

# Owner's Accessory Unit

## Attachment to *Administrative Review Application*



**City of Boulder**  
**Planning and Development Services Center**  
1739 Broadway, third floor  
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Boulder, CO 80306-0791  
Phone: 303-441-1880, Fax: 303-441-3241  
Web: [boulderplandevlop.net](http://boulderplandevlop.net)

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## OWNER'S ACCESSORY UNIT

An owner's accessory unit (OAU) is a separate and complete housekeeping unit within a single family detached dwelling unit which complies with the city code provisions of Section 9-6-3, B.R.C. 1981. Owner's accessory units are only allowed, with approval, in the RR, RE, and RMX zoning districts on a lot which contains only one detached single-family dwelling. A single family dwelling unit with an OAU is not a duplex nor a multi-family dwelling. The OAU may be located within an owner-occupied residence or accessory structure; the owner may reside in either the principal dwelling or the OAU (see attached city code excerpt for more information).

**Proposals for owner's accessory units must be considered through an administrative review application.**

This application must include a completed application form. The OAU application requirements are listed below. Applications for owner's accessory units are submitted to the Planning and Development Services Center.

### A. Application Requirements

The following information must be included as part of an administrative review application for an owner's accessory unit permit:

- 1) Improvement Survey by a registered surveyor that accurately depicts existing structures and parking areas (3 copies).
- 2) Site Plan showing (3 copies folded to 9" x 12"):
  - a) Existing buildings, structures and improvements with dimension
  - b) Proposed buildings, structures, improvements, screening or landscaping with location and dimensions, including setbacks (2 above may be used as a base)
  - c) Off street parking area, showing size and location, with dimensions including setbacks
  - d) Existing topography within 25' of proposed unit. See "Height" definition for additional information (B.R.C. 9-16-1 1981).
  - e) Plans should be drawn at a scale of no less than 1" = 30' and should show a north arrow, street name(s), owner name(s), and address of the property.
- 3) Floor Plan showing: (3 copies folded to 9" x 12")
  - a) Proposed interior plan, showing rooms, dimensions and the separation of the accessory unit from the rest of the dwelling
  - b) Interior plans should be drawn at a scale of no less than 1/8" = 1' (1/4" = 1' preferable) and should show a north arrow, street name(s), owner name(s), and address of the property.
  - c) Proposed elevations if detached structure at no less than 1/8" = 1'. Elevations should clearly label the low point within 25' of the structure and elevation at the high point of the structure.
- 4) A completed Project Information form (see attached form).
- 5) Proof of ownership in the form of a recorded deed (copy) showing current ownership or current ownership verification by a title insurance company.
- 6) Total plumbing fixture count (see attached form).
- 7) If applicable, a copy of the disposition granting a variance request. If a variance is needed and has not been obtained at the time of application, the application cannot be accepted.
- 8) Application fee due at the time of application submittal. In addition, the applicant will be required to pay a fee for rental license renewal every four years.
- 9) Additional plans may be requested at the time of review.
10. A signed **"SIGN POSTING REQUIREMENTS APPLICANT'S ACKNOWLEDGMENT FORM"**

## **Application Requirements for Transfer of an Approved OAU to a New Property Owner**

The following information must be included as part of an administrative review application for an Owner's Accessory Unit Permit:

1. Proof that this application for transfer has been made within thirty (30) days of purchase of the dwelling unit.
2. Proof of ownership in the form of a recorded deed (a copy) showing current ownership or current ownership verification by a title insurance company.  
  
\*NOTE: The dwelling unit or OAU must be physically occupied by the owner.
3. Proof that the owner's accessory unit has been rented or occupied in the year prior to this application for transfer.
4. An application fee due at time of application submission.
5. Three copies of the approved floor plan showing the principle and accessory units.
6. Three copies of an ILC (improvement location certificate), which accurately depicts existing structures and parking areas.

### **Owner's Accessory Unit APPLICATION AND REVIEW SUMMARY**

1. **Preliminary Meeting (optional)** - Owner of the property meets with a Planning and Development Services representative to discuss the possibility of installing an OAU (owner's accessory unit).
2. **Variance Application** - If a variance is necessary, application must be made to the Board of Zoning Adjustment. Applications are available in the Planning and Development Services Center and a non-refundable fee is required.
3. **OAU Application** - An administrative review application is made for an OAU permit. Administrative review application forms are available in and are received by the Planning and Development Services Center. There is a non-refundable application fee.
4. **Declaration of Use and OAU Permit** - If the application meets all the requirements of the code, the owner is notified and a Declaration of Use and an OAU permit are prepared. The declaration includes the conditions of approval and requirements for complying with the applicable codes. The owner must sign and notarize the Declaration of Use.
5. **Completion of Work** - The owner must complete the work required to comply with the conditions of approval and call for a rental inspection within 180 days from the date of approval.
6. **Rental License** - If all the conditions of approval are met, a rental license is issued to the owner. The rental license must be renewed every four years. The renewal includes an on-site inspection and there is a fee for the license renewal.
7. **Expiration of Permit** - The OAU permit expires if the owner moves or upon sale, conveyance, or transfer of the property.

**OWNER'S ACCESSORY UNIT APPLICATION  
PROJECT INFORMATION**

1. Project address: \_\_\_\_\_
2. Zoning district: \_\_\_\_\_
3. Will the OAU be located in existing residence \_\_\_\_\_ or detached structure \_\_\_\_\_?
4. A. If within existing residence:
  - o What is the gross floor area of residence including the OAU (excluding garage)? \_\_\_\_\_
  - o What is the gross floor area of the OAU? \_\_\_\_\_
  - o Will there be a new exterior entry? Yes \_\_\_\_\_ No \_\_\_\_\_B. If within a detached structure:
  - o What is the gross floor area of the OAU? \_\_\_\_\_
  - o What is the gross building coverage? \_\_\_\_\_
  - o Height of building: \_\_\_\_\_ (measured per code)
  - o Amount of private open space provided for the OAU: \_\_\_\_\_
5. Number of paved off-street parking spaces:  
a) Existing \_\_\_\_\_ b) Proposed \_\_\_\_\_
6. Are parking spaces screened from adjacent properties? Yes \_\_\_\_\_ No \_\_\_\_\_

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge, that I have my permanent residence and currently live at the property for which this application is being made, and that I have at least a 50 percent fee simple ownership interest in the property.

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<b>Owner's Name (print)</b>	<b>Owner's Signature</b>	<b>Date</b>
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<b>Owner's Name (print)</b>	<b>Owner's Signature</b>	<b>Date</b>
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## OWNER'S ACCESSORY UNIT REFERENCE INFORMATION –CITY CODE EXCERPT

### 9-6-3 SPECIFIC USE STANDARDS – RESIDENTIAL USES

(a) **ACCESSORY UNITS**

- (1) **General Requirements:** Three types of accessory units are permitted: Accessory Dwelling Units, Owner's Accessory Units, and Limited Accessory Units. The following standards apply to all three types of accessory units:

(A) **Standards:**

- (i) Owner Occupied: The owner of the property must reside in one of the permitted dwelling units on the site.
- (ii) Occupancy Requirement: The occupancy of any accessory unit must not exceed two persons. The occupancy of the owner occupied dwelling unit does not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit.
- (iii) Additional Roomers Prohibited: The accessory unit is not also used for the renting of rooms pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.

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

- (C) **Public Notice:** Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Section 9-4-3(a).

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

- (E) **Declaration of Use Required:** Before receiving the permit, all owners shall sign a declaration of use, including all 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 owners' property.

- (F) **Expiration and Revocation of Permit:** An accessory unit permit granted by the city manager or planning board automatically expires one hundred eighty days after the date on which it is granted unless a rental license for the unit is obtained within such period. The manager may grant an extension of this period for good cause shown, but only if application therefore is made prior to the expiration of the period. After revocation or expiration of the accessory unit permit, the city manager will inspect the property to ensure that the accessory unit has been removed.

- (i) Expiration: An accessory unit permit expires upon the failure of the permittee to satisfy any condition prescribed by Subsection (a) of this Section or upon the sale, conveyance, or transfer of the property upon which the unit is located.
- (ii) Revocation: An accessory unit permit may be revoked by the city manager upon the permittee's or the permittee's tenant's conviction of a violation of this ordinance or any provision of Chapters 6-2, "Weed Control," 6-3, "Garbage," or 10-11, "Signs on Private Property" or Sections 6-1-21, "Animals as Nuisance Prohibited," or 5-6-2, "Excessive Sound Levels," B.R.C. 1981.
- (iii) Removal Required: Upon notification of permit expiration or revocation, the permittee may request a hearing as provided in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. Within 30 days of revocation or expiration of a permit, no owner shall fail to remove the accessory unit

and return the property to its single-family use status as a single dwelling unit. The applicant shall either:

- (a) Remove the kitchen within the accessory unit and any physical separation between the accessory unit and the balance of the unit; or
- (b) Remove any physical separation between the accessory unit and the balance of the unit and sign a declaration of use in a form acceptable to the city manager, which will be recorded with the Boulder County Clerk and Recorder, stating the property will remain owner occupied for so long as the accessory unit kitchen remains and that the dwelling unit is used by the owner and the owner's family in a manner consistent with Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981. No person shall fail to remove the additional kitchen installed pursuant to this Section if the dwelling unit is no longer owner occupied and if the dwelling unit requires a rental license under Chapter 10-3, "Rental Licenses," B.R.C. 1981.

(G) **Limitations on Re-Application after Revocation:** Upon revocation of a permit, the owner may not reapply for an accessory dwelling unit permit for any location in the city for a period of three years following the date of revocation or conviction.

(4) **Owner's Accessory Units:** In addition to the general accessory unit standards in paragraph (1) above, the following standards apply to owner's accessory units. An owner or the owners of a lot or parcel with an existing single-family dwelling unit may establish and maintain an owner's accessory unit within the principal structure of the detached dwelling unit, or within an accessory structure meeting the size restrictions described below, on a lot or parcel in the RR, RE, and RMX districts if all of the following conditions are met and continue to be met during the life of the owner's accessory unit:

(A) **Parking:** In addition to the parking required in each district, one paved off-street parking space is provided on the lot upon which the detached dwelling unit is located meeting the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, unless a variance to the setback is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981. To the extent practical, any additional off-street parking that is constructed in the RR or ER zoning district required for the owner's accessory unit shall be screened from the view of properties that directly abut a property line of the owner's accessory unit.

(B) **Incidental to Principal Dwelling Unit:** The owner's accessory unit is clearly incidental to the principal dwelling unit and meets the following criteria:

- (i) The owner's accessory unit is created on a lot of 6,000 square feet or larger, which contains only one detached single-family dwelling in the RMX zoning district. The owner's accessory unit is created on a lot that meets the minimum lot size requirements of the underlying zoning district in the RR or RE zoning districts and contains only one detached single-family dwelling.
- (ii) If the owner's accessory unit is located within the detached dwelling unit, the principal structure shall be at least 1,500 square feet in size, excluding garage space.
- (iii) The owner's accessory unit does not exceed one-third of the total floor area of the principal structure, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or 1,000 square feet, whichever is less.
- (iv) If there is an interior connection between the owner's accessory unit and the principal dwelling prior to the creation of the owner's accessory unit, the connection shall be maintained during the life of the owner's accessory unit. Any additional entrance resulting from the creation of an owner's accessory unit, within the principal building, may face the side of the lot fronting on the street

only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling.

(v) The following design standards apply to owner's accessory units in a detached accessory structure:

- (a) If garage doors are placed on the unit, they shall be single-car doors (no two-car-wide doors).
- (b) All units shall be designed to have a pitched roof of 6:12 or greater. No flat roofs or lower pitched roofs shall be permitted unless consistent with the architecture of the existing house on the property.
- (c) Maximum height of accessory buildings with an owner's accessory unit shall not be greater than 20 feet unless the roof pitch is greater than 8:12 and the resulting ratio of the height of the roof (measured from the eave line to the top of the roof) to the height of the side walls (measured from the low point of grade to the eave line) is less than a 1:2 ratio. In no case may a building be taller than 25 feet.
- (d) An owner's accessory unit shall have a minimum of 60 square feet of private open space provided for the exclusive use of the occupants of the owner's accessory unit. Private open space may include porches, balconies or patio areas. Decks, porches, patios, terraces, and stairways, located at a height greater than thirty inches above grade, shall be considered part of the building coverage.
- (e) Architectural design and materials shall be consistent with the existing residence on the site or the adjacent building(s) along the side yards of the lot.
- (f) Setbacks shall comply with accessory building setbacks. Where the rear yard of a property in the RR or RE zoning district directly abuts an RL zoning district, the rear yard accessory building setback shall be the same as the side yard setback for accessory buildings for such zoning district.
- (g) The owner's accessory unit is in a building that has a building coverage of less than 500 square feet and the owner's accessory unit does not exceed 450 square feet.

(C) **Variance of Building Coverage:** The city manager may grant a variance to the building coverage requirements of subparagraph (a)(4)(B)(v)(g) above upon finding that the following conditions are met:

- (i) The owner's accessory unit is created in a building that was legally in existence prior to June 3, 1997; and
- (ii) A reduction in the building footprint size of the existing building to conform to the 500-square-foot limitation would create a substantial hardship for the applicant.

### **ADDITIONAL CODE REQUIREMENTS**

In addition to Section 9-6-3 referenced above, all applicable building code sections apply. Two building code requirements should be incorporated into the OAU early in the planning process. These are:

- 1) BRC 1981 10-8-2-(b) (27) (d) states "Houses behind houses shall be protected throughout by an approved automatic sprinkler system". Detached Owner's Accessory Units must be protected by a minimum NFPA 13D sprinkler system.
- 2) 2006 IRC Section R302 and Table R302.1 require all exterior walls to be built with a minimum one-hour fire-resistive construction with exposure from both sides when they are within five feet of a property line. Projections between four feet and two feet from a property line must have a minimum of one-hour fire-resistive construction on the under side. No projections are permitted within two feet of a property line. No openings are permitted on exterior walls within three feet of a property line, and openings between three feet and five feet may comprise no more than twenty five percent of wall area. Penetrations within five feet of a property line must comply with Section R317.3. These provisions do not

apply to walls, projections, openings, or penetrations which are perpendicular to the line used to determine the fire separation distance.

**SIGN POSTING REQUIREMENTS**  
**APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Accessory Dwelling Unit & Owner's Accessory Unit  
Administrative Review Applications

- (A) The notice shall be on weatherproof signs that have been provided by the city and placed on the subject property.
- (B) All such notice shall be posted no later than three days after the date the application is filed in order to ensure that notice is posted early in the review process.
- (C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.
- (D) The signs shall remain in place during the period leading up to a decision by the city but not less than 10 days.
- (E) On or before the date that the city is scheduled to make a decision on the application, the city manager will require the applicant to certify, in writing, that notice was posted according to the above requirements.

I, \_\_\_\_\_, am filing an Administrative Review Application for an  
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

Accessory Dwelling Unit or Owner's Accessory Unit on behalf of the property owner(s)

\_\_\_\_\_  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

for property located at \_\_\_\_\_.

I have read the city's sign posting requirements above and acknowledge and agree to the following:

- 1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location in order to provide required public notice.
- 2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (summarized above), including visibility of the sign(s), time and duration of the sign(s) posting, and reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
- 3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
- 4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

\_\_\_\_\_  
NAME OF APPLICANT OR CONTACT PERSON

\_\_\_\_\_  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.



City of Boulder Planning and Development Services Center  
**PLUMBING FIXTURE COUNT & IRRIGATION FORM**

PMT \_\_\_\_\_

Property Address \_\_\_\_\_

Applicant \_\_\_\_\_

Residential     Nonresidential     Mixed Use (Break out nonresidential and residential fixtures as necessary.)

25% AWC     50% AWC     85% AWC (New nonresidential or mixed use construction select an annual water budget. Reference the Schedule of Fees or the Plant Investment Fee Worksheet for details.)

**Irrigable Area** \_\_\_\_\_s.f. (Only applies for new construction or when an irrigation meter is added to an existing development. There is a 2,000 square foot minimum unless this permit is part of a block in a larger project with a separate irrigation meter. The water budget for irrigation and the plant investment fee will be based upon this number.)

**Gallon Per Minute Demand of Largest Irrigated Zone** \_\_\_\_\_g.p.m. (Only applies when a separate irrigation meter is part of the building permit application.)

TYPE OF FIXTURE	EXISTING FIXTURES	FIXTURES TO BE REMOVED	NEW FIXTURES	NEW ROUGH-INS (NO FIXTURE INSTALLED)	EXISTING ROUGH-INS (NO FIXTURE INSTALLED)
<b>RESIDENTIAL OR NON-RESIDENTIAL</b>					
Tank Toilet					
Bathtub / Bathtub Shower Combo					
Shower Stall (per head)					
Sink (Bath, Hand, Bar, Lab)					
Sink (Kitchen/Compartment)					
Dishwasher					
Ice Machine, _____" line size					
Washer / Laundry Tub / Utility Sink					
Hose Bibb / Sill Cock / Outdoor Faucet					
Floor Drain / Floor Sink					
Sand Trap (Interceptor)					
OTHER: (Fixtures that may use city water or discharge into city sewer.)					
<b>NON-RESIDENTIAL</b>					
Flush Valve Toilet					
Urinal					
Industrial Dishwasher					
Beverage Hook-up					
Drinking Fountain					
Sink (Service / Mop / Janitor)					
Emergency Eye Wash					
Emergency Shower					
Dip Well					
Grease Trap (Interceptor)					
OTHER: (Fixtures that may use city water or discharge into city sewer.)					

I, the undersigned, take full responsibility for the accuracy and completeness of the above information.

Applicant/Contractor \_\_\_\_\_ Date \_\_\_\_\_

City Approval \_\_\_\_\_ Date \_\_\_\_\_