

# Cooperative Housing Units

## Attachment to Administrative Review Application Form



**City of Boulder  
Planning and Development  
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CRITERIA (CITY CODE EXCERPT OF SECTION 9-6-3, B.R.C. 1981):

**9-6-3 Specific Use Standards – Residential Uses**

**(b) COOPERATIVE HOUSING UNITS**

Cooperative housing units may provide another option for home ownership in the community. Cooperative housing units are intended to further the goals of increased use of alternative modes of transportation; conservation and efficient use of public and private resources; and to provide for creation of a diverse housing mix and affordable housing to help meet the needs of those that work in the city. The following standards and criteria apply to any cooperative housing unit located in a residential district:

- (1) Application:** All applicants for a cooperative housing unit shall apply on forms provided by the city manager demonstrating how the standards and criteria of this Section are met and will continue to be met; provide written consent of the property owner for the application; provide a list of all property owners within three hundred feet of the boundaries of the applicant's property; provide a statement of current ownership and a legal description of the property; provide a list of the proposed resident owners in the cooperative housing unit; provide the name of the local agent; and pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981.
- (2) Conditional Use Review Required:** Any cooperative housing unit shall be reviewed in accordance with the following:

  - (A) Notice:** After receiving an application, the city manager will cause the property to be posted and notify, by first-class mail, all property owners within three hundred feet of the boundaries of the applicant's property indicating that a cooperative housing unit application has been filed and that more detailed information may be obtained from the planning department. Failure to provide such notice, however, does not affect the validity of any approval subsequently granted.
  - (B) Review and Approval:** If after reviewing the application, but no fewer than ten days after posting the property, the city manager determines that the criteria of this Section are met, the manager will grant the applicant a non-transferable approval of a cooperative housing unit. The city manager shall deny the application if any of the standards and criteria are not met. Before receiving an approval, all owners shall sign a declaration of use, including the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice of the legal status of the property.
  - (C) Approval Renewal:** An approval shall be valid for up to five years after the date of approval. The applicant shall be required to apply for a renewal prior to the end of the five-year period. There shall be no fee for the renewal of a valid cooperative housing unit use approval. The new approval will be granted if the use continues to meet the standards for a cooperative housing unit. The city manager will not renew the approval if the applicant fails to meet the standards of this Section.

- (3) **Approval Required:** No person shall maintain a cooperative housing unit without a cooperative housing unit approval pursuant to this Section.
- (4) **Standards:** The city manager may grant a cooperative housing unit application if the applicant can demonstrate that all the following conditions are met and will continue to be met during the life of the cooperative housing unit:
- (A) No person other than a resident owner shall maintain an ownership interest in a cooperative housing unit unless such ownership interest is held by a non-profit organization that has tax exempt status under 26 U.S.C. 501(c)(3);
  - (B) No more than a total of 20 cooperative housing unit applications no more than half of which may be in the RL zone may be approved for calendar years 1999 and 2000;
  - (C) No more than ten percent of the principal structures in a neighborhood area shall be group homes, accessory dwelling units, or cooperative housing units in the RR, RE, and RL districts. No more than ten percent of the principal structures in the following defined areas shall be a cooperative housing unit in the RM, MU, RMX, and RH districts. For the purposes of this paragraph, such area means an area circumscribed by a line three hundred feet in the RL, RM, RMX, RH, and MU districts and six hundred feet in the RR and RE districts from the perimeter of the lot line within which any building holding a cooperative housing unit will be located;
  - (D) A maximum of six occupants on a conforming lot, or, on a lot that is twice the minimum lot area per dwelling unit, a maximum of eight occupants may occupy any cooperative housing unit in an RR, RE, RL, RM, RMX, or MU zoning district. In the RH zoning district, a maximum of four occupants are allowed for each dwelling unit that is otherwise allowed on the site. For the purpose of this Section, "habitable floor area" means the total square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages useable for the storage of motor vehicles, and uninhabitable areas that are located above the highest inhabitable level or below the first floor level. An "uninhabitable area" is a room that has less than a seven-foot floor-to-ceiling height. The unit shall provide a minimum of 300 square feet of habitable floor area for each occupant;
  - (E) No person shall use any room in a cooperative housing unit for sleeping purposes unless it meets the minimum habitability requirements set forth in Sections 10-2-12, "Light, Ventilation, Window and Door Standards," 10-2-13, "Egress Standards," and 10-2-14, "Minimum Space, Use, and Location Requirements," B.R.C. 1981;
  - (F) The cooperative housing unit shall be owned by the resident occupants as provided in paragraph (4)(A) above. All resident occupants in the cooperative housing unit are required to use the cooperative housing unit as a principal residence, and seventy-five percent of the resident occupants of the cooperative housing unit shall have an ownership interest in the cooperative housing unit. Children under the age of 21 of a resident occupant shall not count against the maximum of 25 percent

tenants that do not have an ownership interest, but shall count against the total occupants allowed in the cooperative housing unit;

- (G) No resident owner may own less than a five percent equity interest in a cooperative housing unit. No resident owner or non-profit organization that has tax exempt status under 26 U.S.C. 501(c)(3) may own more than a forty-nine percent equity interest in a cooperative housing unit. All resident owners in the cooperative housing unit shall have an equal vote in the governance of the cooperative housing unit;
  - (H) The resident owners of a cooperative housing unit shall appoint a resident owner to serve as local agent of the cooperative housing unit. Notices given to the local agent or any resident owner shall be sufficient to satisfy any requirement of notice to the owner or operator of the property. The resident owners shall notify the city manager in writing of any change of the local agent within seven days of such change;
  - (I) A minimum of one off-street parking space per two occupants shall be provided for each cooperative housing unit. The approving authority may grant a parking reduction or parking deferral of up to fifty percent of the required parking if the applicant can demonstrate that the criteria set forth in Sections 9-9-6(e), "Parking Deferral," and 9-9-6(f), "Parking Reduction," B.R.C. 1981, have been met. A cooperative housing unit shall have a minimum of two off-street parking spaces;
  - (J) All occupants over sixteen years of age shall obtain and continue to maintain a local access bus pass with the Regional Transportation District;
  - (K) One cooperative housing unit is permitted on a building lot;
  - (L) The cooperative housing unit shall not have more than one kitchen unless the additional kitchen was installed pursuant to permits approved pursuant to Chapter 10-5, "Building Code," B.R.C. 1981, prior to an application for a cooperative housing unit; and
  - (M) No cooperative housing unit shall have an accessory dwelling unit.
- (5) **Information on Operation:** The cooperative housing unit and the local agent shall provide the city manager, in writing, with any changes in information required by this Section, including, without limitation, the names of all resident owners, other occupants, and the local agent within seven days of the change.
- (6) **Expiration of Permit:** An approval for a cooperative housing unit automatically expires at the end of the five-year period if the approval is not renewed, if the entire property has been conveyed by the resident owners to another person, or if the property is no longer used as a cooperative housing unit.
- (7) **Revocation of Approval:** The city manager will revoke an approval of a cooperative housing unit for violations of the following conditions unless, due to extenuating circumstances that the applicant has presented to the city manager, the city manager finds that the resident owners of the cooperative housing unit will make changes to the cooperative housing unit that will prevent future violations:
- (A) Upon the first conviction in a RL zoning district or the second conviction in the remaining zoning districts in Boulder municipal court for any violation of any of the following, within any two-year period based on events that occurred in the cooperative housing unit: Section 5-6-2, "Excessive Sound

Levels,” Section 5-6-1, “Unreasonable Noise,” or Section 5-3-8, “Disrupting Quiet Enjoyment of Home,” B.R.C. 1981;

- (B) Upon the first conviction in a RL zoning district or the second conviction in the remaining zoning districts in Boulder municipal court for any violation of any of the following within any two-year period based on events that occurred at the cooperative housing unit: Chapter 6-2, “Weed Control,” or Section 6-3-3, “Garbage Accumulation Prohibited,” B.R.C. 1981; or
  - (C) For exceeding the maximum occupancy allowed for the cooperative housing unit.
- (8) **Prohibitions:** No occupant of a cooperative housing unit shall fail to comply with all provisions of this Section including, without limitation, the provisions of Subsection (d) above.
- (9) **Hearings:** Upon notification of a revocation, the resident owners of the cooperative housing unit may request a hearing as provided in Chapter 1-3, “Quasi-Judicial Hearings,” B.R.C. 1981, before the planning board. Within 60 days of revocation or expiration of an approval, no owner shall fail to remove the cooperative housing unit and return the property to a use permitted in the zoning district.
- (10) **No Non-Conforming Use:** If the provisions of this Section are repealed for any zoning district by this or any future city council, the legal use of a cooperative housing unit must be terminated within fifteen years from the date of such repeal; and the property owner shall remove the cooperative housing unit and return the property to a use that is permitted in the zoning district. The cooperative housing unit use will not become a non-conforming use.