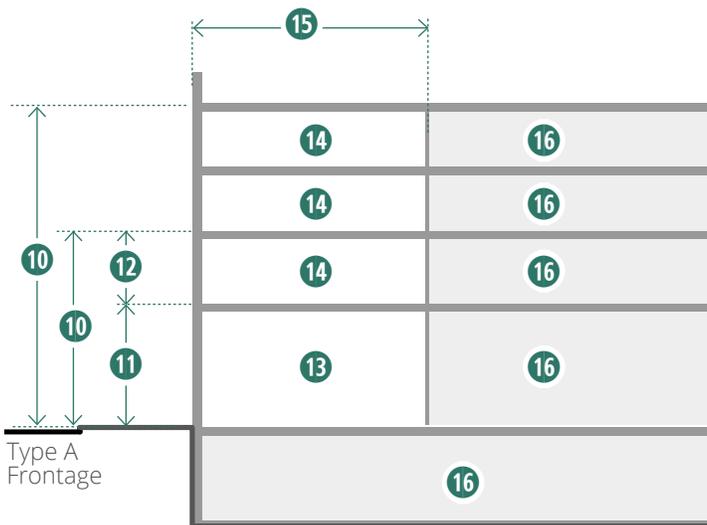
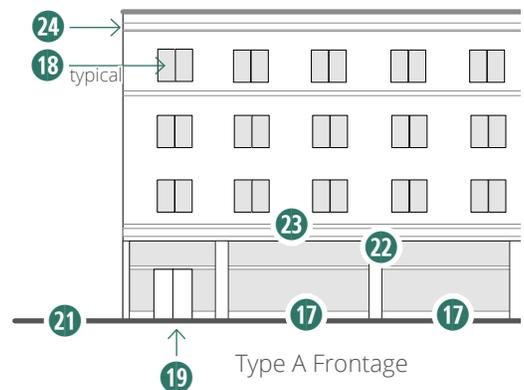


Figure M-1 (12). Storefront Building: Building Siting

		BOULDER JUNCTION PHASE I	REFERENCES/ADDITIONAL REQUIREMENTS
<b>12</b>	Upper Stories: Minimum Height Maximum Height	9' 12'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.
<b>USES</b> Refer to Figure M-1 (13).			
<b>13</b>	Type A Frontage Ground Story	Only dining & entertainment uses, personal service uses, retail sales uses consistent with Chapter 9-6	Refer to Chapter 9-6, B.R.C., 1981, for permitted uses per zoning district and definition of uses.
<b>14</b>	Type B Frontage & All Upper Stories	All uses consistent with Chapter 9-6	
<b>15</b>	Required Occupied Building Space	Minimum 20' deep on all full height floors, not including basement, from any street facade.	Refer to Section M-1-8. Definitions for Occupied Building Space.
<b>16</b>	Parking within Building	Permitted fully in any basement and in rear of all other stories. Prohibited where occupied space is required.	Refer to Occupied Building Space requirement above.
<b>FACADE &amp; CAP REQUIREMENTS</b> Refer to Figure M-1 (14).			
<b>17</b>	Type A Frontage Ground Story Transparency	Minimum 75% measured between 2' and 10' for average grade of adjacent sidewalk	Note that Subsection M-1-13(g) requires this treatment to turn corners. Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>18</b>	Required Transparency on All Street, Courtyard, & Public Way Facades	Minimum 20%, measured per story of all stories, including blank wall limitations defined in M-1-20(e).	Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>19</b>	Entrance Location & Number	Principal entrance required on Type A frontage facade; entrances required a minimum of one per every 60' of building facade	Refer to Section M-1-20(f) for information on measuring entrance location.
<b>20</b>	Entryway Configuration	Recessed between 3' and 8', maximum 8' wide, from the portion of the Type A frontage facade closest to the street	Refer to Subsection M-1-25(e) for Principal Entryway requirements.
<b>21</b>	Entrance/Ground Story Elevation Grade	80% of entrances and the ground story shall be within 1.5' (vertical) of adjacent sidewalk elevation	
<b>22</b>	Ground Story Vertical Facade Divisions	One minimum 2" deep expression line per every 30' of facade width	
<b>23</b>	Horizontal Facade Divisions	One minimum 2" deep expression line within 3' of the top of the ground story and the bottom of any 5th story	Refer to Section M-1-8. Definitions for Expression Line.
<b>24</b>	Permitted Cap Types	Parapet, Pitched, Flat;	Refer to Section M-1-21 for Cap Types; and other cap requirements.



**Figure M-1 (13).** Storefront Building Section: Height & Use Requirements



**Figure M-1 (14).** Storefront Building Elevation: Facade Design Requirements

### M-1-16. COMMERCIAL STOREFRONT BUILDING TYPE

Refer to M-1-6 Regulating Plans for the locations of buildings in the Form-Based Code Areas.

BOULDER JUNCTION PHASE I			REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to Figure M-1 (15).			
<b>1</b>	Minimum Type A Frontage Build-to Zone Coverage	60% required	.
<b>2</b>	Type A Frontage Build-to Zone	12' to 20' along Valmont and 30th Street; 0' to 10' along new streets	Build-to zones are measured from the outside edge of any sidewalk/public access easement or the right-of-way, if no sidewalk/public access easement is required or exists. Refer to M-1-20(b) for additional information.
<b>3</b>	Type B Frontage Build-to Zone	0' to 10'	
<b>4</b>	Minimum Side Setback	5'; 0' required at paseo or multi-use path	
<b>5</b>	Minimum Rear Setback	15'; 25' required if no alley; 0' required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
<b>6</b>	Maximum Building Length along any Public Way	90'	Refer to Section M-1-28 for Building Massing Requirements.
<b>7</b>	Maximum Site Impervious Coverage Additional Semi-Pervious Coverage	70% 25%	Refer to Section M-1-8. Definitions for semi-pervious coverage.
<b>8</b>	Surface or Accessory Parking & Loading Location Refuse & Recycling, Utilities Location	Parking yard & interior side yard  Parking yard only	Refer to Section 9-9-9 for loading requirements and 9-9-12, B.R.C., 1981, for screening requirements.
<b>9</b>	Permitted Driveway Access Locations Permitted Garage Entrance Location	Alley Rear facade preferred, Interior side facade permitted, one permitted on Type B Frontage facade	
<b>HEIGHT</b> Refer to Figure M-1 (16).			
<b>10</b>	Overall: Minimum Height Maximum Height	1 story 3 stories up to 35'	Refer to Subsections M-1-20(c) Measuring Height and M-1-28 for Building Massing requirements. Subsection M-1-21(d) Tower allows additional height in a limited footprint.
<b>11</b>	Ground Story: Minimum Height Maximum Height	12' 18'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.
<b>12</b>	Upper Stories: Minimum Height Maximum Height	9' 14'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.

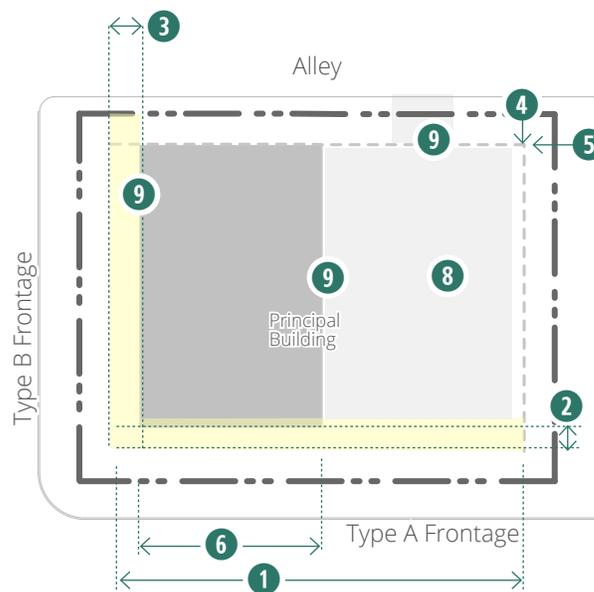
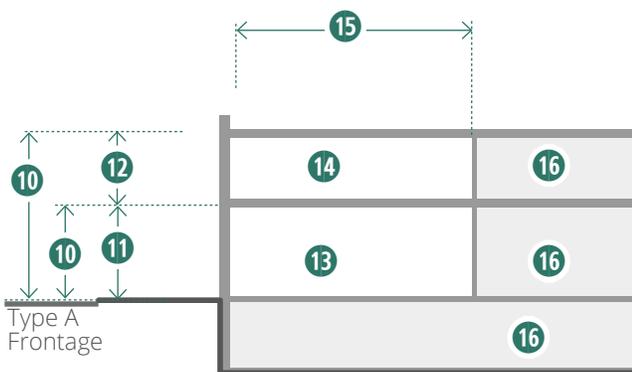


Figure M-1 (15). Commercial Storefront Building Plan: Building Siting Requirements

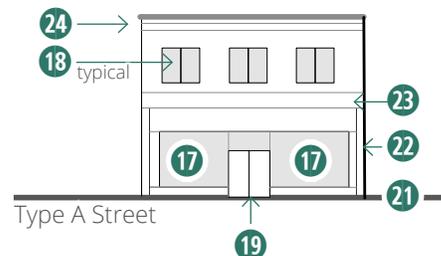
**BOULDER JUNCTION PHASE I**

**REFERENCES/  
ADDITIONAL REQUIREMENTS**

<b>USES</b> Refer to Figure M-1 (16).		<b>REFERENCES/ ADDITIONAL REQUIREMENTS</b>
<b>13</b> All Frontages & Stories	All uses consistent with Chapter 9-6;	Refer to Chapter 9-6, B.R.C., 1981, for permitted uses per zoning district and definition of uses..
<b>15</b> Required Occupied Building Space	Minimum 20' deep on all full height floors from any street facade	Refer to Section M-1-8. Definitions for Occupied Building Space.
<b>16</b> Parking within Building	Permitted fully in any basement and in rear of all other stories. Prohibited where occupied space is required.	Refer to Occupied Building Space requirement above.
<b>FACADE &amp; CAP REQUIREMENTS</b> Refer to Figure M-1 (17).		
<b>17</b> Type A Frontage Ground Story Transparency	Minimum 55% measured between 2' and 8' for average grade of adjacent sidewalk.	Note that Subsection M-1-13(g) requires this treatment to turn corners. Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>18</b> Required Transparency on All Street, Courtyards, & Public Way Facades	Minimum 15%, measured per story of all stories, including blank wall limitations defined in M-1-20(e).	Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>19</b> Entrance Location & Number	Principal entrance required on Type A frontage facade; entrances required a minimum of one per every 50' of building facade	Refer to Section M-1-20(f) for information on measuring entrance location.
<b>20</b> Entrance Configuration	Recessed between 3' and 8', maximum 8' wide, from the portion of the Type A frontage facade closest to the street	Refer to Subsection M-1-25(e) for Principal Entryway requirements.
<b>21</b> Entrance/Ground Story Elevation Grade	80% of entrances and the ground story shall be within 1.5' (vertical) of adjacent sidewalk elevation	
<b>22</b> Ground Story Vertical Facade Divisions	One minimum 2" deep expression line per every 30' of facade width	Refer to Section M-1-8. Definitions for Expression Line.
<b>23</b> Horizontal Facade Divisions	One minimum 2" deep expression line within 3' of the top of the ground story	
<b>24</b> Permitted Cap Types	Parapet, Pitched, Flat; one Tower permitted per building.	Refer to Section M-1-21 for Cap Types; and other cap requirements.



**Figure M-1 (16).** Commercial Storefront Building Section: Height & Use Requirements

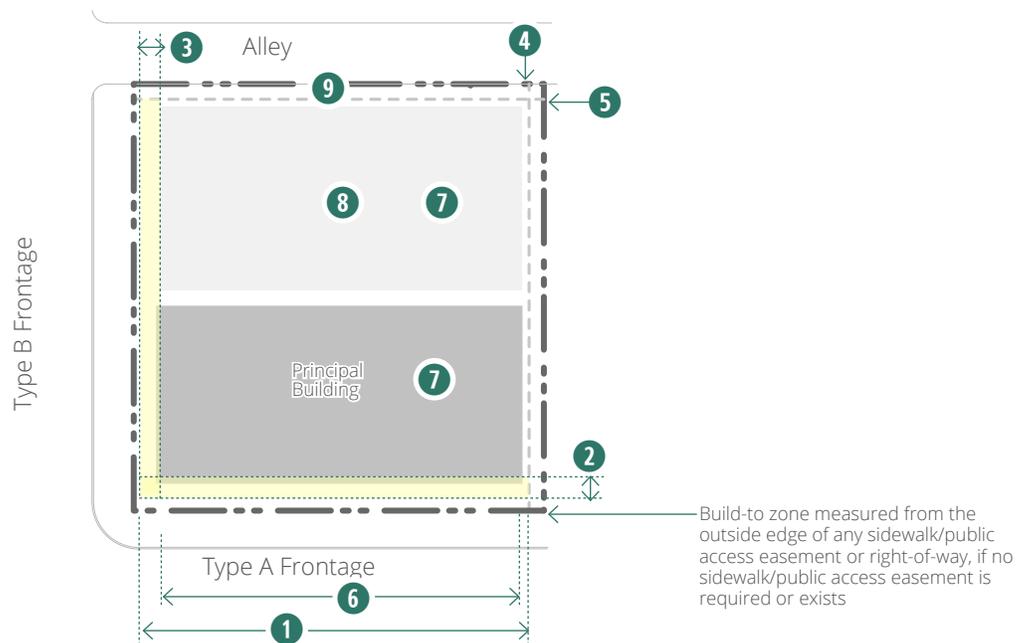


**Figure M-1 (17).** Storefront Building Elevation: Facade Design Requirements

### M-1-17. GENERAL BUILDING TYPE

Refer to M-1-6 Regulating Plans for the locations of buildings in the Form-Based Code Areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to FIGURE M-1 (18).			
1	Minimum Type A Frontage Build-to Zone Coverage	90% required	One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards Type A frontage build-to zone coverage.
2	Type A Frontage Build-to Zone	5' to 10' from minimum streetscape, see note right	Build-to zones are measured from the outside edge of any sidewalk/public access easement or the right-of-way, if no sidewalk/public access easement is required or exists. Refer to M-1-20(b) for additional information.
3	Type B Frontage Build-to Zone	5' to 10' from minimum streetscape, see note right	
4	Minimum Side Setback	5'; 0' required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Minimum Rear Setback	10'; 25' required if no alley; 0' required at paseo or multi-use path	
6	Maximum Building Length along any Public Way	150'	Refer to Section M-1-28 for Building Massing Requirements.
7	Maximum Site Impervious Coverage Additional Semi-Pervious Coverage	65% 25%	Refer to Section M-1-8. Definitions for semi-pervious coverage.
8	Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location	Parking yard only	Refer to Section 9-9-9 for loading requirements and 9-9-12, B.R.C., 1981, for screening requirements.
9	Permitted Driveway Access Locations Permitted Garage Entrance Location	Alley Rear facade only; if no rear facade, Type B Frontage street is permitted	If no alley exists or is planned, driveway access off a Type B street is permitted.
<b>HEIGHT</b> Refer to FIGURE M-1 (19).			
10	Overall: Minimum Height Maximum Height	2 stores 3 stories and up to 40' in height north of Goose Creek and west of Junction Place; 5 stories up to 55' unless otherwise required by M-1-6. Regulating Plans and/or M-1-8. View Corridors	Refer to Subsections M-1-20(c) Measuring Height and M-1-28 for Building Massing requirements. Subsection M-1-21(d) Tower allows additional height in a limited footprint.
11	All Stories: Minimum Height Maximum Height	9' 18'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.



**Figure M-1 (18).** General Building: Building Siting



### M-1-18. ROW BUILDING TYPE

Refer to M-1-6 Regulating Plans for the locations of buildings in the Form-Based Code Areas.

		BOULDER JUNCTION PHASE I	REFERENCES/ADDITIONAL REQUIREMENTS
<b>BUILDING SITING</b> Refer to FIGURE M-1 (21).			For the purposes of the Row Building, a building consists of multiple vertical units.
1	Minimum Type A Frontage Build-to Zone Coverage	80% required	Each unit shall have a facade located within the build-to zone, except 1 of every 3 units may front a courtyard or Outdoor Space Type. Courtyards, maximum 30 feet wide, may count towards Type A frontage build-to zone coverage.
2	Type A Frontage Build-to Zone	5' to 15' from minimum streetscape, see note right	Build-to zones are measured from the outside edge of any sidewalk/public access easement or the right-of-way, if no sidewalk/public access easement is required or exists. Refer to M-1-20(b) for additional information.
3	Type B Frontage Build-to Zone	5' to 15' from minimum streetscape, see note right	
4	Minimum Side Setback	7.5'; 0' required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Minimum Rear Setback	20'; 30' if no alley; 5' for detached garage	
6	Building Length	Minimum 3 units; maximum 6 units or 120', whichever is less.	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details. Refer to Section M-1-28 for Building Massing Requirements.
7	Space between Buildings	Paseo or multi-use path is required between buildings.	
8	Maximum Site Impervious Coverage	60%	Refer to Section M-1-8. Definitions for semi-pervious coverage.
9	Additional Semi-Pervious Coverage	20%	
10	Minimum Yard Area	Minimum 225 square feet rear yard required for each unit not fronting a courtyard or Outdoor Space Type.	Minimum yard area shall meet the standards of one of the applicable types of useable open space specified in Subsection 9-9-11(e), B.R.C., 1981.
11	Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location	Parking yard only	Refer to Section 9-9-9 for loading requirements and 9-9-12, B.R.C., 1981, for screening requirements.
12	Permitted Driveway Access Locations	Alley	
13	Permitted Garage Entrance Location	Rear facade only; if no rear facade, one shared entrance off a Type B Frontage street is permitted.	If no alley exists or is planned, driveway access off a Type B street is permitted.

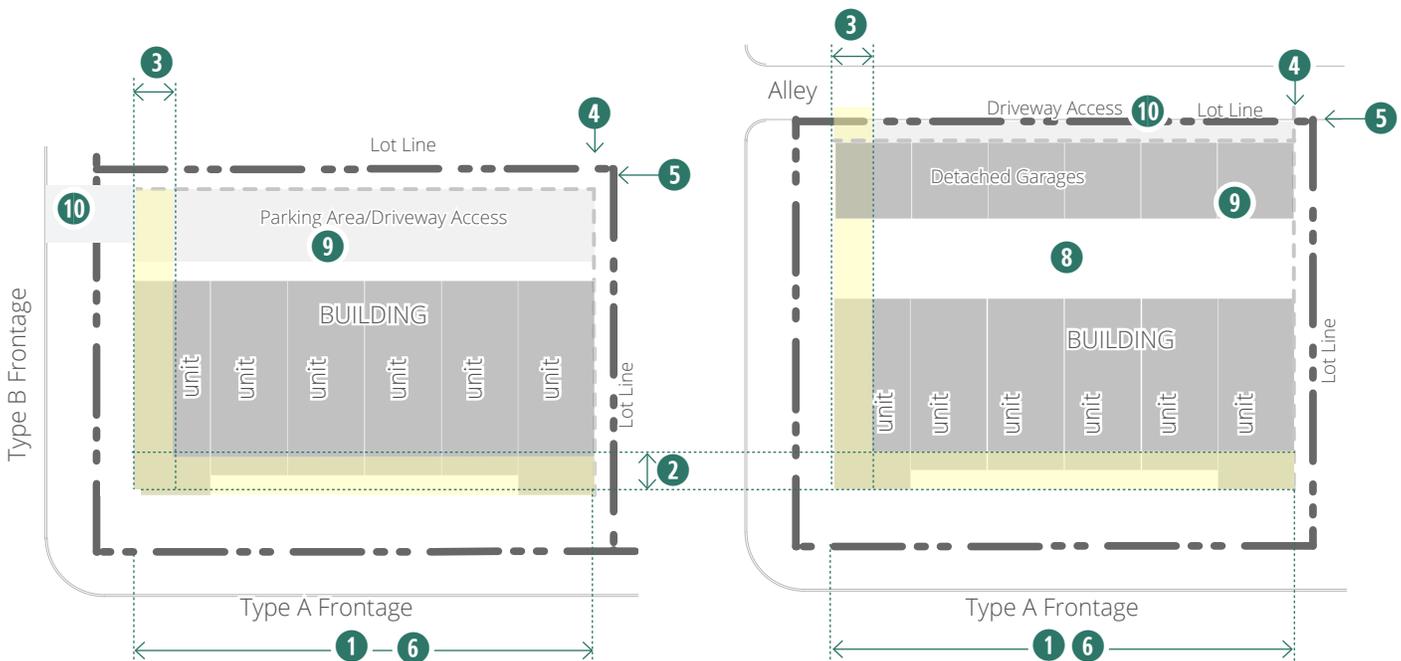
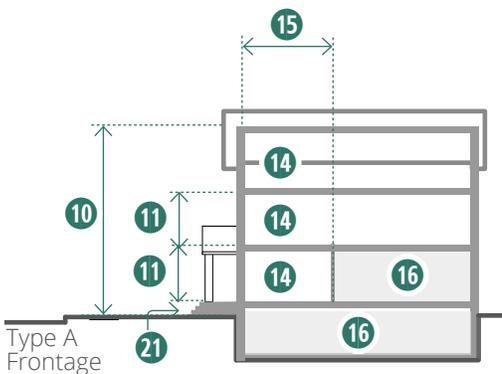


Figure M-1 (21). Row Building: Building Siting

**BOULDER JUNCTION PHASE I**

**REFERENCES/ADDITIONAL REQUIREMENTS**

<b>HEIGHT</b> Refer to FIGURE M-1 (22).		
<b>11</b> Overall: Minimum Height Maximum Height	2 stories 3.5 stories, maximum 35'	Refer to Subsections M-1-20(c) Measuring Height and M-1-28 for Building Massing requirements. Subsection M-1-21(d) Tower allows additional height in a limited footprint.
<b>12</b> All Stories: Minimum Height Maximum Height	9' 16'	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.
<b>USES</b> Refer to FIGURE M-1 (22).		
<b>14</b> All Frontages & Stories	All uses consistent with Chapter 9-6;	Refer to Chapter 9-6, B.R.C., 1981, for permitted uses per zoning district and definition of uses.
<b>15</b> Required Occupied Building Space	Minimum 20' deep on all full height floors from any Type A street facade	Refer to Section M-1-8. Definitions for Occupied Building Space.
<b>16</b> Parking within Building	Permitted fully in any basement and in rear of ground story. Prohibited where occupied space is required.	Refer to Occupied Building Space requirement above.
<b>FACADE &amp; CAP REQUIREMENTS</b> Refer to FIGURE M-1 (23).		
<b>18</b> Required Transparency on All Street, Courtyards, & Public Way Facades	Minimum 20%, measured per story of all stories, including blank wall limitations defined in M-1-20(e).	Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>19</b> Entrance Location & Number	One entrance required per unit on the Type A frontage facade except 1 of every 3 units may front a courtyard or Outdoor Space Type; minimum of one principal entrance per 30' of facade.	Refer to Section M-1-20(f) for information on measuring entrance location.
<b>20</b> Entrance Configuration	Entry doors shall be off a stoop, minimum 4' wide and 3' deep, OR a porch, minimum 8' wide & 5' deep. No more than 2 entry doors may be located off each stoop or porch.	Refer to Section M-1-8. Definitions for Stoop and Porch. Refer to Subsection M-1-25(e) for Principal Entryway requirements.
<b>21</b> Entrance/Ground Story Elevation Grade on Type A Frontage Facade	All Type A frontage facade entrances and the ground story shall be within 30" (vertical) of adjacent street sidewalk average elevation OR between 30" and 5' (vertical) with visible basement (transparency required)	Exception: Entrances along Goose Creek frontage shall be located in reference to the elevation of 30th Street, Carbon Place, and/or Junction Place, whichever is closest.
<b>22</b> Ground Story Vertical Facade Divisions	One minimum 2" deep expression line per every 60' of facade width or every 2 units, whichever is less	Refer to Section M-1-8. Definitions for Expression Line.
<b>23</b> Horizontal Facade Divisions	One minimum 2" deep expression line within 3' of any Visible Basement	
<b>24</b> Permitted Cap Types	Parapet, Pitched, Flat; One tower is permitted per building.	Refer to Section M-1-21 for Cap Types; and other cap requirements.



**Figure M-1 (22).** Row Building: Height & Use Requirements



**Figure M-1 (23).** Row Building: Facade Design Requirements

### M-1-19. CIVIC BUILDING TYPE

The Civic building type is not mapped on the Regulating Plans, but is permitted in any location, limited by the permitted uses inside. Refer to M-1-6 Regulating Plans.

		<b>BOULDER JUNCTION PHASE I</b>	<b>REFERENCES/ ADDITIONAL REQUIREMENTS</b>
<b>BUILDING SITING</b> Refer to FIGURE M-1 (24).			
1	Minimum Type A Frontage Coverage	none required	.
2	Type A Frontage Minimum Setback	20'	
3	Type B Frontage Minimum Setback	15'	
4	Minimum Side Setback	15'; 0' required at paseo or multi-use path	For paseos and multi-use paths, refer to the regulating plans and the Transit Village Connections Plan for locations and details.
5	Minimum Rear Setback	15'; 0' required at paseo or multi-use path	
6	Maximum Building Length	None required	Refer to Section M-1-28 for Building Massing Requirements.
7	Maximum Site Impervious Coverage Additional Semi-Pervious Coverage	50% 20%	Refer to Section M-1-8. Definitions for semi-pervious coverage.
8	Surface or Accessory Parking, Refuse & Recycling, Utilities, & Loading Location	Parking yard only	Refer to Section 9-9-9 for loading requirements and 9-9-12, B.R.C., 1981, for screening requirements.
9	Permitted Driveway Access Locations Permitted Garage Entrance Location	Alley Rear facade only; if no rear facade, Type B Frontage street is permitted	If no alley exists or is planned, driveway access off a Type B street is permitted.
<b>HEIGHT</b> Refer to FIGURE M-1 (25).			
10	Overall: Minimum Height Maximum Height	1 stories 5 stories up to 55'	Refer to Subsections M-1-20(c) Measuring Height and M-1-28 for Building Massing requirements. Subsection M-1-21(d) Tower allows additional height in a limited footprint.
11	All Stories: Minimum Height Maximum Height	9' 18'; 24' on single story building	Stories are measured floor to floor. Refer to Subsection M-1-20(d) for explanation of measurement.

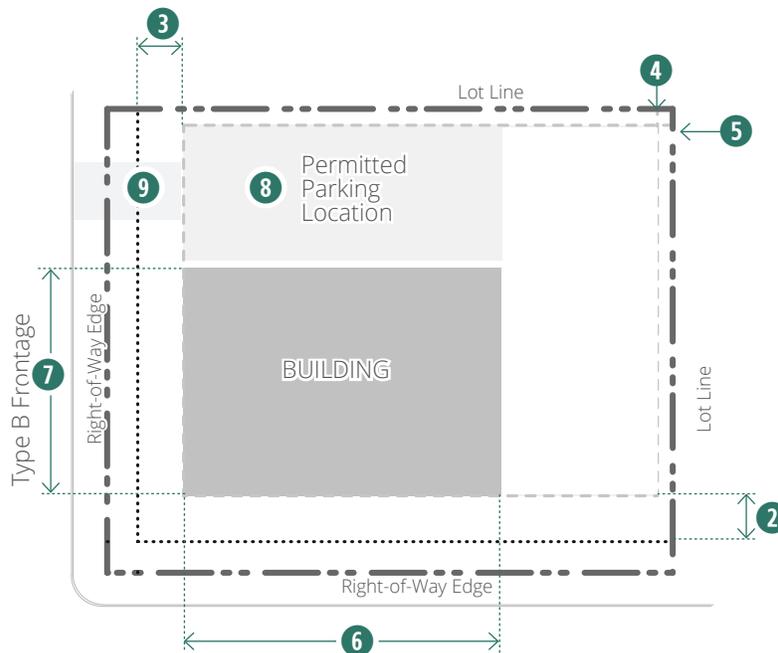
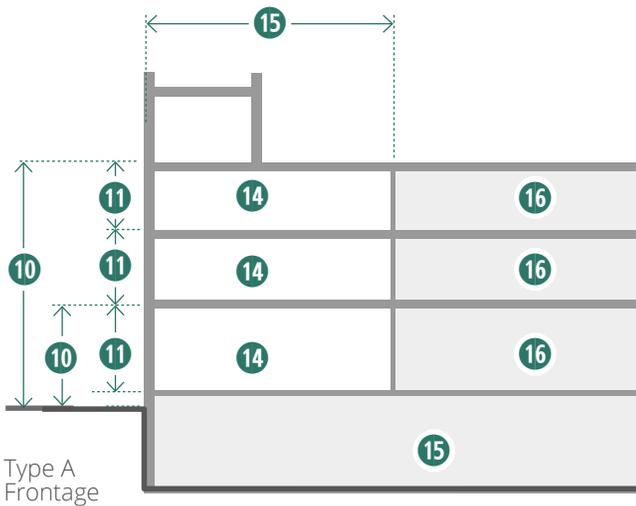
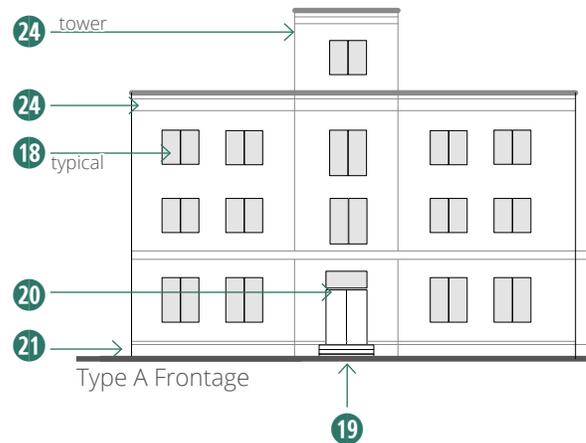


Figure M-1 (24). Civic Building: Building Siting

<b>BOULDER JUNCTION PHASE I</b>		<b>REFERENCES/ ADDITIONAL REQUIREMENTS</b>
<b>USES</b> Refer to FIGURE M-1 (25).		
<b>14</b> All Frontages & Stories	Limited to museum, theater, governmental facilities, religious assemblies, transportation stations, park & recreation uses, public schools consistent with Chapter 9-6	Refer to Chapter 9-6, B.R.C., 1981, for permitted uses per zoning district and definition of uses.
<b>15</b> Required Occupied Building Space	Minimum 20' deep on all full height floors from any street facade	Refer to Section M-1-8. Definitions for Occupied Building Space.
<b>16</b> Parking within Building	Permitted fully in any basement and in rear of all other stories. Prohibited where occupied space is required.	Refer to Occupied Building Space requirement above.
<b>FACADE &amp; CAP REQUIREMENTS</b> Refer to FIGURE M-1 (26).		
<b>18</b> Required Transparency on All Street, Courtyards, & Public Way Facades	Minimum 15%, measured per story of all stories.	Refer to Subsection M-1-20(e) for information on measuring transparency.
<b>19</b> Entrance Location & Number	Principal entrance required on Type A frontage facade	Refer to Section M-1-20(f) for information on measuring entrance location.
<b>20</b> Entrance Configuration	No requirement other than principal entryway requirements	Refer to Section M-1-8. Definitions for Stoop and Porch. Refer to Subsection M-1-25(e) for Principal Entryway requirements.
<b>21</b> Entrance/Ground Story Elevation Grade	80% of entrances and the ground story shall be within 30" (vertical) of adjacent street sidewalk average elevation OR between 30" and 5' (vertical) with visible basement (transparency required)	Exception: Entrances along Goose Creek frontage shall be located in reference to the elevation of 30th Street, Carbon Place, and/or Junction Place, whichever is closest.
<b>22</b> Ground Story Vertical Facade Divisions	No requirement	Refer to Section M-1-8. Definitions for Expression Line.
<b>23</b> Horizontal Facade Divisions	No requirement	
<b>24</b> Permitted Cap Types	Parapet, Pitched, Flat,	Refer to Section M-1-21 for Cap Types; and other cap requirements.



**Figure M-1 (25).** Civic Building: Height & Use Requirements



**Figure M-1 (26).** Civic Building: Facade Design Requirements

### M-1-20. MEASUREMENT OF BUILDING TYPE REQUIREMENTS

The standards outlined in the tables in Sections M-1-15 through M-1-19, applicable to each building type, shall be measured and calculated consistent with the following standards:

**(a) Minimum Type A Frontage Build-to Zone Coverage.** The minimum percentage of building facade along the Type A Frontage of a lot is measured as follows:

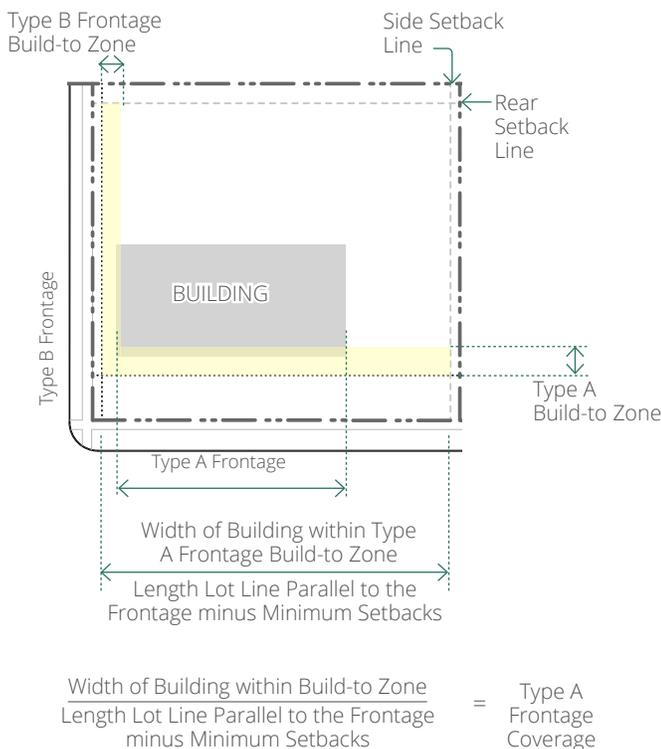
- (1) **Measurement.** The minimum Type A frontage build-to zone coverage shall, at a minimum, equal the width of the principal structures, as measured within the build-to zone along the frontage edge, divided by the length of the frontage parallel to the property line following the street minus setbacks. Refer to Figure M-1 (27). Minimum Type A Frontage Build-to Zone Coverage.
- (2) **Courtyards.** For some building types, courtyards located along the facade in the build-

to zone count towards the minimum coverage. Refer to building type requirements of Sections M-1-15 through M-1-19, B.R.C. 1981.

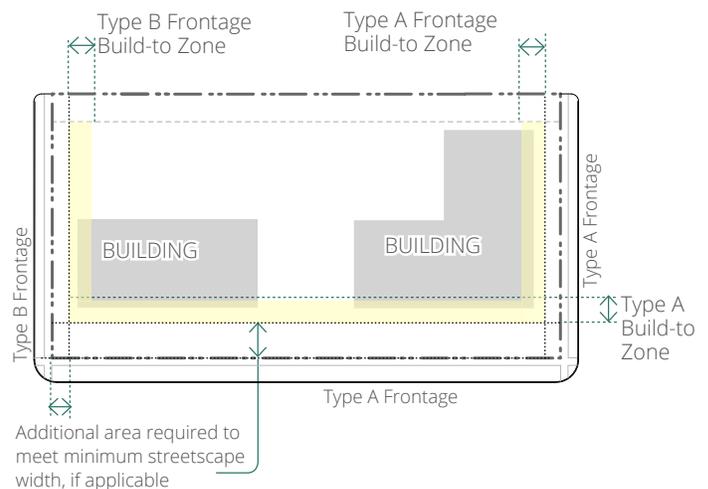
- (3) **Outdoor Space Type.** Open spaces meeting the requirements of one of the outdoor space types established in this appendix are exempt from the minimum Type A frontage build-to zone coverage requirement.

**(b) Build-to Zone.** The build-to zone shall be calculated and measured as follows. Refer to Figure M-1 (28). Build-to Zones.

- (1) **Measurement.** The build-to zone for all frontages is measured from the property line parallel to the frontage from any sidewalk/public access easement required under Section 9-9-8, "Reservations, Dedications, and Improvement of Rights-of-Way," B.R.C. 1981, or the right-of-way if no sidewalk/public access easement is required or exists.
- (2) **Encroachments.** Awnings, architectural projections, balconies, and building mounted signage may extend beyond the build-to zone into any yard area, but shall not extend into the street right-of-way unless approved with a revocable permit or lease, as applicable.



**Figure M-1 (27).** Minimum Type A Frontage Build-to Zone Coverage



**Figure M-1 (28).** Build-to Zones

**(c) Overall Minimum and Maximum Height.** (Refer to Figure M-1 (29). Measuring Stories with Floor-to-Floor Height).

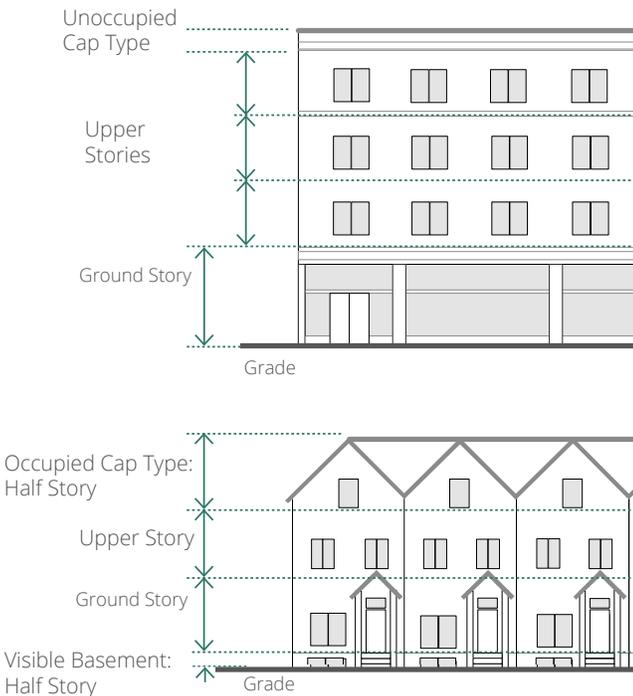
- (1) **Minimum Overall Height.** Each building type requires a minimum number of stories. The building must meet the minimum required height along all Type A frontage facades and measured a minimum of thirty feet deep into the building.
- (2) **Maximum Overall Height.** Maximum heights are specified both in number of stories and overall dimension. This requirement applies to the entire building.
  - (A) **Towers.** Where specifically allowed in the building type tables, Sections M-1-15 through M-1-19, B.R.C. 1981, towers may exceed the overall maximum height of the building type per subsection (f) of Section M-1-21, "Cap Types," B.R.C. 1981. Towers shall not exceed the maximum height per Section 84 of the charter of the City of Boulder.
  - (B) **Cap Type.** Where specified in subsection (f) of Section M-1-21, "Cap Types," B.R.C. 1981, certain cap types may allow additional height.
  - (C) **Maximum Heights per the City Charter.** Under no circumstances may any building

or structure exceed the height limitations established in Section 84 of the charter of the City of Boulder.

- (D) **Height Measurement Standards.** Height shall be measured consistent with height measurement standards of Section 9-7-5, "Building Height," B.R.C. 1981, and the definition of "height" within Section 9-16-1, "General Definitions," B.R.C. 1981.
- (E) **View Corridors.** Height is subject to additional limitations where maximum heights are restricted pursuant to the regulating plan to preserve a view corridor. Refer to Sections M-1-6, "Regulating Plans," and M-1-7, "View Corridors," B.R.C. 1981.
- (3) **Two Half Stories.** If a building has both a half story within the roof and a half story that is partially above and partially below grade, the combined height of the two half stories shall be considered one full story.

**(d) Minimum & Maximum Height per Story.** Each story is measured with a range of permitted floor-to-floor heights. Refer to Figure M-1 (29). Measuring Stories with Floor-to-Floor Height.

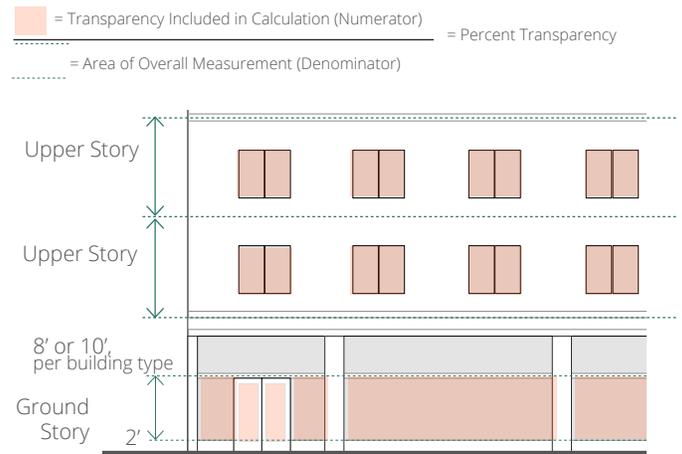
- (1) **Measurement.** Story height shall be measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met along facades for a minimum of eighty percent of each story.
- (2) **Single Story Buildings & Top Story Measurement.** For single story buildings and the uppermost story of a multiple story building, the minimum floor-to-floor height shall be one foot less than that required per building type. The measurement shall be from the floor of the story to the ceiling.
- (3) **Mezzanines.** Mezzanines may be included within the floor-to-floor height of any story. Mezzanines occupying more than thirty percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story and shall meet transparency requirements in Subsection (e)(5), below.
- (4) **Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type are not permitted on Type A Frontage facades; however, such spaces are allowed on interior lots and Type B frontage facades.



**Figure M-1 (29).** Measuring Stories with Floor-to-Floor Height

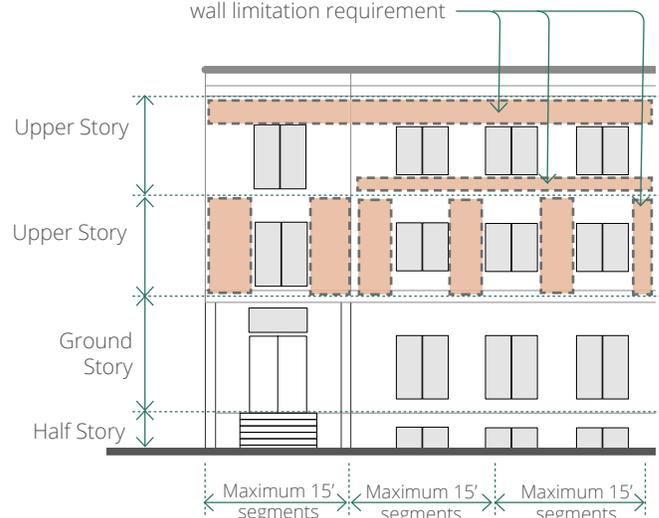
**(e) Minimum Required Transparency.** Per the requirements of each building type, a minimum amount of transparency is required on all stories of street, courtyard, and public way facades.

- (1) **Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground story transparency (refer to Paragraph Subsection M-1-20(e)(4), B.R.C. 1981, below). Refer to Figure M-1 (30). Measuring Minimum Facade Transparency requirements shall be met with windows meeting the standards for transparency as defined in Section M-1-8, "Definitions," B.R.C. 1981. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.
- (2) **Blank Wall Segments.** No rectangular area greater than thirty percent of the story's facade, as measured floor to floor, shall be without transparency. And, no horizontal segment of a story's facade greater than fifteen feet in width shall be without transparency. Refer to Figure M-1 (31). Measuring Blank Wall Limitations.
- (3) **Exception.** When the facade of any story is located less than six feet from another parallel building facade, no minimum transparency is required for that story.
- (4) **Minimum Ground Story Transparency.** When required by the building type tables of Sections M-1-15 through M-1-19, B.R.C. 1981, ground story transparency shall be measured between two feet and either eight or ten feet, as specified per building type, from the average grade at the base of the facade. The minimum ground story transparency requirements supersedes the minimum transparency required for the building type.
- (5) **Mezzanines.** Mezzanines shall be treated as a separate story and include the required upper story transparency amounts.
- (6) **Tall Stories.** Stories that are eighteen feet or taller in height shall include additional transparency consistent with the follow standards. Refer to Figure M-1 (32). Transparency on Tall Stories.
  - (A) **Separate Ground Story Transparency Required.** When a separate minimum ground story transparency is required per the building types requirements of Sections M-1-15 through M-1-19, B.R.C. 1981, the

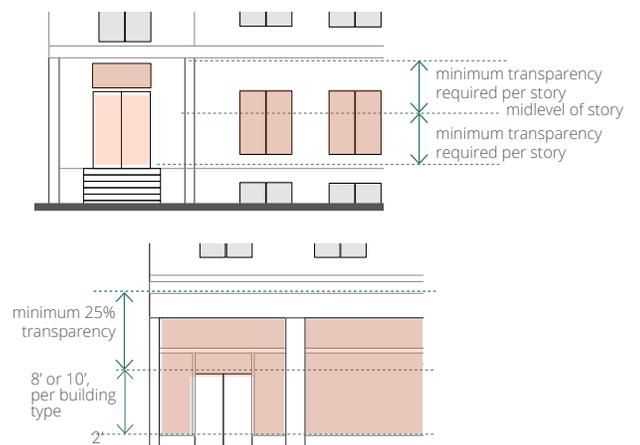


**Figure M-1 (30).** Measuring Minimum Facade Transparency

Examples of rectangular areas measured per story on a building facade, meeting the blank wall limitation requirement



**Figure M-1 (31).** Measuring Blank Wall Limitations



**Figure M-1 (32).** Transparency on Tall Stories

facade design shall fulfill that requirement in addition to a minimum of twenty-five percent transparency for the remainder of the ground story.

(B) **No Separate Ground Story Transparency Required.** Except on a ground story facade to which a Type A frontage ground story facade transparency requirement applies, a tall story shall be treated as two separate stories, divided in half horizontally, with the minimum transparency per story applied to each half.

(7) **Half Stories.** All half stories located within roof structure and visible basements are required to meet the minimum required transparency.

(f) **Minimum Number of Required Entrances.** Entrances shall be provided consistent with the entrance location and number requirements established for the building type and consistent with Figure M-1 (33). Number of Required Entrances.

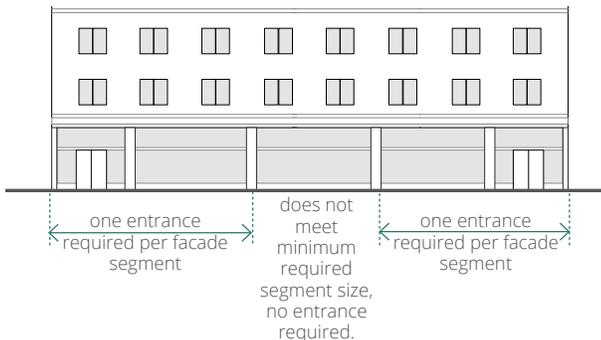


Figure M-1 (33). Number of Required Entrances

### M-1-21. CAP TYPES

The major components of any roof shall meet the requirements of one of the cap types permitted for the building type pursuant to the building types requirements of Sections M-1-15 through M-1-19, B.R.C. 1981. Roofs for bay or bow windows, porches, canopies, and dormers, and roof terraces and roof decks are not required to meet the standards of a cap type.

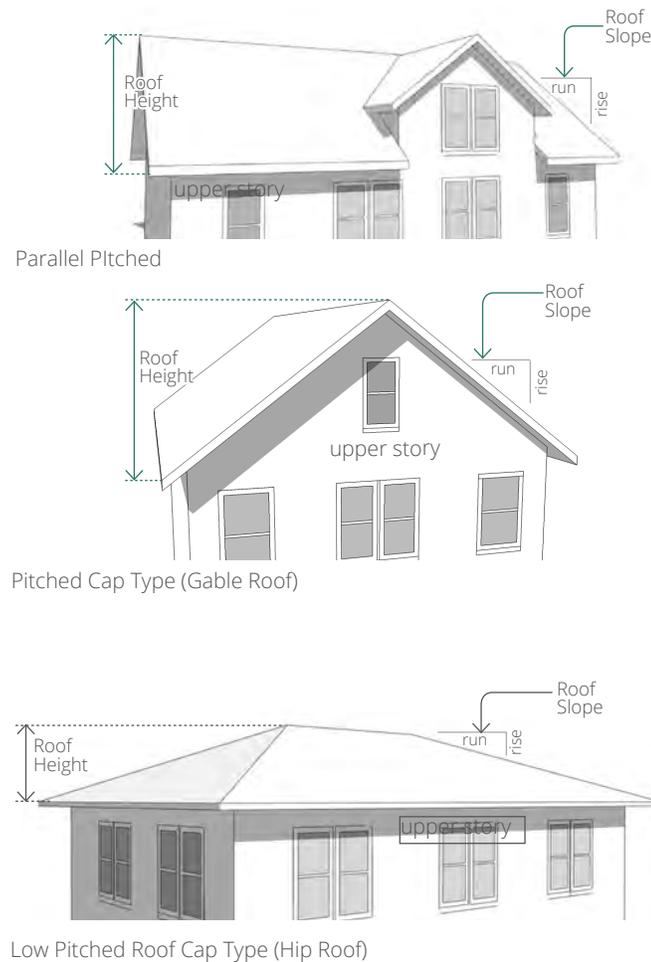


Figure M-1 (34). Examples of Pitched Cap Type

(a) **Pitched Cap Type.** The pitched cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run, as shown in Figure M-1 (34). Examples of Pitched Cap Type.

- (1) **Pitch Measure.** The roof shall not be sloped less than 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.
- (2) **Configurations.**
  - (A) Hipped, gabled, and a combination of hips and gables with or without dormers are permitted.
  - (B) Butterfly (inverted gable roof) and shed roofs are permitted
  - (C) Gambrel and mansard roofs are not permitted.
- (3) **Parallel Ridge Line.** A gabled end or perpendicular ridge line shall occur at least every 100 feet of the roof when the ridge line runs parallel to the front lot line. See Figure M-1 (34). Examples of Pitched Cap Type.
- (4) **Roof Height.** Roofs without occupied building space or dormers shall have a maximum height on Type A and Type B frontage facades equal to no more than 1.5 times the upper story floor-to-floor height used on the building.
- (5) **Occupied Building Space.** Occupied building space may be incorporated within the pitched cap type. If occupied, the space counts as a half story.
- (6) **Rooftop Appurtenances.** Any rooftop appurtenances shall be recessed within the pitched roof with no visibility when viewed from the sidewalk across the street and from any adjacent outdoor space. See Figure M-1 (35). Recessed Mechanicals in Pitched Cap Type. See Section M-1-26, "Mechanical Equipment & Appurtenances," B.R.C. 1981, for additional requirements.

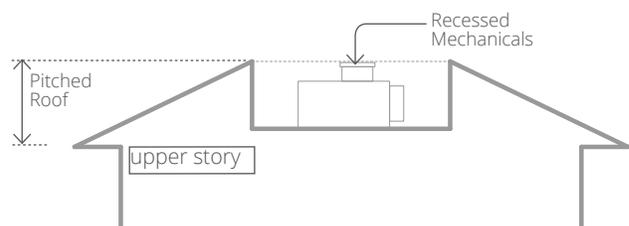
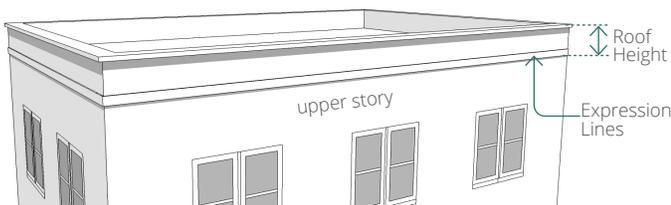


Figure M-1 (35). Recessed Mechanicals in Pitched Cap Type

**(b) Parapet Cap Type.** A parapet is a low wall projecting above a building's roof along the perimeter of the building as shown in Figure M-1 (36). Example of a Parapet Cap Type.

- (1) **Parapet Height.** Parapet height is measured from the top of the upper story to the top of the parapet.
  - (A) **General Parapet Heights.** Minimum parapet height is two feet with a maximum height of six feet.
  - (B) **Parapets Exceeding Maximum Height.** The approving authority may approve a parapet causing the building height to exceed the maximum permitted height if the approving authority finds the standards for parapet walls of Section 9-7-7, B.R.C. 1981, are met.
- (2) **Horizontal Expression Lines.** An expression line that is at least two inches deep and extends along at least eighty percent of the facade, shall define the parapet from the upper stories of the building and shall define the top of the cap.
- (3) **Occupied Building Space.** No building shall have occupied space behind a parapet cap.
- (4) **Rooftop Appurtenances.** Any rooftop appurtenances shall be located towards the rear or interior of the parapet roof. The parapet shall screen the mechanicals when viewed from the sidewalk across the street and from any adjacent outdoor space. See Section M-1-26, "Mechanical Equipment & Appurtenances," B.R.C. 1981, for additional requirements.

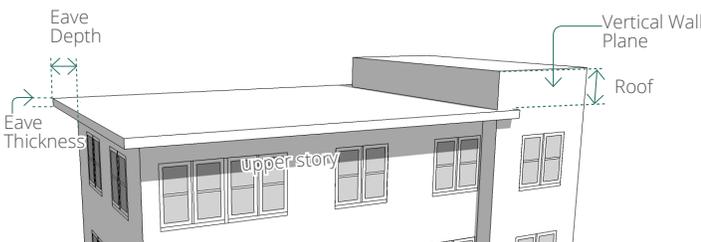


**Figure M-1 (36).** Example of a Parapet Cap Type

**(c) Flat Cap Type.** The flat cap type has a visually flat roof with overhanging eaves as shown in Figure M-1 (37). Example of a Flat Cap Type.

- (1) **Configuration.** The roof shall have no visible slope from the street, and eaves are required on all Type A and Type B Frontage facades.
- (2) **Eave Depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen inches.
- (3) **Eave Thickness.** Eaves shall be a minimum of six inches thick. Eave thickness is measured at the midpoint of the eave depth, from the bottom of the eave to the top of the eave. The measurement may be taken from a structural support element of the eave to the top of the eave, provided the structural support element occurs at least every four feet along the entire length of the eave.
- (4) **Interrupting Vertical Walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap if the following requirements are met:
  - (A) No more than one-third of the front facade shall consist of an interrupting vertical wall.
  - (B) Vertical walls shall extend no more than six feet above the top of the eave. See Figure M-1(37). Example of Flat Cap Type.
- (5) **Occupied Building Space.** No building shall have occupied space behind a flat cap.
- (6) **Rooftop Appurtenances.** If the interrupting vertical wall is utilized, any rooftop appurtenances shall be located behind the vertical wall with no visibility when viewed from the sidewalk across the street and from any adjacent outdoor space.

If no interrupting vertical wall is utilized, rooftop appurtenances shall be located such that the mechanicals are not visible when viewed from the sidewalk across the street or from any adjacent outdoor space. See Section M-1-26, "Mechanical Equipment & Appurtenances," B.R.C. 1981, for additional requirements.



**Figure M-1 (37).** Example of a Flat Cap Type

## Cap Types

- (d) **Towers.** A tower is a vertical element, polygonal (simple), rectilinear, or cylindrical in plan that shall only be used with other cap types. See Figure M-1 (38). Example of a Tower.
- (1) **Additional Height.** Towers may add a single story of additional height beyond the maximum height allowed per building type.
  - (2) **Tower Width.** The maximum tower width along all facades shall be one-third the width of the front facade or fifteen feet, whichever is less. See Figure M-1(38). Example of Tower.
  - (3) **Transparency.** Towers that meet the minimum floor-to-floor height of the building type shall meet the minimum transparency requirements of the building.
  - (4) **Horizontal Expression Lines.** A minimum two inches deep expression line is required at the cap of the tower.
  - (5) **Occupied Building Space.** Towers with minimum floor-to-floor heights required by the building type shall be occupied space and may contain any of the uses allowed in upper stories of the building type to which it is attached.
  - (6) **Rooftop Appurtenances.** No rooftop appurtenances are permitted on tower roofs.
  - (7) **Tower Cap.** The tower shall be capped by a cap permitted on the building per the building type.

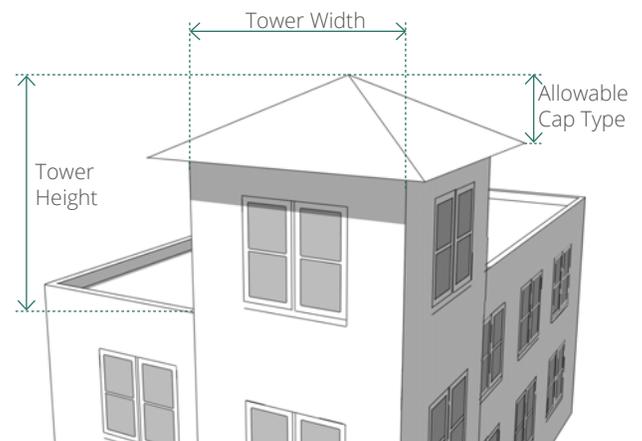


Figure M-1 (38). Example of a Tower

DRAFT

# Building Design

DRAFT APRIL 5, 2016

### M-1-22. APPLICABILITY AND INTENT OF BUILDING DESIGN REQUIREMENTS

(a) **Intent.** The intent of the requirements in Sections M-1-22 through M-1-29, B.R.C. 1981, is to implement the vision for the area as defined in adopted plans for the area, create a sense of place and community, elicit high quality, durable buildings of appropriate scale and massing that are visually interesting, aesthetically pleasing, create a sense of permanence, and are human scaled to enhance the pedestrian experience.

All buildings are intended to be articulated in a simple, honest manner at human-scaled dimensions.

- (1) **Simple.** Simple means the building design is organized and easy to comprehend through the use of repetition, regularity, and a clear hierarchy.
- (2) **Honest.** Honest means the building is easily interpreted by the casual observer. Entrances, floors, and building use are apparent and the form of the building follows the function. The overall bulk and mass of the building clearly represents the structure, spatial layout, and materiality.
- (3) **Human-Scaled.** Human-scaled means the buildings are scaled to proportions comfortable to people. Typically, human-scaled buildings have smaller building material units, architectural detailing to accentuate building elements, and a predictable rhythm to the facade pattern. This design approach is used particularly on the ground story where people walk adjacent to the building.

(b) **Applicability.** The requirements of Sections M-1-22 through M-1-29, B.R.C. 1981, establish general building design requirements applicable to all buildings located on a property designated in Appendix L, "Form Based Code Areas," regardless of the building type. No person shall use or develop land in such areas except in conformance with the requirements of Sections M-1-22 through M-1-29, B.R.C. 1981, unless an exception has been granted pursuant to Subsection 9-2-16(i), B.R.C. 1981.-

### M-1-23. FACADE MATERIALS

(a) **Intent.** The intent of the facade materials standards of this section is to:

- (1) Provide minimum material standards to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve quality of buildings in that they weather well, have a low failure rate, require a low level of maintenance, and create buildings with a longer life cycle and a sense of permanence;
- (2) Limit the number of facade materials to promote simpler, clearly articulated facades; and
- (3) Encourage a high level of detail from smaller scaled, less monolithic materials in order to relate facades to pedestrians, especially at the ground level.

(b) **Major Materials.** A minimum of eighty percent of each facade, not including window and door areas, shall be composed of major materials, as specified in this section.

- (1) **Simplicity of Surface Materials.** A minimum of sixty percent of each facade, not including window and door areas, shall be faced of a single major material, not including architectural metal panel systems.
- (2) **Allowed Major Materials.** The following are allowed major facade materials. See Figure M-1 (39). Acceptable Materials and Figure M-1 (40). Unacceptable Major Materials.
  - (A) Stone.
  - (B) Brick.
  - (C) Wood.
  - (D) Architectural metal panel systems.
- (3) **Prohibited Major Materials.** The following materials are prohibited as major facade materials:
  - (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
  - (B) Synthetic Stucco or elastomeric finishes on stucco.
  - (C) Unfinished or untreated wood.
  - (D) Glass block.
  - (E) Vinyl siding.

- (F) Plastic, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate, panels.
- (G) Fiberglass and acrylic panels.
- (4) **Limited Use Major Materials.** The following materials are prohibited as a major material except consistent with the following:
  - (A) **Economy Bricks.** Brick types larger than three inches in height are allowed as major materials on rear, alley, and rail corridor facades.
  - (B) **Fiber Cement Board.** Fiber cement building materials are allowed on the row building type.
  - (C) **Cement-Based Stucco.** Traditional cement-based, hard coat stucco is allowed on all upper stories and on ground story facades facing rear yards, alleys, or the rail corridor. Where the ground story of a facade that is facing a rear yard, alley, or the rail corridor is adjacent to a facade where limited use major material may not be used on the ground story, major materials allowed pursuant to paragraph (2) of this subsection or approved

pursuant subsection (d) of this section shall be continued around the corner on the ground story of the facade for no less than thirty feet along the cement-based stucco facade.

- (D) **Concrete Masonry Units.** Burnished, glazed, or honed concrete masonry units or blocks are allowed as major materials on facades facing rear, alley, and the rail corridor. Where the ground story of such a facade is adjacent to a ground story facade where a limited use major material may not be used, major materials allowed pursuant to paragraph (2) of this subsection or approved pursuant to subsection (d) of this section shall turn the corner of the ground story facade no less than thirty feet along the facade.

(c) **Minor Materials.** Allowed minor materials are limited to trim, details, and other accent areas that combine to twenty percent or less of the total surface of each facade.

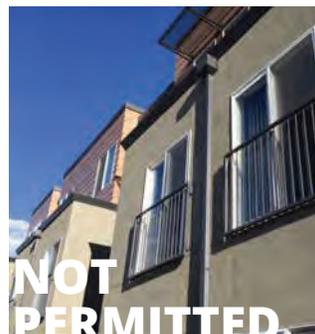
- (1) **Major Materials.** All allowed major materials may serve as minor facade materials.



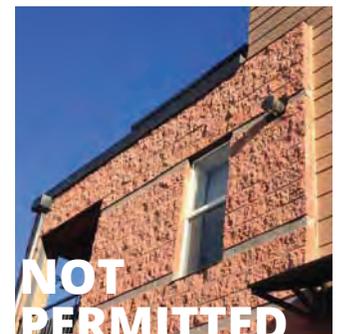
Brick with Metal Details



Architectural Metal Panels



NOT PERMITTED  
Synthetic Stucco



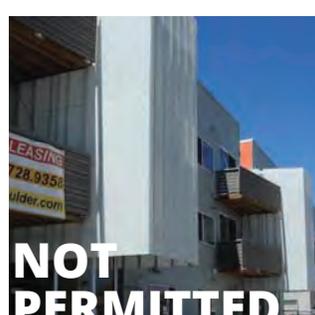
NOT PERMITTED  
Concrete Masonry Units



Wood with Metal Details



Cut Stone



NOT PERMITTED  
Plastic Panels



NOT PERMITTED  
Vinyl Siding

Figure M-1 (39). Acceptable Materials

Figure M-1 (40). Unacceptable Major Materials

- (2) **Allowed Minor Materials.** The following are allowed minor materials:
- (A) Fiber cement and wood trim pieces.
  - (B) Metal for beams, lintels, trim, exposed structure, and other ornamentation.
  - (C) Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements.
  - (D) Vinyl for window trim.
  - (E) Glass curtain wall.
  - (F) Two- or three-coat cement-based or cement-hybrid stucco for surfaces.
  - (G) Terra cotta or ceramic tiles or panels.
- (3) **Limited Use Minor Materials.** The following materials are allowed as minor surface materials on upper story facades only:
- (A) **Fiber Cement Board.** Fiber cement building materials.
- (4) **Prohibited Minor Materials.** The following materials are prohibited for use as minor materials:
- (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
  - (B) Elastomeric finishes on stucco.
- (d) **Other Materials with Approval.** Materials that are not listed in this section for its proposed application as allowed major materials, limited use materials, or allowed minor facade materials, may not be installed on any facade unless approved by the reviewing authority pursuant to this subsection (d). The reviewing authority may approve facade materials that are not listed in this section for its proposed application if the applicant demonstrates the material in its proposed application meets the intent of the facade material standards described in subsection (a) of this section. Samples and examples of successful high quality local installation shall be provided by the applicant.

### M-1-24. BUILDING CONSTRUCTION QUALITY

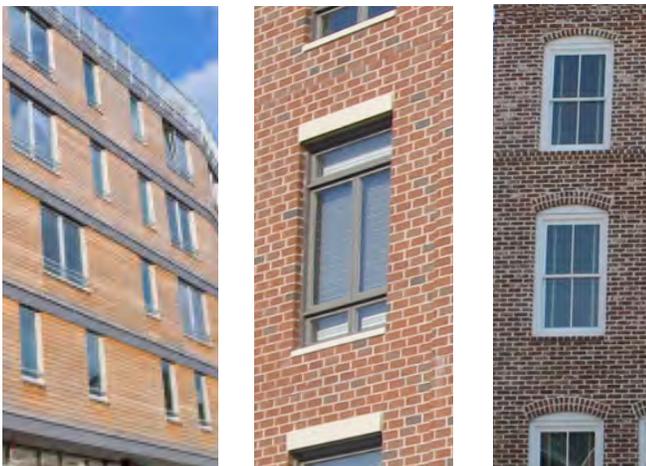
- (a) **Intent.** The intent of the building construction quality requirements is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.
- (b) **Transition in Material.** Changes in surface materials shall meet the following standards:
- (1) **Transitions in Major Facade Materials.** Changes in major facade materials (see Subsection M-1-23(b), B.R.C. 1981) shall occur only at concave or interior corners, where the distance to the next parallel facade plane is a minimum of twelve inches.
  - (2) **Transitions in Minor Materials.** Transitions in minor materials that occur on the same facade plane shall include a change in surface of at least two inches.
  - (3) **Materials Hierarchy.** With material transitions, unit materials shall be elevated from the face of the building above less detailed, surface materials; e.g. stucco as constant surface material shall be recessed below a bricked surface.
  - (4) **Expression or Shadow Lines on Surfaces.** Expression lines shall be created with solid materials with a thickness greater than 2", such as cast stone, masonry, or stone. For example, cast stone pieces may be offset to create a shadow line, where the actual convex corner of the piece is used to create the corner of the detail.
  - (5) **Window/Door & Surface Transitions.** Windows and doors shall transition to facade surface materials other than glass with a trim piece a minimum of three inches in width.
- (c) **Appropriate Grade of Materials.** Except on buildings of the row building type, all doors, windows, and hardware shall be of commercial quality.
- (d) **Applique Materials.** Materials with thickness of less than 2.5 inches are not permitted to cantilever or extend beyond their structural support. These materials may be used only in a surface application. Specifically, stucco shall not be formed to create expression lines.
- (e) **Stucco Installation.** Stucco, when allowed, shall be of the highest installation quality, meeting the following criteria:

- (1) Contractor Submittal. The contractor utilized for installing the stucco shall have a minimum of five years experience with a minimum of at least thirty projects. The applicant shall submit as part of the form based code application the contractor name, address, experience level, including years and number of projects, and examples of installations within the last five years. Examples of installation shall be of high quality installations meeting the requirements of this subsection (e).
- (2) Jointing. All stucco joints shall be aligned along the facade in the pattern shown on the elevations submitted for the design approval. Joints shall also align with the locations of windows and doors and other changes in material.
- (3) Construction. The stucco wall assembly will be indicated on the plans specifying stucco type and construction.

**M-1-25. BUILDING FACADE ELEMENTS**

(a) **Windows.** Windows on all buildings shall be constructed consistent with the following requirements:

- (1) **Amount.** Each building shall meet the transparency requirements applicable to the building type pursuant to Sections M-1-15 through M-1-19, B.R.C. 1981.
- (2) **Recessed.** All windows, with the exception of ground story storefront systems, shall be recessed with the glass a minimum of two inches back from the facade surface material or adjacent trim.
- (3) **Vertically Oriented.** All windows shall be vertically oriented unless the following standards are met:
  - (A) **Flat Cap Type.** When the flat cap type pursuant to Subsection M-1-21(e), "Flat Cap Types," B.R.C. 1981, is used, horizontally oriented windows may be used for up to thirty percent of the total transparency area of each upper story.
  - (B) **Rear & Side Facades.** On rear and side facades, up to fifty percent of the total transparency area of each story may include horizontally oriented windows.
  - (C) **Horizontally oriented windows.** Horizontally oriented windows may be used if the transparency of each story is forty percent or more, the height of at least seventy-five percent of the windows is a minimum of five feet, and the windows are located no more than three feet above the interior floor level.
- (4) **Visibility Through Glass.** Reflective glass and glass block are prohibited on street facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition of Section M-1-8 "Definitions," B.R.C. 1981. Windows on the ground story shall meet the transmittance and reflectance factors established in the ground story transparency definition in Section M-1-8, B.R.C. 1981.
- (5) **Expressed Lintels.** Lintels shall be expressed above all windows and doors by a change in brick coursing or by a separate element. See Figure M-1 (41). Vertically Oriented Windows with Expressed Lintels.



**Figure M-1 (41).** Vertically Oriented Windows with Expressed Lintels

**(b) Awnings, Canopies, & Light Shelves.** Awnings, canopies, and light shelves shall be constructed consistent with the requirements of this subsection. See Figure M-1 (42). Examples of Permitted Awnings.

- (1) **Encroachment.** Awnings, canopies, and light shelves shall not extend into a city right-of-way or easement except consistent with the requirements of Section 8-6-6, "Requirements for Revocable Permits, Short-Term Leases and Long-Term Leases," B.R.C. 1981.
- (2) **Attached Awnings & Canopies.** Awnings and canopies that are attached to the building and could be removed shall meet the following standards:
  - (A) **Material.** All awnings and canopies shall be canvas or metal. Plastic awnings are prohibited.
  - (B) **Solar Panels.** Solar awnings or canopies are allowed.
  - (C) **Shapes.** Waterfall or convex, dome, and elongated dome awnings are prohibited.
  - (D) **Lighting.** Backlit awnings are prohibited.
  - (E) **Structures.** Frames shall be metal and shall be wall mounted. Support poles are prohibited unless utilized for outdoor eating areas over eight feet in depth.
  - (F) **Multiple Awnings on the Facade.** When more than one awning is mounted on a facade, the awning types and colors shall be coordinated by matching the color, shape, material, or other element.
- (3) **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are permitted, subject to materials standards of Section M-1-23 "Facade Materials," B.R.C. 1981.
- (4) **Clearance.** All portions of any awning, canopy, or light shelf shall provide at least eight feet of clearance over any walkway and shall not extend over any driveway.

**(c) Balconies.** The installation or construction of balconies on street facades is encouraged, but not required. The construction of any balcony on a facade facing any street or public way shall be consistent with the requirements of this subsection. See Figure M-1 (43). Examples of Balconies.

- (1) **Definition.** For the purpose of this subsection (c), balconies shall include any roofed or



Metal Awning



Canvas Awning

**Figure M-1 (42).** Examples of Permitted Awnings.



Balconies: Covers More than 40 Percent of Facade



Balconies Appropriately Attached to or Incorporated into Facade.

**Figure M-1 (43).** Examples of Balconies.

unroofed platform that projects from the wall of a building above grade and is enclosed only by a parapet or railing.

- (2) **False Balconies.** False balconies are not permitted on any Type A frontage facade. False balconies consist of a rail and door, and any outdoor platform less than eighteen inches in depth, and are sometimes referred to as juliet balconies or balconets. The requirements of this subsection (c) shall not apply to false balconies.
  - (3) **Size.** Balconies shall be a minimum of four feet deep and five feet wide.
  - (4) **Integrated Design.** A minimum of thirty-five percent of the perimeter of each balcony shall abut an exterior wall of the building, partially enclosing the balcony. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
  - (5) **Platform.** The balcony platform shall be at least three inches thick. Any underside of a balcony that is visible from any public way shall be finished.
  - (6) **Facade Coverage.** A maximum of forty percent of the Type A and Type B frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the platform or floor of the balcony, any columns or indentations, and any ceiling, roof, or upper balcony.
  - (7) **Right-of-Way.** Balconies shall not extend into any city right-of-way or easements.
- (d) **Shutters.** If included in the design, shutters, whether functional or not, shall meet the following requirements:
- (1) **Size.** All shutters shall be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
  - (2) **Materials.** Shutters shall be wood, metal, or fiber cement. Vinyl shutters are prohibited. Other “engineered” woods may be approved provided that the applicant submits a sample and examples of high quality, local installations of the material, installed a minimum of five years earlier and showing no degradation or wear of the material.

(e) **Principal Entryway.** See Figure M-1 (44).

Examples of Defined Principal Entryway. Principal entrances to buildings or units shall be clearly delineated through one or more of the design features listed in paragraphs (1) through (4) of this subsection:

- (1) **Cap or Canopy.** The entryway is covered by a cap or canopy differentiating it from the overall building cap.
- (2) **Porch.** The entryway is through a porch.
- (3) **Sidelights and Transom.** Sidelights or transom windows are included around the entryway.
- (4) **Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least two stories.
- (5) **Other Design.** The approving authority may approve a design that does not meet the standards of this subsection if the authority finds that the design adds emphasis and draws attention to the entryway.
- (6) **Right-of-way.** Doors shall not swing into city right-of-way or easement.



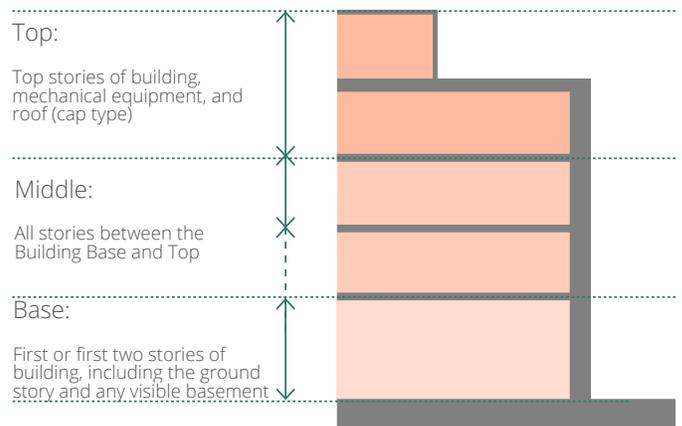
Figure M-1 (44). Examples of Defined Principal Entryway.

### M-1-26. MECHANICAL EQUIPMENT & APPURTENANCES

- (a) **Intent.** Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of the standards of this section is to ensure that the visual impact of mechanical equipment and appurtenances is minimized.
- (b) **Mechanical Equipment in Building.** Mechanical equipment shall be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function.
- (c) **Rooftop Mechanical Equipment.** Any rooftop mechanical equipment, including without limitation vents, ventilators, skylights, and antennas, and excluding solar energy and wind energy conversion systems, shall meet the following standards:
- (1) Rooftop mechanical equipment shall be located consistent with one of the following methods:
    - (A) Incorporate equipment into the roof design consistent with the applicable standards of Section M-1-21 "Cap Types," B.R.C. 1981.
    - (B) Set the equipment back a minimum of twenty feet from any Type A or B frontage facade.
  - (2) The requirements of Section 9-7-7, "Building Height, Appurtenances," B.R.C. 1981, shall be met.
- (d) **Mechanical Appurtenances on Facades.** Mechanical appurtenances shall not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any mechanical appurtenance that may be carried on a facade, which may include, without limitation, dryer vents, gas meters, and air conditioners, shall be located consistent with the following standards:
- (1) **Facade.** The mechanical equipment shall be located on a non-Type A frontage facade. The mechanical equipment may be located on a Type A frontage facade with the following requirements:
    - (A) The equipment is located on a surface perpendicular to any right-of-way.
    - (B) The equipment extends from the facade surface a maximum of three inches.
    - (C) The equipment is screened from the sidewalk.
  - (2) **Alignment.** Multiple pieces of mechanical equipment shall be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.
  - (3) **Material Coordination.** To the extent practicable, mechanical appurtenances shall be located on a surface material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.
  - (4) **No encroachment.** Mechanical equipment shall not extend into any city right-of-way or easement.
- (e) **Mechanical Equipment on other Horizontal Surfaces.** Mechanical equipment located on the ground, decks, or horizontal surfaces other than the roof, such as, but not limited to, electrical equipment and air conditioners, shall be located consistent with the following standards:
- (1) All mechanical equipment may be located in the parking yard or a Type B street yard.
  - (2) Mechanical equipment may be located in a side yard provided the side yard does not contain or abut a paseo.
  - (3) All equipment shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.
  - (4) The reviewing authority may approve appurtenances located on a Type A street or on a paseo only if the following conditions are met:
    - (A) The applicant demonstrates that the equipment cannot be located in a parking yard, Type B street yard, or in a side yard that does not contain a paseo.
    - (B) The appurtenance is fully screened with a wall that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements.

**M-1-27. BUILDING ARTICULATION**

- (a) **Intent.** The intent of this section is to require building design that achieves balanced, clearly articulated building composition as well as a more human scale of buildings.
- (b) **Articulation of the Base.** With the exception of entryways, the ground story of a building with a required storefront pursuant to Section M-1-6 “Regulating Plans”, B.R.C. 1981, shall not be recessed more than eighteen inches from the second story facade. See Figure M-1 (45). Illustration of Base, Middle, and Top.
- (c) **Building Facade Variety.** All buildings 120 feet in width or greater along any Type A or B frontage shall fulfill the following requirements:
  - (1) **Increments.** Each Type A or B frontage facade shall be varied in segments less than or equal to ninety feet.
  - (2) **Requirements.** Each facade segment shall vary by the type of dominant material or by color, scale, or orientation of that material, and by at least two of the following:
    - (A) The proportion of recesses and projections within the build-to zone.
    - (B) The location of the entrance and window placement, unless storefronts are utilized.
    - (C) Roof type, plane, or material, unless otherwise stated in the building type requirements.
    - (D) Building heights.
  - (3) **Alternative Method of Compliance.** The reviewing authority may approve a facade design that does not meet requirements of this subsection (c) if the applicant demonstrates that the proposed design achieves the intent of the building articulation requirements of this section without meeting the building facade variety requirements. The applicant shall submit fully rendered elevations and 3-dimensional drawings of all street, paseo and multi-use path facades with materials samples for all surfaces to demonstrate that the intent of this section is met.

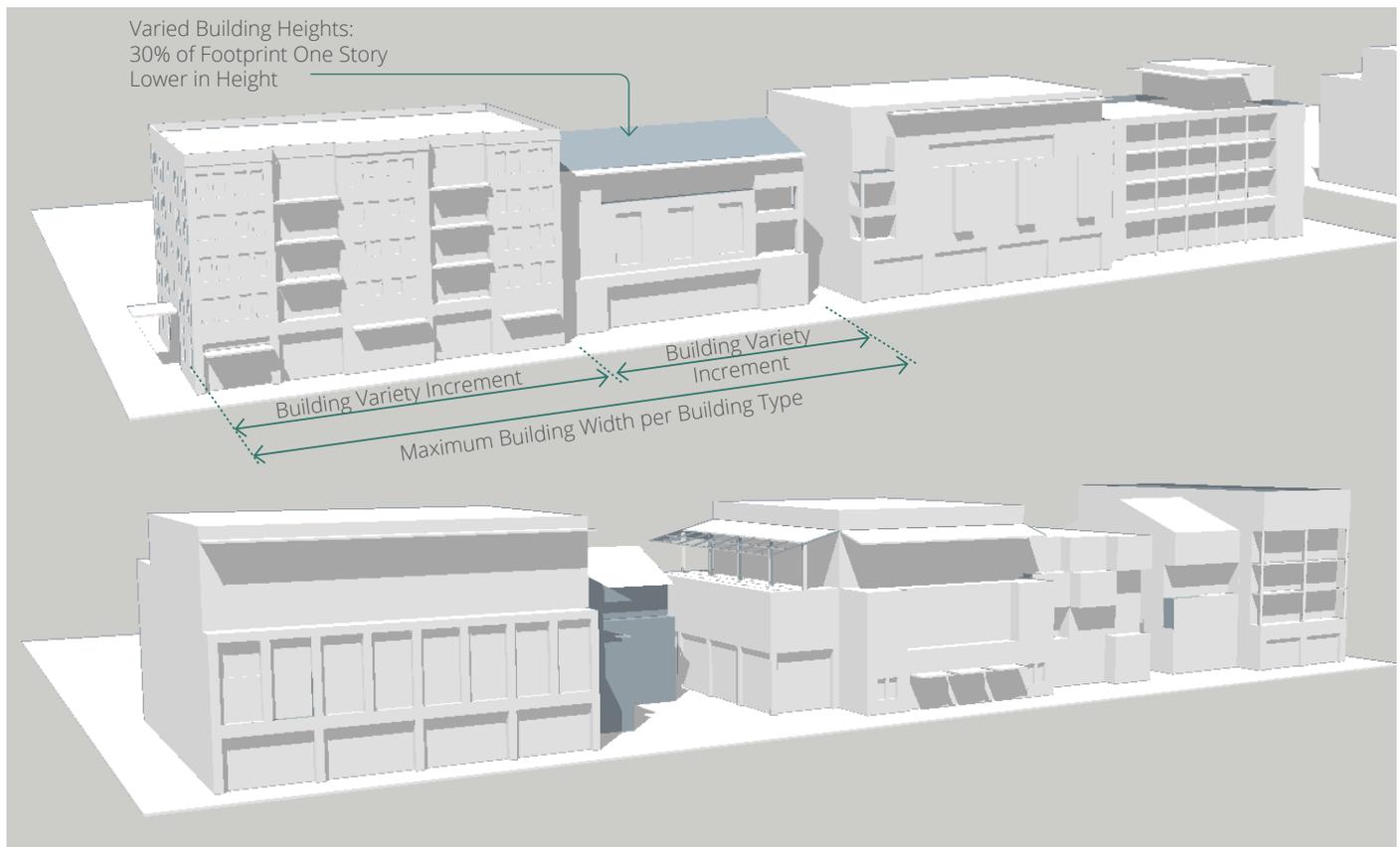


**Figure M-1 (45).** Illustration of Base, Middle, and Top

### M-1-28. BUILDING MASSING

- (a) **Intent.** The goals of the building massing standards are to ensure an appropriate perceived scale of buildings from the public ways -- breaking up large buildings in a simple way to ensure a human-scaled place and to provide a high level of permeability to all blocks.
- (b) **Buildings over Forty Feet in Height.** If any building of the project is over forty feet in height and not utilizing a pitched cap on at least sixty percent of the roof, the following standards shall be met:
- (1) **Varied Building Heights.** A minimum of thirty percent of the total footprint of all buildings combined on the site shall be at least one story lower than the tallest portion of the building footprint, not including towers.

- (A) **Along Type A Frontages.** The lower height shall occur along the Type A frontage.
- (B) **Stepped-Back Facade.** The requirement for varied building heights in paragraph (b)(1), above, shall not be met by a linear stepping-back of the facade along the top story, but shall constitute a change in massing of the building.
- (2) **Terraces & Pitched Roofs.** Roof areas on lower portions of buildings are encouraged to be used for roof terraces, located to maximize mountain views, or for pitched cap types per Subsection M-1-21(a), "Pitched cap type," B.R.C. 1981, to increase the variety of caps in the area.



**Figure M-1 (46).** Illustrations of Building Massing and Articulation

**M-1-29. BUILDING PROPORTIONS**

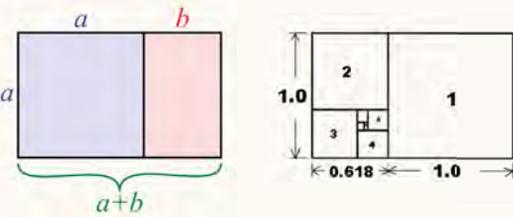
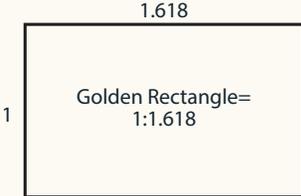
- (a) **Intent.** The golden ratio is a proportioning metric used throughout history in art and architecture to achieve what has been considered “divine” or visually pleasing proportions. The intent of this section is to achieve aesthetically pleasing building design through incorporation of the golden ratio into the exterior design of each building.
- (b) **Definition of the Golden Rectangle and Golden Ratio.** A golden rectangle uses the golden ratio, where the side lengths are in the golden ratio; if a square section is removed as shown in Figure M-1 (47), “Description of the Golden Ratio”, the remainder is another golden rectangle.

Mathematically, the ratio is found by dividing a line into two parts so that the longest part divided by the smallest part is equal to the whole length divided by the longer part, written as  $b/a = (b + a)/ b$ . Numerically, the ratio is approximately 1:1.6180339887.

- (c) **Use of Golden Ratio.** The design of facade elements or the massing of each building shall include expression of the golden ratio. Use of the golden ratio may include massing of building segments, windows, divisions of the facade, and overall height to width of the building. The preferred method of use is through the massing proportions and organization of facade components. See Figure M-1 (48), “Example of Documentation of Use of the Golden Ratio in the Building Design,” for examples of demonstrated use of the golden ratio.

**What is the Golden Ratio (AKA the Divine Proportion)?**

Two objects are in the golden ratio if their ratio is the same as the ratio of their sum to the larger of the two quantities. For example, a golden rectangle with longer side *a* and shorter side *b*, when placed adjacent to a square with sides of length *a*, will produce a similar golden rectangle with longer side *a + b* and shorter side *a*. This illustrates the relationship:

$$\frac{a + b}{a} = \frac{a}{b} = 1.6180...$$



Golden Rectangle= 1:1.618

The Golden Ratio is intimately related to the Fibonacci spiral, which is an approximation of the golden spiral created by drawing circular arcs connecting the opposite corners of squares in the Fibonacci tiling. The golden ratio appears in some patterns in nature, including the spiral arrangement of leaves and other plant parts.

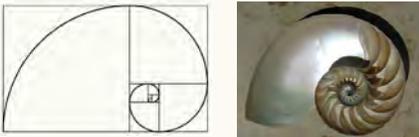


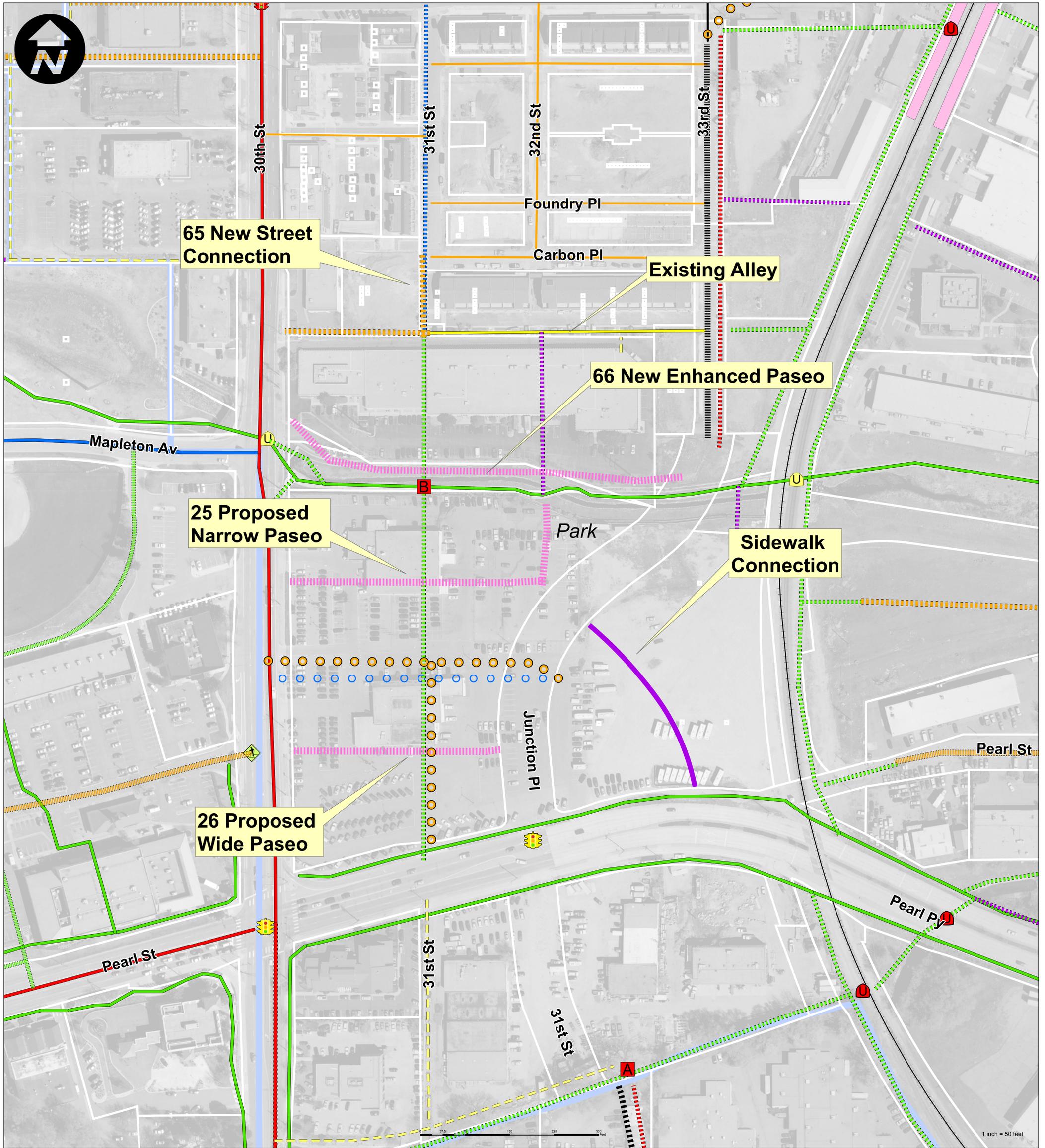
Figure M-1 (47). Description of the Golden Ratio



Figure M-1 (48). Example of Documentation of Use of the Golden Ratio in the Building Design



# Transportation Connections Plan



## Legend

- Existing Street Connections**
- Collector Street
  - Local Street
  - Railroad
  - Plan Area Boundary
  - Proposed Rail Platform

- Proposed Street Connections**
- Collector Street
  - Collector Street - Flexible Alignment\*
  - Collector Street - Upgrade Existing
  - Local Street
  - Local Street - Flexible Alignment\*
  - Local Street - Upgrade Existing
  - Alley
  - Alley - Flexible Alignment\*

- Existing Bike and Ped Connections**
- Multi Use Path
  - On Street Bike Lane
  - Designated Bike Route
  - Sidewalk Connection
  - Paved Shoulder
- Existing Roadway Connections**
- Secondary Connection
  - Alley

- Proposed Bike and Ped Connections**
- Multi Use Path
  - Multi Use Path Existing Upgrade
  - On Street Bike Lane
  - On Street Bike Lane - Flexible Alignment\*
  - Designated Bike Route
  - Designated Bike Route - Flexible Alignment\*
  - Sidewalk Connection
  - Sidewalk Connection - Flexible Alignment\*

- Existing Bike/Ped Crossings**
- Enhanced Crossing
  - Underpass
  - Traffic Signal

- Proposed Bike/Ped Crossings**
- Traffic Signal
  - Roadway Bridge
  - Enhanced Crossing
  - Bridge
  - Underpass
  - Enhanced Access

1 inch = 50 feet

<b>Paseo requirements for Boulder Junction Phase I</b>				
<b>Requirement</b>	<b>Narrow Paseo</b>	<b>Wide Paseo</b>	<b>Enhanced Paseo</b>	<b>Notes</b>
<b>Permitted Adjacent to Building Types</b>	All			See Regulating Plan
<b>Construction and maintenance requirements</b>	<ul style="list-style-type: none"> <li>• Prior to construction of any paseo, a detailed plan with patterns and materials and section drawings showing the underlying materials shall be submitted and include a report prepared by a licensed engineer indicating how the materials will be laid and connected and how drainage will be accommodated subject to the approval of the city manager.</li> <li>• Paseos shall maintain the same approved paving pattern and materials through the entire length of the paseo. Maintenance of the paseos shall be the responsibility of the adjacent properties owners and any replacement or changes must match the previously approved patterns and materials.</li> <li>• The city manager has the right to notify adjacent properties of any required maintenance within the public access easement upon the finding that any neglect or degradation of materials interferes with reasonable enjoyment of the space or poses any danger to pedestrians.</li> </ul>			
<b>Minimum width pedestrian travel way</b>	6 feet within public access easement		25 feet within public access easement	
<b>Elements within public access easement</b>	All elements in the public access easement must be approved as part of a revocable permit or lease as applicable. Doors must be recessed and shall not open into the public access easement.			
<b>Minimum width for paseo including easement and combined elements</b>	9 feet	20 feet	25 feet	
<b>Minimum setback of paseo surface from building face on each side</b>	18 inches (3 feet total) off building foundation; Gray concrete or brick surface with 2% slope			Required for maintenance, downspouts, small utilities etc. Wall-mounted signs, potted plants are also permitted in the 18 inches. Sandwich boards not

				permitted.
<b>Surface treatment minimum standards for pedestrian travel way</b>	6 feet wide permeable interlocking concrete pavers pattern (see pictures) or brick	6 feet gray concrete with decorative scoring pattern including a border composed of a different material on both sides, if concrete (see pictures)	Combination of gray concrete in a decorative scoring pattern, patterned brick and permeable pavers. Bricks and pavers shall constitute at least 50% of the surface treatment along the path and 100% of seating areas.	 
<b>Special design requirements</b>	Paseos shall be open to the sky with at least one building on one side not exceeding 2 stories within 15 feet of the paseo	Paseos shall be open to the sky, with the exception of canopies or trellis and shall incorporate art (e.g., sculpture, murals) where possible as approved by the city manager	Terraced retaining walls, maximum height of 36" (18" inch for seating) shall be used for transitioning grades	See Sections
<b>Outdoor seating: Minimum dimension</b>	6 feet		Minimum dimensions 5 feet by 10 feet with benches provided	See section

<p><b>Surface treatment minimum standard for outdoor seating areas</b></p>	<p>Gray concrete with scoring pattern different from paseo</p>		<p>Brick or permeable pavers</p>	
<p><b>Landscape requirements</b></p>	<p>Decorative pots and planters, where feasible outside of easement</p>	<p>Paseos shall include a mix of hard and softscapes. A minimum of 25% of the overall paseo shall be softscape, or landscaping, and shall be evenly distributed the length of the paseo. Planter size may vary between a from a minimum of six feet to a maximum of eleven feet in width, and six feet to 20 feet in length. Planter length may be increased if no adjacent patios are proposed. Planting over parking structure shall be accommodated in recessed extensive greenroof plantings or full depth vaults and shall not project above the adjacent paseo</p>		

		<p>grade. Ornamental or columnar trees adapted to the low light conditions of the paseo shall be included wherever possible at a distribution of no less than one per every 50 linear feet.</p>		
<p><b>Outdoor lighting requirements</b></p>	<p>Pedestrian scaled wall mounted lighting required</p>	<p>Specialty lighting such as catenary or string lights also required around outdoor seating areas or seating areas at a minimum</p>	<div data-bbox="991 565 1180 836" data-label="Image"> </div> <div data-bbox="1186 565 1348 836" data-label="Image"> </div> <p>Contact the city for specifications and required spacing requirements. Lighting must comply with Chapter 9-9-16, "Outdoor Lighting," B.R.C. 1981</p>	<p>Following review of a lighting plan meeting the specifications of 9-9-16(g), "Outdoor Lighting", B.R.C. 1981, the city manager may waive the lighting requirements of the land use code to allow string or catenary lights between buildings and over paseos for any bulbs greater than 7 watts if the bulbs are shielded as shown in the examples (e.g., café string lights) below and are limited to outdoor seating areas or around building entries:</p> <div data-bbox="1386 1036 1575 1222" data-label="Image"> </div> <div data-bbox="1596 1036 1785 1222" data-label="Image"> </div>

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
October 29, 2015  
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton  
Crystal Gray

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Karl Guiler, Senior Planner  
Sam Assefa, Senior Urban Designer  
Susan Richstone, Deputy Director of Planning, Housing & Sustainability  
Edward Stafford, Development Review Manager for Public Works  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Lauren Holm, Administrative Specialist II

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 6:07 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **B. Bowen** and seconded by **J. Gerstle** the Planning Board voted 7-0 to approve the October 15, 2015 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS**

**5. PUBLIC HEARING ITEMS**

- A. Public hearing to receive feedback on the draft pilot Form-Based Code (FBC) for the Boulder Junction Phase I area and the potential review process.

**Staff Presentation:**

**K. Guiler** and **Leslie Oberholtzer**, with **Coda Metrics**, 5412 N. Clark St., Suite 209, Chicago, IL, the consultant, presented the item to the Board.

**Public Hearing:**

1. **Catherine Hunziker**, 3100 Carbon Pl. #103, spoke in support of the project.

**Board Questions:**

**K. Guiler**, **S. Assefa** and **L. Oberholtzer** answered questions from the Board.

**Board Comments:**

**FBC Review Process: What type of review process should be used to implement the FBC?**

**What should the level of staff and board discretion be based on the FBC's content?**

**Three Types: 1) No call/Staff level review; 2) No call/Staff level review with mandatory DAB review; 3) Call Up based on specific areas of concern/discretion.**

- **C. Gray** stated that she would like to have the opportunity to call up or review projects to see exactly how they have been applied. It would be helpful to have the option to call up the item to see if the project meets the FBC requirements.
  - **L. Oberholtzer** stated that it would be possible to do a call up, but the key would be to have very specific regulations defined in the Code and in place. If not, then changes would not be able to be done unless the Code was changed.
- **L. Payton** stated that her concern lies with the accountability on projects. Currently, the public views that the accountability lies with City Council and Planning Board. But with the proposed FBC, there would be no call up (under options #1 and #2). She questioned who would be accountable if the public does not like the results. In addition, she had questions regarding the Minor Modifications process and the accumulation of many Minor Modifications. She stated that she supports Victor Dover's recommendation that if a project is above three stories, for example, then the Planning Board could review or call up the project.
  - **L. Oberholtzer** stated that with FBC, the Code can be modified rather than trying to have a project meet the criteria during the Site Review process.
- **B. Bowen** stated that in regards to updates on FBC, he would prefer to see a formalized review of the FBC process and placed within the document. In terms of the review process presented, he stated that option #1 is reasonable; however option #2 makes more

sense. He suggested a process in which people could opt out of the FBC process and into a discretionary review process. Perhaps make something that would be more adaptable over time for the rest of the city.

- **K. Guiler** stated that they did consider giving people the choice of a FBC review or more of a Site Review process. They moved away from that because it might create too much inconsistency between buildings.
- **H. Pannewig** added that the current FBC is supposed to be a pilot and the concern would be that the pilot could not be tested if people choose not to do it.
- **B. Bowen** stated that in regards to the pilot phase for a distinct area, that perhaps giving people the option to opt out for the future, especially if it was adopted for the entire city. In regards to Use Review, during Phase I, the Use Review tables would still be in place, however he questioned if after the adoption of the FBC, would the Use Tables still be in place or relaxed.
  - **K. Guiler** stated that they had not intended to add uses into the FBC. Uses were not seen as a problem that needed to be addressed. However, if in the long term, FBC is found to be successful (better than Site Review), they could integrate them into the Code and perhaps replace parts of Code. At this time FBC is a pilot.
  - **L. Oberholtzer** stated that FBC would not ignore uses. FBC has categorized the uses. Most FBC incorporates uses and a set of zoning districts with use information included.
- **B. Bowen** stated that the FBC would help to discuss the arrangement of uses on the site which would be valuable. The current Use Table could be improved on. He stated that a neighborhood impact, on a case by case basis, review would be needed. He stated that he would support the #2 option.
- **A. Brockett** stated that if FBC would be adopted, people would not be allowed to opt out. He questioned how FBC would impact those projects that have already begun the process (Site Review). He stated that in regards to the review process, the goal would be to not have endless discretionary reviews. Given that FBC is a pilot, and a limited number of parcels involved, it would be reasonable to have feedback or consultation with City Council and Planning Board. He stated that the best path would be between options #1 and #2. He stated that it is important to have governing bodies involved in the public process. He stated that not just a call up would be needed, but a report for feedback would be needed to explain what worked and what did not.
- **L. May** stated that he would be in support of option #3 with triggers such as projects that are over three stories with a call up option. Where significant impact on a site would be present, he would like to see a call up option.

- **J. Gerstle** stated that he would be interested in maintaining input on designs and sites yet to be developed, and he thought that the Planning Board should have the ability to call up those sites. He stated that option #3 seems appropriate. He stated that with options #1 or #2, the Planning Board would lose the ability to deal with those issues. Planning Board's history of restraint and moderation should be considered with respect to call ups. Planning Board has shown restraint. Option #3 would retain the call up option but would ensure that it is not abused.
- **A. Brockett** stated that he hopes the FBC would be written to be prescriptive.
- **J. Putnam** stated that if the city would use a FBC, then the city would need to provide the room for it to be a real FBC. If the city were to follow the FBC prescriptions, then FBC would work. He stated that he would support between options #1 and #2. He is not sure if he would have Planning Board and City Council involved in the decision making role, but in a feedback role. He would recommend regular informational items to Planning Board and City Council to provide feedback, but it would not be an approval or veto. He suggested that the city should allow the FBC to move forward but observe the outcomes. He stated that he is confused regarding the relationship between modifications to buildings and modifications to already approved developments. A provision should be in place in which the principles should apply. Should not have something in place that would be radically different than what is attempting to be accomplished with the FBC when trying deal with consistency. In regards to the alteration piece, he questioned how that would fit within the FBC. He stated that any major design deviations should go to Planning Board and City Council or at least the ability to call up. In addition, regarding efficient sustainable and adaptable buildings, the FBC is mimicking the language in the current Site Review criteria; however it mimics criteria that are currently not working in Site Review.
- **C. Gray** agreed with **J. Putnam** regarding the need for an evaluation of the FBC (i.e. 5 years) and suggested putting it on the schedule. She questioned if more staff with a design orientation to implement the FBC would be needed. She stated it would be helpful to have an evaluation of current projects in order to see how they would have worked out differently or perhaps the same. Finally, in regards to community benefit, specifically affordable housing and other sustainability issues, she asked how these items would be woven into FBC.
  - **S. Richstone** stated that the city is looking at adopting a community benefits program for affordable housing. If this would be adopted, there may be several sections of the FBC that would need to be reviewed to identify if in conflict with the Code. In regards to the FBC pilot, it would be an idea of understanding the frustrations with the current structure of the Code. She explained that the idea of piloting the Code would be to try a different approach to the Code. She explained that it may lead to how we comprehensively restructure the Code. In addition she stated that since it would be a pilot, we would want to make sure that we would be learning from it and to be prepared to be flexible.

- **C. Gray** stated that since this would be a pilot, it would take away the anxiety of the FBC being perfect. In addition, she stated that historic resources would need to be addressed if FBC was applied to other areas.
  - **S. Assefa** explained that as the FBC expanded, it would be applied according to very site specific conditions and areas. He stated that some aspects of the FBC might be very common to spread city-wide, but it could be written to be very specific to unique areas.
- **L. May** stated that it would seem appropriate to use a similar trigger for call up processes. For this FBC pilot, since very large projects would be involved, it would be a learning experience for the Board if a project were to be called up.
- **A. Brockett** stated the pilot nature would be unique. He stated that it would make sense to have a high level of scrutiny while developing the pilot phase. He suggested keeping the call up plan and that it would be helpful to have as an added step and part of the pilot. Then he suggested adding the call up process as part of the pilot.
- **J. Putnam** stated that there are pieces of FBC which would be subjective. He stated that he would rather have the FBC limited in location and if it would be found to not work, then a different approach could be implemented.
- **A. Brockett** suggested not adhering to the traditional criteria during Site Review, but would allow it to be called up if the project did not comply with the criteria. He stated that he would advocate this for the pilot only.
- **L. Payton** stated that the pilot could be a costly experiment from the community's perspective. She stated she would prefer to keep a threshold on the criteria (i.e. over three stories).
  - **H. Pannewig** added that the staff would want to know the Planning Board's specific concerns and why they would want the opportunity to call up an item. She stated that this would aid staff in drafting standards into the Code so that they would be discretionary.
- **C. Gray** stated that the "exceptions" listed in the FBC (page "X") vs. the standards that are outlined, may not be conforming to the regulatory plans. For this reason, she stated that she would prefer to preserve call ups.
  - **H. Pannewig** informed the Board that staff is working on the standards for exceptions to be granted.
- **B. Bowen**, in regards to what the trigger would be to call up an item, he stated that it would be a good idea to define this and have a call up process built in. He explained that the Site Review criteria would be set up along with questions. The FBC would answer those questions then there would be no need for a call up. In addition if the trigger for

call up would be a project over three stories, then the current zoning that is in place for building types two-five stories on buildable lots would all be subject to a call up.

- **J. Putnam** added that he would rather have the trigger line up with what would be reviewed by the Planning Board. He stated that the piece that is most flexible and vague would be a design quality element and the trigger should be linked to that. He stated that height should not be the only consideration.
- **A. Brockett** proposed to make a call up test within the pilot which either fails one of the prescriptive measures in the FBC or the applicant has asked for an exception which they would like Planning Board to review. This might assist staff to draft what type of event could be called up and might be used with any building, not just ones over three stories.
- **L. May** suggested that rather than having a specific trigger (i.e. height) for a call up, that perhaps it could just be part of the FBC criteria that will be met. It was suggested that everything could be subject to call up.
- **A. Brockett** stated that in regards to a call up, the Planning Board would need a set of criteria with which to evaluate the project. Therefore, he proposed the criteria being the FBC, specifically plus any exceptions asked for.
- **J. Gerstle** explained that the pilot phase would involve only two or three projects which might result in a maximum of two or three call up memos from staff. He felt that this would not require an unreasonable amount of staff time, and that it would be similar to current procedure.
- **J. Putnam** clarified that he would not be in favor of a call up process and would agree with option #2. However, if the Planning Board would like to have a call up process, then he would prefer to have it in the proposed structure suggested by **A. Brockett**.
- **A. Brockett** re-stated his proposal which was within the pilot phase, that any project be subject to Planning Board call up. The criteria under which Planning Board evaluated those call ups would be in compliance with the FBC itself along with any exceptions that were asked for.
- All Board members were in favor of **A. Brockett's** proposal.
- **B. Bowen**, in regards to the section entitled "Memo to Incorporate into Existing Sections" (M-0), in terms of sign and lighting plan requirements, stated that if the FBC would be replacing the sign code, it would need to be addressed. Otherwise he stated that the sign plans should be reviewed at a later review. He stated that the lighting plans should not be a part of the FBC since it would be a very high level engineering review. In addition, in regards to shadow analysis, he stated that it may need to be included if the Planning Board is telling applicants what the height should be of the building. In regards to the natural features section, the FBC asked for a ground water plan, which he stated he is unclear what exactly that would be. He stated also that it would be un-reasonable to

ask for a tree inventory with the proposed typography. It would be better served if received with the Site Plan. Finally, he proposed removing sections B & C.

**Overview (M-1):**

- **J. Putnam**, in regards to the energy related issue, questioned how the minimization of energy use and maximization of renewable energy would fit within the specific standards (i.e. roof types) outlined. He also questioned if it could be considered as criteria not meeting the FBC. He expressed concern that currently nothing is written in the FBC that would be a driving goal in terms of energy. To the extent that the FBC is meant to replace Site Review and Site Review currently has those criteria, and it should be in the FBC.
  - **L. Oberholtzer** informed the Board that these guidelines would be intended to be the “stated intents” behind the regulations as written and not regulatory requirements, such as in Site Review. The FBC would be both energy as well as IGCC.
  - **K. Guiler** informed the Board that staff is working on energy code updates. What was originally proposed in the FBC was what might work as of today. Staff would move toward changes and they may render what is currently written in the FBC obsolete. He stated that it felt more appropriate to address energy issues to the city as a whole presented as Code rather than putting a portion of the energy issues in the FBC which would need to be updated eventually.
  - **S. Richstone** informed the Board that staff would be getting a consultant to help support the staff in terms of how to get to the goal of Net Zero by 2031. This will require taking the current energy code and continuing to get move towards the Net Zero goal. One item that will be evaluated is adopting the IGCC. Energy codes will be addressed as well.
- **B. Bowen** stated that he would like to see energy code and IGCC implemented across the board within the city and be addressed on working buildings. In addition, he stated that solar access is not being dealt with (i.e. roof or solar panels) in the FBC.
- **A. Brockett** questioned how the adoption of new energy codes affects this FBC pilot.
  - **K. Guiler** informed the Board that if a new code was adopted, and a project had not begun, then it would be subject to the new code. The new code would be too specific and would be in conflict with the FBC; therefore the language was removed.
- **J. Putnam** expressed concern that it would be some time before the new energy related issues are in place. He stated that he thought it could be dealt with by a condition or by a future modification of the code. He stated that not referring to the energy issues within FBC would be a mistake.
- **J. Gerstle** agreed that the energy issues should be included.

- **A. Brockett** agreed that energy issues should be included; however section C-4 would not be the correct location. The energy issues would be goals, not regulatory matters. He stated that he would prefer section C-4 not repeat the Site Plan criteria. He stated that they should be more aspirational since they are goals. He agreed with other Board members to include criteria in the FBC regarding energy and solar. In addition, regarding the variety of housing types, which include detached housing units, the projects that would be involved with the FBC do not have single-family housing proposed. He suggested that item be removed from the document, since this would only be for Phase I of Boulder Junction.
- **B. Bowen**, regarding the section entitled “Human Scale Design” (C-2), he suggested that “human scale” would need to be defined as it could be interpreted differently by different people.
  - **L. Oberholtzer** stated that 5’6” would be the definition of “human scale”. She stated the space should be appropriate to a human.
- **L. Payton** stated that she believed 5’6” would be too tall for a reference person when evaluating view corridors. A definition of "human scale" should be included in the FBC. Regarding the Regulating Plan, she stated that a variety of building types had been defined in the FBC, however currently only the "General" building type is projected to be used in the undeveloped portions of Boulder Junction. Because those buildings are allowed to go up to 55 feet, they will likely either be apartments or mixed use. They won't be townhomes, which require a "Row" building type specification in the Regulating Plan. There are no opportunities left in the Regulating Plan for the "Row" building type, which is unfortunate because that is the building type most likely to provide housing for in-commuters with families. She suggested that the north side of Goose Creek would be a good location for townhomes, that is, the "Row" building type.
  - **L. Oberholtzer** stated that the TVAP would need to be modified, which currently is calling for “high density residential” use.
  - **K. Guiler** added that if TVAP were to be modified from a “high density residential”, it would be rezoned as RH-7.
- **B. Bowen**, in regards to the M-3 building types section, stated that the plans show the entrance configuration along Goose Creek facing Carbon Place, Junction Place and 30<sup>th</sup> Street. He clarified that this plan would orient the buildings in terms of elevation. He stated that in terms of entrance configuration, they should come from a Type A frontage closest to the street and need to face a Type A frontage such as Goose Creek. He suggested making the language clearer.
  - **K. Guiler** could make connection changes to TVAP.
- **B. Bowen** suggested having primary residences along the Goose Creek.

- **A. Brockett** suggested for the “general building type” adding a stipulation having each unit at ground level if residential with their own access available.
- **L. Payton** suggested locating a "Row" building type in the Regulating Plan to achieve a variety of housing types.
  - **S. Assefa** added that there may be a potential of putting a row house into the Pollard site.
- **J. Putnam** questioned if the terminated vistas requirements (G2 and G4) are too restrictive for creativity and thinking more broadly. They would not allow for Denver Union Station, which is the best terminated vista in the area. He suggested broadening the specific elements that provide more subjective intent and are more interesting.
- **B. Bowen** agreed with **J. Putnam** and added that the scale would be wrong for that view.
- **A. Brockett** agreed with **J. Putnam** and suggested not being prescriptive on how the vista would be terminated.
- **C. Gray** suggested reevaluating the view corridors from Goose Creek. She suggested the location of where Goose Creek would meet 30<sup>th</sup> Street.
- **B. Bowen** mentioned that it would be beneficial to acknowledge other views besides the Flatirons. He added that the example of the porch roof in the renderings would be too low and the porch landing would not be typical for a traditional porch. He suggested replacement of the graphic. On the next graphic, an example of a commercial entry, a handrail would be required and the stoop reference would be more residential.

## **PLANNING BOARD TOOK A SMALL BREAK**

### **Overview (M-1) Continued:**

- **C. Gray**, regarding the view corridor, stated she prefers the variance in heights of the buildings along 30<sup>th</sup> Street. The view corridor should be designated.
  - **K. Guiler** informed the Board that there would be a step-down in height with each building along 30<sup>th</sup> Street.
  - **L. Oberholtzer** reviewed the building heights with the Board as proposed in the plan. She proposed to modify the language to state that the 30% step-down height requirement should be along a street.
- The Board agreed that the view corridor should remain present along a street.

- **C. Gray** questioned why store frontages on the corner of Pearl and 30<sup>th</sup> Street are not present on both sides of the street. The zoning would require the entire ground floor.
- **J. Putnam** suggested that while it would be implied by staff, it would be helpful to show every use on the regulatory map. All Board members agreed.

**Public Realm (M-2):**

- **L. Payton**, regarding the public outdoor space, questioned staff about play areas in the specifications for public outdoor space. She stated that she would like to see an indication of play grounds. She stated that the FBC does not get specific about family-oriented amenities in the public spaces
- **A. Brockett** stated that something more specific might make sense. He suggested that an opportunity for a play area would be pocket park.
  - **L. Oberholtzer** stated that they could require a type of park and/or playground.
- **C. Gray** agreed to designate specifically a park or play area, perhaps Meredith Park.
- **A. Brockett** stated that public open spaces are fully defined in this plan except for the pocket park along Junction Place and the Pollard Open Space. He suggested changing the structure to define those spaces specifically and call out the recreational amenities that are missing in TVAP. He suggested not getting overly prescriptive but to call it out to have it included. In addition, he suggested calling out the Pollard Park and what the Board would be looking for specifically in that location, in particular family oriented recreational facilities.
  - **S. Assefa** defined the language located in TVAP regarding the Pollard Open Space area for the Board. He explained that the city will be building that as a park.
  - **E. Stafford** informed the Board that the pocket park is currently city owned. He stated that construction will hopefully begin 2016 and carry into 2018.
  - **S. Richstone** informed the Board that there are guidelines within TVAP specifically regarding the pocket park.
- **A. Brockett**, in regards to public outdoor space types, he stated that the term “public” would imply everyone from the general public could access the space.
  - **H. Pannewig** recommended not using the term “public”.
- **B. Bowen**, regarding the minimum block configurations, stated that they should be reduced. He stated that the level of cross-sections in the right-of-way would be beneficial. He suggested putting traffic in the drawings. Regarding the shared street, he stated that it would make more sense if the diagram showed tree grates on either side of

the street rather than a parking stall at the end. He suggested framing the intersection with trees rather than parking. He stated that he would submit an email with details to **L. Oberholtzer**.

- **E. Stafford**, regarding the narrowing of the streets, stated that those designs had not been implemented yet into FBC.
- **B. Bowen** stated that it is disappointing that it had not been done. He stated that the streets should be as narrow as possible. He stated that they do work fine in other areas. In regards to the paseo, he stated that art should be required rather than encouraged. In addition, if trees would be required in the wider paseos, he stated the tree diagram should change (i.e. spacing). He suggested that an exception to the dark skies be written for paseos specifically. He stated that storm water structures in the green spaces should be required and designed to be habitable. Finally, he observed in the Plaza requirements, the minimum size declared would be 1.4 acres and that those numbers would be incorrect.
  - **L. Oberholtzer** stated that she lowered the minimum size of the Plaza requirements. She stated that it is important to set some minimums in order to achieve small scale parks. She stated that small scale parks mixed with large scale parks work better.
- **B. Bowen**, regarding the park greenway piece, stated that access to the water should be required.

#### **Building Types (M-3):**

- **A. Brockett** expressed concern with the suppression of creativity in building/roof types by being overly specific in the FBC. He stated that the purpose of the FBC should be to get higher quality designs and more predictability. He added that this section in the FBC may take away options. He stated that he thought some of these guidelines could be removed, and the result would still be quality design and innovation (in particular the slope of the roofs).
- **L. May** stated that the reason for doing a FBC would be because there have not been satisfactory design results in the past. The FBC would serve as a method to provide a prescription to get better designs. He stated that the level of specificity in the FBC would be appropriate.
- **J. Putnam** stated that this may be the place where the amendment and exception process would start to work. He stated that the constrictive language would be in place so that if a design would be straying from the conservative, then the project could be subject to review.
- **J. Gerstle** agreed with **A. Brockett** stating if the design criteria are too specific, that creativity might be inhibited. He stated that he is not in favor of an arrangement resulting in uniform building designs.

- **B. Bowen** agreed. He stated that the generalities need to be correct, but not the detailing. He stated that he is unsure if this should be defined in a pilot FBC project.
- **L. Payton** agreed with **L. May**. The proposed FBC would be only for Boulder Junction. The proposed FBC offered quite a number of roof types. If this FBC would be adopted city wide, she stated that more types could be allowed. She stated that uniformity is not a bad thing. She stated that there is value to some level of uniformity, especially on the cap type of a roof. She stated that she would be in support of the M-3 section.
- **C. Gray** agreed with **L. Payton**.
- **A. Brockett** explained that he would not be suggesting that design elements are not specified. He suggested that the specificity should be reduced in the FBC. For example, he agreed with **L. Payton** regarding the flat cap type, but questioned why other types would be forbidden.
- **B. Bowen** suggested that the pitch of butterfly roofs should be clarified.
- **L. May** reminded the Board that there would be an exception process built in to the FBC. Therefore the options would not be precluded. The applicant would need to go through a review process. He stated that the point of the FBC would be to provide a prescriptive pathway for a project without a review.
- **B. Bowen** stated that there are at least two roof types that should be included and currently are not. He suggested that roof deck or guard rails and shade structures should be allowed. In addition, under flat cap roof type, he stated that a shed roof should be allowed.
- Some members of the Board disagreed with allowing a third story shed roof.
- **B. Bowen** stated he would email his additional comments to **L. Oberholtzer**.
- **C. Gray**, in regards to the allowable lengths and heights of the buildings, she questioned why the lengths of 150 feet were chosen.
  - **L. Oberholtzer** stated she observed lengths and scales of buildings and the blocks along Pearl Street. She stated that she felt 150 feet (a half block) would be comfortable.
- **L. May** questioned how towers would be addressed as an accent point to give relief for the buildings. He clarified the tower issue would be mute at this point.

**Site & Building Design (M-4):**

- **J. Putnam** stated that, in terms of the building mass section, under section H-2, which applies to multiple buildings under one site, nothing is included that would refer to only one building on the site. He stated that it feels as if something is missing. The

applicability of H-2 could only happen when there would be more than one building. In addition, he questioned the section regarding building proportion and the “golden ratio/rectangle”. He stated that would be a very pleasing element, however there may be an over emphasis on the “golden ratio”.

- **L. Oberholtzer** stated that she would remove it so it applies to all single buildings.
- **A. Brockett** agreed with **J. Putnam** regarding the language referring to the “golden ratio”. He suggested that the language be changed so that the “golden ratio/rectangle” could be a tool or recommendation to be considered.
- **L. Payton** suggested that the language should be applied to elements logically perceived as individual components of the building as opposed to combinations of components (i.e. 1.5 window openings).
- **L. May** stated that the FBC would be offering people a prescriptive way to gain approval. He agreed that the “golden rectangle” would not be the only means to design a building; however it would be offering a direct pathway to approval without discretionary review.
- **J. Gerstle** agreed that the “golden rectangle” would be a suggestion and not a requirement of FBC.
  - **L. Oberholtzer** informed the Board that the “golden rectangle” would be applied to the building design and not the unit design.
- **B. Bowen** stated that he does not see it as something that would need to be outlined.
  - **L. Oberholtzer** stated that the “golden rectangle” would be used as a comprehensive tool, however not all buildings would need to conform it. The FBC would not require a specific percentage. The “golden rectangle” would not be used as a regulatory rule in other places.
- **L. May** stated that the FBC is meant to give clues and hints about how to create a good building.
- **A. Brockett** questioned staff if the “golden rectangle” has precedence in other jurisdictions or cities using this as a prescriptive regulatory tool.
  - **S. Assefa** answered stating that the “golden rectangle” has been a proven method to obtain good proportions within architecture. He agreed that there could be other ways to achieve that. He stated that by including it in the FBC, the intent has been to test it. In addition, he added that it would aid in the review process. He stated that the FBC would be new, a test, so it might be appropriate to include.

- **H. Pannewig** stated that she interpreted the language that the “golden rectangle” would need to be used at least twice, once in massing and the other in the façade. If it were used during those times, then the requirement would have been met.
- 
- **A. Brockett** stated that some Board members were in disagreement on whether the “golden rectangle” should be a suggestion or requirement.
  - **B. Bowen** suggested that as a follow-up on that topic, staff could review it as an example when looking at massing. He stated that it would need to be proven that it does work. Staff was asked to supply examples to the Planning Board.
  - **L. May** addressed porches and balconies as an integral part of the building. He stated that he did not want to discourage them. He stated that they could be included as a prescription. In addition, he suggested that alleys could have the street facing material extend along the back. In addition, in regards to setbacks as opposed to building drops, that could be used more often. He stated that he approves of the 30% building drop off as was proposed and that it could be effective. Finally, in regards to the scaling of ground level, an effective scale reducing element might be a setback of the upper floor.
  - **A. Brockett**, in regards to the façade materials, thought that the wood that would be specified as “already aged locally or from a similar climate” seemed very specific. He stated that there must be other types of wood that would work as well. Additional board members expressed concern.
    - **L. Oberholtzer** stated that the wood would be aged locally, not grown locally (i.e. adapted to this weather). She stated that she consulted with other architects for additional wood types. She stated that IPE wood could be considered however it would be considered non-sustainable.
  - **A. Brockett** suggested that the attributes of the wood, rather than wood types, be called out.
  - **B. Bowen** agreed. He stated that there would be many sources of wood and suggested to not define the species or type necessarily, but rather the performance. He stated he would email **L. Oberholtzer** additional material information. He clarified that the use of stucco is important and should be made specific. He suggested that the language would need to be clearer regarding the ethos system.
  - **L. May** stated that stucco can be clean and desirable as well.
  - **A. Brockett** stated that in the area of stucco installation and how it should be done, that techniques change and that the language should not be too specific.

- **L. Payton**, in regards to limited use of minor materials, questioned why fiber cement shingles and lap siding would be allowed on upper stories when that has been identified as a problem in some of the current construction.
- **B. Bowen** also questioned if the language would be allowing wood, then why the language would be limited to lap siding and shingles. He stated most architects would be looking to use a rain screen insulation which would give a more modern feel. He stated that it should not be prohibited.
- **L. May** explained that perhaps the FBC should “suggest” this material, rather than state it would be “preferred”.
- **B. Bowen** stated that he would email comments regarding materials to **L. Oberholtzer**. He added that in his opinion it would be a mistake to limit color pallets to only historic pallets to manufactures. **A. Brockett** agreed. In addition, he stated that the awning system should allow light shells, rather than only awnings.
- **J. Gerstle**, regarding the prohibited major materials section, stated that exposed concrete could be nice. He stated that concrete may not want to appear in the explicitly permitted materials section, and suggested that it not be prohibited.
- **A. Brockett** explained that the builders could do what is permitted by right, but not what would be prohibited.
- **J. Gerstle** suggested that concrete be removed from the prohibited major materials section.
- **L. May** stated that glass block should not be prohibited as well.
- **C. Gray**, regarding roof top mechanical equipment, stated that she liked that the FBC is written to encourage the equipment be within the building and screened. She encouraged that the roof top mechanical equipment be thought about and to minimize these structures more than is currently done.
- **B. Bowen** stated that the way the FBC is currently written, it prohibits solar systems. He stated that this language would need to be changed.
- **J. Gerstle** suggested the restriction or use of noisy A/C units and require central air within the FBC. He suggested placing the condensing unit on roof.
- **A. Brockett**, regarding building articulation and building façade variety, stated concern that the FBC section would be working against the search for simple buildings. The past concepts have been that the city would not want buildings that are overly busy. He stated that he understands the desire to break up the massing of buildings; however the written section may work against the desire for simple buildings.

- **K. Guiler** explained that the intent was to require some design changes between buildings and that some believed FBC to be too rigid.
- **L. Oberholtzer** stated that in previous discussions with the working group, it was determined that the length of 150 feet was too long. She stated that the desired length would be closer to 90 feet for a building; however making all the building widths 90 feet would be too short. She stated that the requirements would be fairly simple, as well as different roof types on the different building segments, could be encouraged. The building articulation would break a 150 foot building into segments and would not result in a simple building.
- **A. Brockett** stated that it would be possible to have a building of that length with a single façade type.
- Most of the Board members voted to keep the façade variety requirement vs. making it simpler.
- **L. Payton**, in regards to community benefit, inquired if the city would ever be able to require on-site affordable housing.
  - **H. Pannewig** stated there are one or two sections in the Code where on-site affordable housing is required and it has been drafted in the form of a bonus condition. If on-site affordable housing would be required, then it should not be part of a discretionary review.
  - **S. Assefa** explained that the underlying assumption in terms of the community benefits through the FBC would be more of the design performance as it relates to building design. The issue of other community benefits had not been addressed through the FBC. The focus of this had been on the design outcomes and better buildings. The assumption would be that when FBC is done, then the product would be a more predictable building.
- **L. Payton** stated that it would be beneficial to study and have affordable housing on-site.
- **J. Putnam** stated that the primary community benefit at this time would be to develop TVAP and the manner in which it was planned. He stated that the FBC would do that.
- **J. Gerstle** stated that he would strongly support the investigation of on-site affordable housing benefits as well.
- **A. Brockett** closed the discussion regarding FBC.

**6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

**A. Suggestion of Revisions to the Application for Planning Board Applicants**

- **A. Brockett** instructed the Board to review and to email any proposed revisions to the Planning Board Secretary by November 2, 2015.

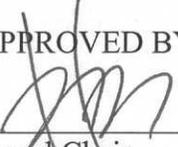
**7. DEBRIEF MEETING/CALENDAR CHECK**

- **L. Payton** stated that the Board must all arrive on the same page of the memo/packet to have an adequate discussion. She suggested that the Chair state how page numbers would be referred to at the beginning of the meeting.

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 11:00 p.m.

APPROVED BY

  
\_\_\_\_\_  
Board Chair

DATE

12.3.15

**CITY OF BOULDER**  
**DESIGN ADVISORY BOARD MINUTES**  
**March 9, 2016**  
**1777 Broadway, 1777 West Conference Room**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**DAB MEMBERS PRESENT:**

Jamison Brown, Chair  
Michelle Lee  
David McInerney  
Jeff Dawson  
Jim Baily  
Bryan Bowen, Planning Board Ex-Officio Member

**DAB MEMBERS ABSENT:**

**STAFF PRESENT:**

Kalani Paho, Urban Designer  
Cindy Spence, Administrative Assistant III  
Karl Guiler, Planner II, Code Amendment Specialist  
Chandler Van Schaack, Planner II

**BOARD DISCUSSION:**

**1. Call to Order**

Chair, **J. Brown**, declared a quorum at 4:04 p.m. and the following business was conducted.

**2. Approval of Minutes**

The board approved the January 27, 2016 Design Advisory Board minutes.

**3. Form-Based Code Pilot**

**K. Guiler** provided a brief summary of the Form-Based Code Pilot (FBC) as applies to the Phase I Boulder Junction area. He gave a brief update regarding what is currently being worked on and to hear any comments or questions from DAB. Currently he is working to change the language to be more regulatory and to match the numbering in the Boulder Revised Code, what should be kept in the public realm section and perhaps changing the TVAP section altogether for example by refining and updating the mapping in regards to paseos. Streetscape standards and what occurs on private land will stay in FBC. He mentioned that city staff would prefer to have a list of enhancements that appeared in the FBC (but were removed) as work group item for DCS upgrades to apply citywide. He added that a change in the section regarding building types may include a three-story limitation west of Junction Place and north of Goose Creek due to the context of the Steelyards site. He explained that they would not be going through the traditional site review process and implementing a new process called “design review”. It would be similar to site review but have more prescriptive solutions. He stated that there would not be a height modification process where the FBC would be specific about allowable heights. However, buildings would not be allowed to go over 55 feet set by the city charter. If the building does go over 35 feet, a height modification would not apply. It would simply state that the project would be entitled to build the number of stories allowed in that area and a floor to floor measurement

would determine how tall buildings could be. As far as discretion, any design project of any size, would be subject to Planning Board call-up. The ordinance currently is being written that all projects would be subject to design review and Planning Board call-up, but not all projects will be sent to Planning Board. It could be called-up by a single Planning Board member at this time. In addition, there will be an “exception process” to allow flexibility. Projects will still go before DAB as well. DAB will see all projects, able to comment on projects and see how it may be meeting the FBC and determine whether projects are consistent with adopted area plans of guidelines. As Planning Board and City Council become comfortable with FBC, then discretion/all-up could be eliminated. The FBC will be presented to Planning Board at their April 14, 2016 meeting.

#### **BOARD COMMENTS:**

- **J. Brown** stated that he likes the idea of the Planning Board call-up. The plan at this time is a good start.
- **J. Dawson** expressed concern that the FBC is becoming a subcommunity plan rather than a FBC.
- **J. Brown** found the document to be logical. Compared to the Boulder Revised Code, it reads better.
- **D. McInerney** finds the diagrams remarkably useful.
- **J. Baily** stated that the photos of the existing buildings are very well chosen.
- **D. McInerney** suggested numerous edits to the draft of the FBC in DAB’s packet:
  - *M.1.3. Special Design Area Goals - Subsection A “Boulder’s Unique Sense of Place”*: **ADD** “conserving water” to list of objectives in recognition of Boulder’s arid region location.
  - *M.1.3. Special Design Area Goals - Subsection D “Efficient Adaptable Sustainable Buildings”*: This does mention “reasonably mitigate or minimize water use”. **DELETE** “reasonably” because it does not apply to the other objectives. It should not be mentioned for water quality.
  - *M.1.3. Special Design Area Goals - Subsection F “Support of Multi-Modal Mobility”*: **ADD** “transit stops” to the existing list of connections.
  - *Figure M.1.2. Regulating Plan* – The street terminus indicated by an “\*”, is it the same as a terminated vista?
  - *Figure M.1.3.* – Areas labeled as “no limitation” might be better labeled as “charter limitation” or “55 foot limitation”.
  - *M.1.9. Definitions – Subsection D “Façade”*: This should be rewritten. Might want to say “returns are considered part of the façades perpendicular to them”.
  - *M.1.12 Street and Public Way Types – Subsection F “Shared Streets”*: This should be rewritten. **K. Guiler** informed the board this section would be removed.
  - *M.1.9. Definitions – Subsection U “Parking Yard”*: terminology needs to be realigned with current definition.
  - *M.1.14 Streetscape Design Requirements - Subsection C “Standard Specification” and Subsection B “Streetscape Area”*: He was concerned that Subsection B indicates that shared streets and paseos have a streetscape that occupies the entire right-of-way or easement. Although streetscapes have been removed, it would still apply to paseos and Subsection C. He stated this may cause contradictions.
  - Regarding the “towers”, he expressed concern on their regulation and the wording regarding the number allowed on a building. **K. Guiler** assured the board that this had been edited to be clearer.
- **J. Baily** clarified the goal to have the ground floor of a building to be transparent, however he suggested that he would like to see masonry elements move toward the

ground to avoid a top-heavy appearance.

#### 4. North Boulder Armory

**C. Van Schaack** provided a brief summary of the North Boulder Armory project. He informed the board that the scope of project has changed. The project is now is intended to conform to the existing zoning. There will be no setback modifications, 200 dwelling units (182 apartment units/18 townhome units), restaurant and convenience stores located at corners of Broadway and Lee Hill and Broadway and Zamia, and a total of 22 buildings. The existing Mess Hall Building is proposed to be maintained. All buildings will be at or below 15,000 square feet and at or below 35 feet in height. A design characteristic would exist with each block. The applicants would appreciate feedback from the board to see if they are going in right direction. He stated that staff feels that they are implementing high quality architecture and but have concerns regarding the architectural cohesiveness.

#### **APPLICANT PRESENTATION:**

**Bruce Dierking** the owner, and **Mike Mulhern** and **Liz Peterson** with the Mulhern Group, Ltd, presented the item to the board.

#### **BOARD COMMENTS:**

- **J. Dawson** stated that Buildings A, C and G, while he approves of the scale of the buildings, they appear to be too similar regarding massing. Perhaps the corners could come down. The material and direction make sense, but he encouraged to be simpler than repetitive and that it would add more interest along Broadway.
- **J. Brown** suggested creating a cohesiveness public realm rather than block by block, creating a relationship and compatibility between the buildings. In fact, it is in the guidelines to create a symmetrical streetscape.
- **B. Bowen** agreed to not have distinction by blocks but rather look at the adjacencies across the street.
- **J. Dawson** noticed that there seems to be a difference in materials and colors on the 14<sup>th</sup> Street elevation compared to Lee Hill and Broadway elevations.
- **J. Baily** stated that the most recent submittal is evolving nicely from the original submittal in regards to the Broadway elevations. The commercial buildings appear stronger and simplified.
- **J. Brown**, in regards to Building B's awnings on the second story decks, expressed concern with using the awning as a device relative to the composition of the architecture. Perhaps a horizontal shade structure could be used, rather than canvas.
- **M. Lee** noted that with the buildings along Broadway (A, C and G), the lower levels seem "squatty" and heavy on top. Having Building A the same as Buildings C and G is almost too repetitive. She stated that having Buildings C and G similar make sense, but Building A could perhaps be something that feels more like Building D.
- **J. Dawson** added that the proposed buildings will be small so they should be simple and not over articulated. Could eliminate one corner element and just have a taller corner element on Zamia for more variety and simplification.
- **B. Bowen** suggested not emphasizing the corners too much to draw people in. Using smooth textures without a lot of big gestures would be appropriate.
- **J. Brown** agreed that different uses call for different treatments, but not to necessarily announce the entrances into the neighborhood.
- **B. Bowen** asked if the townhomes on 14<sup>th</sup> Street could be required, on the corners, to have wrapped around porches. In addition, it would be useful to have the alleys line up as well.