

## PROPOSED CHANGES TO THE LAND USE CODE [Revised 10.2014]

**Priority:** In general, the highest priority changes are toward the top of the list whereas the lowest priority changes are towards the bottom of the list, but not necessarily in the specific ordering shown. Shaded changes reflect staff's current focus where work has been commenced. Unshaded cells indicate code changes not yet commenced.

**Tiers:** Tier 1 changes constitute administrative fixes of identified errors in the code; Tier 2 are changes that are meant to clarify the intent of the code, but are large enough that Planning Board and City Council review would be required, and Tier 3 changes are substantive changes to the code that will require a greater amount of time and Planning Board and City Council review.

**Timing:** The expected duration of each code change is categorized and estimated as either Simple (no more than 3 mos.), Moderate (3-6 mos.) or Complex (greater than 6 mos.)

### TOP PRIORITIES CURRENTLY IN PROGRESS/COMPLETED/TABLED

<u>Number, Project Title &amp; Status</u>	<u>Tier</u>	<u>Code section</u>	<u>Code section title</u>	<u>Proposed/suggested change</u>	<u>Expected project duration</u>
<b>1) Subdivision Final Plat utility signatures</b> <i>Approved by City Council on July 17, 2012</i>	3	9-2-17 and 9-2-18	Preliminary Plat and Final Plat	Remove requirement for utility signatures on final plats and replace with requirement for evidence that utility companies have reviewed the proposal prior to submittal of applications. This is intended to avoid delays at the end of the review that non-city signatures on plats have caused.	<b>COMPLETED</b>
<b>2) Land use regulations on alcohol establishments</b> <i>Approved by City Council on October 22, 2013</i>	3	9-2-15 and 9-6	Review processes and Use Standards	Revise regulations in regard to alcohol establishments as part of the city's efforts to reduce over consumption of alcohol in the community and the impacts from late night establishments on adjacent residential neighborhoods.	<b>COMPLETED</b>
<b>3) Community Gardens</b> <i>Approved by City Council on Aug. 7, 2012</i>	3	9-6-1 and 9-16	Use Standards (table 6-1) and Definitions	Add "Community Gardens" as a permitted use in ALL zoning districts; add definition and performance standards to minimize impacts on residential neighborhoods.	<b>COMPLETED</b>
<b>4) Density/Right-of-way Calculation</b> <i>Tabled after Planning Board denial recommendation on Aug. 15, 2014.</i>	3	9-8	Intensity Standards	Allow rights-of-way to count into the total land area for projects within Area Plan areas where transportation network plans apply as to permit density and floor area calculations to be based on land area before required dedications. Identified as recommended action of the Economic Sustainability Strategy.	<b>TABLED</b>
<b>5) Landscape &amp; Lighting Upgrade Property Valuation</b> <i>Tabled until work plan items are discussed for 2015.</i>	3	9-9-5(a), 9-9-12(b) 9-9-16, 9-10-2(d)	Site Access Control Landscaping Outdoor Lighting Nonconf. Standards	Creation of an additional method of property valuation relative to lighting, landscaping and site access thresholds in the land use code.	<b>TABLED</b>
<b>6) Senior Occupancy change</b> <i>Tabled after First Reading not passed by council</i>	3	9-8-5	Occupancy standards within the Intensity Standards	Allow up to 6 seniors over the age of 62 years to live in one dwelling unit within the RL (Residential Low) zoning districts and up to 10 within the RR (Rural Residential) and RE (Residential Estate) zoning.	<b>TABLED</b>
<b>7) Short-term (Phase I) Parking Code changes</b> <i>In progress; approval recommendation from Planning Board; first reading at City Council on Oct. 21<sup>st</sup> and</i>	3	9-9-6	Parking standards	Update parking code standards to fix areas of the parking standards that either require too much parking for certain land uses or to correct portions of the code that	<b>Complex</b>

<i>second reading on Nov. 6<sup>th</sup></i>				do not make sense. Also, includes an update to all of the bike parking standards to require more bike parking and per land use instead of a percentage of vehicular parking. Processed as part of the Access Management and Parking Strategy (AMPS)	
<b>8) City Council review of Concept Plans</b> <i>In progress: Scheduled for City Council consideration on Nov. 6th</i>	3	9-2-13	Concept Plan Review and Comment	Add a process to the land use code that enables City Council to vote to review Concept Plans that have been reviewed by Planning Board.	<b>Simple</b>
<b>9) Potential BMS (Business Main Street) zoning district changes as part of the University Hill Moratorium</b> <i>In progress</i>	3	9-6, 9-7 and 9-8	Use Standards, Form and Bulk Standards and Intensity Standards	Consideration of changes to the BMS zone relative to permitted uses, form and bulk standards etc. to increase the vitality of the Hill and diversity of uses to serve the neighborhood and university.	<b>Complex</b>
<b>10) Long-term (Phase II) Parking Code changes</b> <i>In progress; public outreach and best practices research</i>	3	9-9-6	Parking standards	Consideration of a comprehensive update to the parking regulations including but not limited to parking maximums, parking by land use, automatic parking reductions, more unbundled parking requirements, special parking requirements along transit corridors, shared parking requirements etc. Processed as part of the Access Management and Parking Strategy (AMPS).	<b>Complex</b>
<b>11) Useable Open Space updates</b> <i>In progress</i>	3	9-9-11	Useable Open Space	<p>→ Revise open space standards to be more firm related to counting wetlands and drainage detention areas as these are areas that not typical useable by residents. Align open space standards with engineering requirements water quality standards.</p> <p>→ Provide more specificity and prescriptive standards for open space on by-right projects in regard to decks, hardscape areas to make clear what counts as open space and to ensure that areas are functional.</p> <p>→ Provide more flexibility to meet open space in DT and BMS zones where it may be difficult to provide 15 to 20% of a lot as open space based on lotting patterns and neighborhood typologies. Some examples may be allowance of roof top decks to count in full (current regs. limit the percentage of above grade open space to count) or reduce the percentage required under certain conditions.</p>	<b>Complex</b>
<b>12) Renewable Energy Sources</b> <i>In progress</i>	3	9-6, 9-9 and 9-16	Use Standards (table 6-1) and Definitions	Add "Solar Energy Systems" and "Wind Energy Systems" as a permitted uses in ALL zoning districts; add definition and new regulations to reduce visual impacts and encourage sensitive locations for renewable energy sources. Determine how Community Solar Gardens will be addressed.	<b>Complex</b>
<b>13) Comprehensive Housing Strategy short term action item</b>	3	9-6 and 9-8	Use Standards and Intensity Standards	Update to the land use code to enable 1-to-1 replacement for 100% permanently affordable dwelling units	<b>Complex</b>
<b>14) Site Review / Energy Conservation</b>	3	9-2-14(h)	Site Review Criteria	Clarify the intent of the Site Review criteria with respect to energy conservation and in light of upcoming building code changes to enhance energy standards. Also, Identify other areas of the Land Use Code that may need to be updated to reinforce the city's commitment to energy conservation.	<b>Complex</b>

<b>15) Economic Sustainability Strategy Implementation</b>	3	TBD	TBD	Complete code changes identified in the recent Economic Sustainability Strategy.	<b>Complex</b>
<b>16) North Boulder Subcommunity Plan zoning changes</b>	3	TBD	TBD	Consideration to update the land use code to implement changes to the North Boulder Subcommunity Plan. May include changes to live/work standards, signage requirements etc.	<b>Complex</b>
<b>17) Comprehensive Housing Strategies</b>	3	TBD	TBD	Consideration of code changes to implement the Comprehensive Housing Strategy pending direction from City Council. Possible changes include but are not limited to: <ul style="list-style-type: none"> <li>• Update to cooperative housing standards</li> <li>• Targeted areas for senior occupancy</li> <li>• Targeted fix accessory dwelling units</li> </ul>	<b>Complex</b>

**CHANGES RELATED TO OPEN SPACE STANDARDS**

<b>RL-2 (Residential Low -2) and variance criteria</b> <i>In progress; included in Phase I parking changes</i>	3	9-2-3(j) and 9-9-6(d)	Variances and Parking Standards	The zoning code treats RL-1 and RL-2 (two similar low density residential districts) differently with respect to the variance criteria for parking in a landscape setback. This change would revise to allow additional parking within the landscape setback in RL-2 if parking requirements are met outside setback. This would match current RL-1 provisions. Similarly, standards to limit the width of driveways and the maximum amount of non-landscaped areas in landscape setback could be considered.	<b>Moderate</b>
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**CHANGES RELATED TO BUILDING DESIGN**

<b>New Comprehensive Design Standards</b>	3	9-9	Development Standards	<p>➔ Addition of new regulations related to building design either as identified by staff and/or the Design Advisory Board.</p> <p>➔ Analysis of whether form based coding or other prescriptive design standards should apply to the downtown zoning districts (DT) or the Business Main Street (BMS) zoning district to better implement the intended character of those areas. May be outcome of Sustainable Streets and Center project.</p>	<b>Complex</b>
<b>Subterranean garages and landscape setbacks</b> <i>In progress; included as part of open space update</i>	3	9-7-1.	Form and Bulk Standards	Presently, subterranean garages are not required to be setback from a property line like above-grade structures. This is problematic because subterranean garage under or near tree lawns greatly impact the size and health of street trees. This item would add a setback for subterranean garages and make it clear in the definition of "landscape setbacks" that subterranean garage may not encroach without Site Review.	<b>Simple</b>
<b>BMS building size</b>	2	9-8	Intensity Standards	The BMS (Business Main Street) zone limits building size to 15,000 square feet. This change would address what is counted in the building and would correlate to net floor area for the purposes of whether a project has to go through Site Review or not.	<b>Simple</b>
<b>Floor Area Ratio (FAR) analysis</b>	3	9-8	Intensity Standards	Currently there are a variety of ways to measure floor area in the city dependent on the zoning district. This option would be to analyze floor area ratio (FAR) limits city wide and investigate whether to make them more uniform; e.g., one way to measure FAR in all zoning districts.	<b>Complex</b>

<b>FAR limitation table</b>	2	9-8	Intensity Standards	The current FAR table can be somewhat confusing. This change would entail updates that would make the table more understandable.	<b>Moderate</b>
<b>Accessory Building Coverage (added 3.2013)</b>	2	9-7	Form and Bulk Standards	The limitations for building coverage within Table 7-1 do not match those within 9-7-8 and the definition for building coverage. The table should be updated to reference these sections or otherwise align. Also, 'maximum total building coverage' should be added to the Building Size and Coverage limitation section rather than being under Principal and Accessory Building Heights section.	<b>Simple</b>
<b>CHANGES RELATED TO TECHNOLOGY UPDATES</b>					
<b>ADA (Americans with Disabilities Act) standards update</b> <i>In progress; included with Phase I parking code changes.</i>	2	9-9-6.	Parking Standards	Add new accessible space requirements that better match current ADA requirements. Current parking standards in the code greatly exceed contemporary ADA requirements for large residential projects.	<b>Simple</b>
<b>Wireless Antennae standards update</b>	3	9-6-9(a)	Commercial, Retail and Industrial Uses	Update antenna standards to be more in line with latest technology. Create standards that are address visual impacts while also enabling options for applicants to locate the antennae.	<b>Complex</b>
<b>Sign regulation update</b>	3	9-9-21	Signs	Include regulations on the size, location and brightness of LED signs; limit and the size and location of sandwich signs and clarify the different types of signs. Look into regulations for temporary signs/banners.	<b>Moderate</b>
<b>CHANGES RELATED TO BUILDING HEIGHT</b>					
<b>Height measurement for building connections</b>	3	9-7-5.	Building Height	Consider modifications to relax the height measurement (e.g., measurement is from the lowest elevation point 25 feet away from a building to the top of the building) in regard to buildings that may be connected by breezeways or elevated walkways keeping overall bulk and mass in mind.	<b>Moderate</b>
<b>Natural Grade definition</b>	2	9-7-5	Building Height	Define Natural Grade (unmodified grade as of the date of the code adoption); make sure consistent with City Charter.	<b>Moderate</b>
<b>Appurtenance clarification</b>	2	9-7-7	Building Height, Appurtenances	Clarification about silos; clarify whether they are appurtenances or separate accessory structures? Include that an appurtenance has a functional need for the function of the building and/or a permitted use on the lot. Consider lower maximum height than 16 feet.	<b>Moderate</b>
<b>OTHER TIER 3 CHANGES</b>					
<b>Solar Access exceptions</b>	3	9-9-17(f)(6)(A)(iii)	Solar Access	In scenarios where a project may not meet the Solar Access standards, an exception process exists. In some limited scenarios, shadows would fall on areas that would likely never be constructed upon; however, the exception process does not consider this. This item would add a new criterion that would afford some flexibility in instances where shadows would fall in an area where no impact would occur, where no solar facilities would be practical and where the encroachment is negligible.	<b>Complex</b>

<b>RH-1 (Residential High -1) zoning district parking regulations</b> <i>In progress; Included as part of Phase I parking code changes.</i>	3	9-9	Development Standards	Update parking regulations in the RH-1 zoning district to align with RH-2 changes.	<b>Simple</b>
<b>Reconsideration of Growth Management allocation program</b>	3	9-14	Growth Management Allocations	The city currently limits the number of building permits for residential units in the city. Building permits for residential generally do not come close to exceeding this limit on a general basis. This item would include an evaluation of the growth management regulations	<b>Complex</b>
<b>Front porch standards</b>	3	9-7-4	Setback Encroachments for Front Porches	The city has regulations that encourage the encroachment of front porches to create pedestrian friendly streetscapes and new urbanist type home designs. While the intent is appropriate from a design perspective, it has little flexibility for alternation under certain circumstances. This item would add language to allow for flexibility to front porch standards that could be approved at the staff level.	<b>Moderate</b>
<b>Duplexes in High Density Residential zoning districts</b>	3	9-8-1	Intensity Standards	Certain high density zoning districts (e.g., RH-5) are not conducive to duplexes. This item would entail modification to the minimum lot area per dwelling unit from 6,000 sf to 3,000 sf to permit duplexes on standard sized lots (i.e., 6,000 sf). This change would be consistent with the most recent changes to the RH-2 zoning district.	<b>Moderate</b>
<b>Temporary Sales on a vacant lot</b>	3	9-6-5(c)	Temp Sales	Temporary sales are permitted as a conditional use with staff level review on commercial lots with a principal use or building. The standards do not address situations where sales may occur on a vacant lot. This change would make it possible to have temporary sales on a vacant lot within a commercial zone.	<b>Simple</b>
<b>Site Reviews and Compatible Development regulations</b>	3	9-7 and 9-8	Compatible development	The city adopted the Compatible Development regulations to limit the size of single-family residential buildings. It included an exemption for sites that were approved through Site Review or are undergoing Site Review. This change would consider apply the same regulations on single-family homes within a Site Review project as those that may be approved by-right.	<b>Complex</b>
<b>Revocable Permits and Leases</b>	3	Title 4 and Title 8	Revocable Permits/Leases	Considering the number of patios within the right-of-way and other features the city regulates, updates to standards related to permits and leases have been identified. Clarify renewal cycles.	<b>Moderate</b>
<b>Compatible Development evaluation</b>	3	9-7 and 9-8	Form and Bulk Standards	Comprehensive overview of effectiveness of the "Compatible Development" regulations adopted in 2010.	<b>Complex</b>
<b>Technical Documents and the Land Use Code</b>	3	9-2	Types of Reviews	Technical Document Review is a review process that occurs between Site Review and Building Permit. Presently, the land use code does not specifically refer to Technical Documents. This item would consider adding references within the code.	<b>Moderate</b>
<b>Substantial Completeness in projects</b>	3	9-2-12	Development Progress Required	Projects approved through Site Review are typically valid for a three year period. At the end of the three year validity projects must be considered "substantially complete." This item would address specifically what "substantially complete" would mean under different scenarios.	<b>Moderate</b>
<b>Crematoriums</b>	3	9-6-1 and 9-16	Use Standards. (table 6-1) and Definitions	Currently the code is unclear about whether crematorium uses are permitted as accessory uses within a mortuary or not. This item would include an analysis of whether a new definition should be created and whether new standards for	<b>Complex</b>

				crematoriums may be necessary.	
<b>OTHER TIER 2 CHANGES</b>					
<b>Concept Plan guidelines</b>	2	9-2-13(g)	Concept Plan	The current Concept Plan guidelines are generally broad. This item would involve changing the guidelines to be more specific and conducive to standard staff reviews by identifying key issues. Consideration of adding guidelines that discuss basic consistency with Site Review criteria could help identify issues that could arise at the Site Review stage.	<b>Moderate</b>
<b>Minor Modification update</b>	2	9-2-14(k) and 9-2-14(k)(3)	Minor Modifications	Minor Modifications (staff level) are permitted for projects approved through Site Review if specific criteria are satisfied. One criterion limits expansion to no more than 10% of the existing floor area. This change would clarify that the 10% floor area limitation for expansion would only apply to those Planned Unit Developments (PUDs) or Site Reviews that specifically restricted floor area; also would include adding the word: <u>horizontal</u> direction for areas of expansion to make it clear that expansion does not include areas over the height limit which would require Site Review.	<b>Simple</b>
<b>Boulder Junction references</b>	2	9-9-5(d)	Site Access	The code refers to the "Transit Village" where the name has recently change to "Boulder Junction." This change would update the name or consider a more generic name in the code. Includes modifications to Appendix G where the references are also made.	<b>Simple</b>
<b>Site Review threshold language</b>	2	9-2-14	Site Review threshold	In some zones, Site Review is required if 5 or more units are proposed or are possible based on the underlying zoning. This change would add the word "if" to clarify that Site Review is required if the density of 5 or greater is possible.	<b>Simple</b>