

ORDINANCE 8651

AN ORDINANCE AMENDING TITLE 1, "GENERAL ADMINISTRATION," TITLE 4, "LICENSES AND PERMITS," TITLE 5, "GENERAL OFFENSES," TITLE 9, "LAND USE CODE," AND TITLE 10, "STRUCTURES," B.R.C. 1981, TO AMEND RESIDENTIAL OCCUPANCY STANDARDS TO COMPLY WITH COLORADO HOUSE BILL 24-1007, CONCERNING RESIDENTIAL OCCUPANCY LIMITS, AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 1-2-1, "Definitions," B.R.C. 1981, is amended to read as follows:

1-2-1. - Definitions.

- (a) The definitions in this chapter apply throughout this code unless a term is defined differently in a specific title, chapter or section.
- (b) The following words used in this code and other ordinances of the cCity have the following meanings unless the context clearly indicates otherwise:

...

Dwelling unit, detached means a detached principal building other than a mobile home, designed for or used as a dwelling with no more than one dwelling unit within a structure.

Duplex means a structure containing only two dwelling units.

...

Multi-unit dwelling means a building used by two or more of the following groups of persons living independently of each other in separate dwelling units but not including motels, hotels, and detached dwelling units ~~and resorts~~:

...

Rooming house means an establishment where, for direct or indirect compensation, lodging, with or without kitchen facilities or meals, is offered for one month or more for three or more roomers ~~not related to the family of the heads of the household~~ living independently within rooming units. ~~not related to the family of the heads of the household.~~

1 ...

2 Single-unit dwelling means a detached principal building other than a mobile home,
3 designed for or used as a dwelling exclusively by one group of the following persons as an
4 independent living unit.:

5 (1) The members of a family plus one or two roomers. The quarters the roomers use
6 shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate
7 dwelling unit;

8 (2) Up to three individuals in RR-1, RR-2, RE and RL zones;

9 (3) Up to eight persons sixty years of age or older in RR-1, RR-2, MU-2, RE and RL
10 zones;

11 (4) Up to four individuals in RM, RMX, MU-1, MU-2, MU-3, RH-1, RH-2, RH-3,
12 RH-4, RH-5, BT, BC, DT-1, DT-2, DT-3, DT-4, DT-5, IS, IG, IM, IMS, BMS and BR zones; or

13 (5) Two individuals and any of their children by blood, marriage, guardianship,
14 including foster children, or adoption.

15 ...

16 Townhouse means an attached dwelling unit located or capable of being located on its
17 own lot and separated from adjoining dwelling units by a wall extending from the foundation
18 through the roof which is structurally independent of the corresponding wall of the adjoining
19 unit.

20 ...

21 Section 2. Section 4-4-4, "Classification of Licenses," B.R.C. 1981, is amended to read
22 as follows:

23 **4-4-4. Classification of Licenses.**

24 (a) A Class A license entitles the licensee to contract for the construction, alteration,
25 wrecking, or repair of any type or size of building or structure permitted by the City of
Boulder Building Code. The annual fee for a Class A license is that prescribed in Section
4-20-4, "Building Contractor License, Building Permit Fees, and Payment of Estimated
Use Tax," B.R.C. 1981.

(b) A Class B license entitles the licensee to contract for the construction, alteration,
wrecking, or repair of all commercial and residential buildings or structures defined as
Type V, Type V-1 hour, Type IV, Type II-N, and Type III-N in the City of Boulder

Building Code.¹ The annual fee for a Class B license is that prescribed in Section 4-20-4, "Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax," B.R.C. 1981.

...

Section 3. Section 4-13-4, "Classification of Licenses," B.R.C. 1981, is amended to read as follows:

4-13-4. Classifications of Licenses.

- (a) A Class A license entitles the licensee to undertake or perform any work covered by the city mechanical code. The annual fee for a Class A license is that prescribed by section 4-20-13, "Mechanical Contractor License and Mechanical Permit Fees," B.R.C. 1981.
- (b) A Class B license entitles the licensee to undertake or perform work covered by the mechanical code for commercial and dwelling units except for work associated with sections 507 and 508 and the following occupancies "H" and "I" as defined in the city mechanical code. The annual fee for a Class B license is that prescribed by section 4-20-13, "Mechanical Contractor License and Mechanical Permit Fees," B.R.C. 1981.
- (c) A Class C license entitles the licensee to undertake or perform work covered through the city mechanical code for ~~one-and two-family dwellings-one detached dwelling units and two-family dwellingsduplexes~~. The annual fee for a Class C license is that prescribed by section 4-20-13, "Mechanical Contractor License and Mechanical Permit Fees," B.R.C. 1981.

...

Section 4. Section 4-20-4, "Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax," B.R.C. 1981, is amended to read as follows:

4-20-4. - Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax.

- (a) An applicant for a building contractor license shall pay the following annual fee according to the type of license requested:

...

- (f) Other fees are as follows:

¹Chapter 10-5, "Building Code," B.R.C. 1981.

	Permit	Fee
(1)	Demolition Permit	
	(A) Interior/nonloadbearing	\$ 24.55
	(B) All other	\$173.70
(2)	Fence Permit and Retaining Wall Permit	\$4.05 for each \$100 (No maximum)
(3)	Temporary Event Permit Fee	\$28.05
(4)	Reinspection Fee	\$94 per occurrence (Payable before any further inspections can be done.)
(5)	Change of Use Fee	\$81 (Can be credited to building permit fee if permit applied for and paid within ninety days.)
(6)	After Hours Inspection	\$123 per hour - two-hour minimum
(7)	Plan Check Fee (due at time of permit application):	
	(A) Residential, detached single family dwelling units in the RR-1, RR-2, RE, RL-1, RMX-1; and detached single family dwelling units in RL-2 on lots larger than 8,000 square feet and that are not within the boundaries of a planned development, planned residential development, planned unit development, or an approved site review; or shown on Appendix H of Title 9, Land Use Code	Fifty percent of the building permit fee
	(B) All other residential, single family detached dwelling units not covered by (A) above	Twenty-five percent of the building permit fee
	(C) Residential, multi unit dwellings multifamilyfamily	Sixty-five percent of the building permit fee
	(D) Nonresidential	Sixty-five percent of the building permit fee
(8)	Energy Code Calculation Fee:	
	Heat Loss Calculation Check Fee:	
	(A) Residential	\$ 83.90
	(B) Commercial	\$104.05
(9)	Reinstatement of Permit	Fifty percent of Building Permit Fee (Energy Fee will not be charged if no further review is required.)

1	(10)	Temporary Certificate of Occupancy	\$173.70
2	(11)	Replacement of Lost Plans/New Red-lines:	
3		(A) Residential/tenant finish	\$116.60 plus cost of reproduction
4		(B) Commercial - New	\$347.60 plus cost of reproduction
5	(12)	Gasoline Tank Installations	\$69.54
6	(13)	House Moving Permit	\$58.50
7	(14)	Grading Fees:	
8		(A) Grading Plan Review Fees:	
9		(i) Fifty cubic yards or less No fee	
10		(ii) Fifty-one through one hundred cubic yards \$18.65	
11		(iii) One hundred one through one thousand cubic yards \$28	
12		(iv) One thousand one through ten thousand cubic yards \$37.30	
13		(v) Ten thousand one through one hundred thousand cubic yards - \$37.30 for the first ten thousand cubic yards, plus \$18.65 for each additional ten thousand yards or fraction thereof.	
14		(vi) One hundred thousand one through two hundred thousand cubic yards - \$205.60 for the first one hundred thousand cubic yards, plus \$11.15 for each additional ten thousand cubic yards or fraction thereof.	
15		(vii) Two hundred thousand one cubic yards or more - \$317.45 for the first two hundred thousand cubic yards, plus \$5.55 for each additional ten thousand cubic yards or fraction thereof.	
16		(viii) Additional plan review required by changes, additions, or revisions to approved plans - \$51.30 per hour (minimum charge—one-half hour).	
17		(B) Grading Permit Fees:	
18		(i) Fifty cubic yards or less \$18.65	
19		Fifty-one through one hundred cubic yards \$28	
20		(ii) One hundred one through one thousand cubic yards - \$28 for the first one hundred cubic yards plus \$12.60 for each additional one hundred cubic yards or fraction thereof.	
21		(iii) One thousand one through ten thousand cubic yards - \$145.70 for the first one thousand cubic yards, plus \$11.15 for each additional one thousand cubic yards or fraction thereof.	
22		(iv) Ten thousand one through one hundred thousand cubic yards - \$246.50 for the first ten thousand cubic yards, plus \$50.25 for each additional ten thousand cubic yards or fraction thereof.	
23			
24			
25			

(v) One hundred thousand one cubic yards or more - \$700.30 for the first one hundred thousand cubic yards, plus \$28 for each additional ten thousand yards or fraction thereof.

The fee for any permit issued after construction has begun shall be twice the amount of each fee listed above.

Section 5. Section 4-20-8, "Electrical Contractor Registration and Electrical Permit Fees," B.R.C. 1981, is amended to read as follows:

4-20-8. Electrical Contractor Registration and Electrical Permit Fees.

(a) For each electrical permit, the following fees shall be paid in addition to the fees established for building permits under Section 4-20-4, "Building Contractor License, Building Permit Fees, and Payment of Estimated Use Tax," B.R.C. 1981:

(1) Permit fees.

(A) Residential (one- and two-unit dwellings, and townhouses, new construction, extensive remodeling, and additions [based on enclosed living area]):

...

(B) Residential Service Change \$36.70

(C) Photovoltaic/Thermal System Permit \$69.60

(2) All other fees (including, without limitation, commercial construction and multi-unit dwelling family) based on the total cost of the electrical installations, including labor and electrical materials and items except as provided in Paragraphs (a)(3) and (a)(4) of this section:

...

Section 6. Section 4-20-43, "Development Application Fees," B.R.C. 1981, is amended to read as follows:

4-20-43. Development Application Fees.

...

(b) Land use regulation fees:

(1) Applicant for a blue line amendment shall pay \$524.

(2) An applicant for zoning of land to be annexed shall pay the following fees:

1 Feasibility study

2 Annexation feasibility study \$2,100

3 (Will apply as credit to initial annexation application fee if submitted within the same
4 calendar year.)

5 Simple Single-Family ~~Single family~~ Residential Detached Dwelling Unit

6 Initial application \$5,000

7 Reapplication for same type of revision on same property within six months (if initial
8 application is withdrawn or denied) \$2,500

9 ...

10 Section 7. Section 4-20-44, "Floodplain Development Permits and Flood Control

11 Variance Fees," B.R.C. 1981, is amended to read as follows:

12 **4-20-44. Floodplain Development Permits and Flood Control Variance Fees.**

13 (a) If the floodplain development permit is for a development not located within the
14 conveyance zone:

15 ...

16 (4) An applicant for a floodplain development permit for work on an existing
17 residential structure exceeding the threshold for "substantial damage," "substantial
18 improvement" or "substantial modification" as defined in Section 9-16-1,
19 "General Definitions," B.R.C. 1981, or any new ~~single family detached~~
20 ~~residential, new commercial, or mixed use, or attached residential~~
 ~~structure~~ residential, commercial, or mixed-use structure elevated to flood
 protection elevation shall pay \$700.

21 ...

22 Section 8. Section 4-20-69, "Cooperative Housing License Fee," B.R.C. 1981, is

23 repealed and reserved:

24 **4-20-69. Cooperative Housing License Fee. Reserved.**

1 The following fees shall be paid before the city manager issues, renews or recertifies a
2 cooperative housing license or renew a rental license:

3 (a) ~~— \$645 per license or renewal.~~

4 (b) ~~— To cover the cost of investigative inspections, the city manager will assess to licensees a~~
5 ~~\$250 fee per inspection, where the city manager has performed an investigative~~
6 ~~inspection to ascertain compliance with or violations of Chapter 10-11 "Cooperative~~
7 ~~Housing," B.R.C. 1981.~~

8 Section 9. Section 4-22-6, "Conveyances to Which Chapter Not Applicable," B.R.C.
9 1981, is amended to read as follows:

10 **4-22-6. Conveyances to Which Chapter Not Applicable.**

11 Nothing in this chapter applies to the installation or operation of an elevator, dumbwaiter,
12 materials lift, escalator or moving walk in a private residence. For purposes of this chapter, the
13 term *private residence* means a dwelling unit which is occupied only by the members of a single
14 family, regulated under the Residential Code of the City of Boulder. which is occupied only by
15 the members of a single family.^[39]

16 Section 10. Section 4-23-2, "Permit Issuance," B.R.C. 1981, is amended to read as
17 follows:

18 **4-23-2. Permit Issuance.**

19 (a) Upon designation of a neighborhood permit parking zone pursuant to Section 2-2-15,
20 "Neighborhood Permit Parking Zones," B.R.C. 1981, the city manager shall issue parking
21 permits for vehicles owned by or in the custody of and regularly used by residents of such
22 zone, by persons employed by a business located within such zone, and, if provided in the
23 zone, by individual nonresidents upon receipt of a completed application therefor and
24 payment of the fees prescribed in Section 4-20-49, "Neighborhood Parking Permit Fee,"
25 B.R.C. 1981.

...

(c) Resident Permits. No more than two resident permits shall be in effect at any time for any
person. No person shall be deemed a resident of more than one zone, and no more than
one permit may be issued for any one vehicle even if persons residing in different zones
share ownership or use. ~~Provided, however, that no more than a total of three resident~~
~~permits may be issued for any dwelling unit housing a group of persons or organization~~
~~licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.~~

...

Section 11. Section 4-23-3, "Guest Permits," B.R.C. 1981, is amended to read as follows:

4-23-3. Guest Permits.

Residents of a zone may obtain two two-week permits per year at no cost for use by houseguests of the resident. The permit shall be indelibly marked in the space provided thereon with, or for digital permits shall indicate, the date of its first use. The permit shall thereafter be valid only for the succeeding thirteen consecutive days. The manager may by regulation define the circumstances under which additional guest permits may be issued in cases of reasonable need consistent with residential use of the dwelling. ~~Provided, however, that no more than a total of six two-week guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.~~ ~~Provided, however, that no more than a total of six two-week guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981.~~

Section 12. Section 6-1-12, "Damaging Prairie Dog Burrows Prohibited," B.R.C. 1981, is amended to read as follows:

6-1-12. Damaging Prairie Dog Burrows Prohibited.

- (a) Except as authorized by other provisions of this chapter, no person shall damage any prairie dog burrow.
- (b) It shall be an affirmative defense to a violation of this section that:
 - ...
 - (6) The burrow was on the property of a ~~single-family residence~~ detached dwelling unit in which the person who destroyed the burrow, or authorized its destruction, was residing;
 - ...

Section 13. Section 6-1-36, "Procedures for Obtaining Prairie Dog Lethal Control Permits," B.R.C. 1981, is amended to read as follows:

6-1-36. Procedures for Obtaining Prairie Dog Lethal Control Permits.

- (a) Except as otherwise provided in this chapter, no person shall utilize lethal control measures for prairie dogs without first having obtained a lethal control permit from the city manager.
- ...

1
2 (h) Owners or occupants of residential lots containing a detached dwelling unit ~~single~~
3 ~~residence~~ may, at any time, obtain a lethal control permit to exterminate prairie dogs on
4 their property. No fee shall be charged for such a lethal control permit and no waiting
period longer than that period of time reasonably required to process an application shall
be required.

...

5 (3) Lots containing multi-~~family~~ unit residential structures shall not qualify for
6 treatment under this subsection.

7 ...

8 Section 14. Section 6-3-3, "Accumulation of Trash, Recyclables, and Compostables
9 Prohibited," B.R.C. 1981, is amended to read as follows:

10 **6-3-3. Accumulation of Trash, Recyclables, and Compostables Prohibited.**

11 (a) No owner of any vacant land or property; occupant, owner, or manager of any ~~single-~~
12 ~~family~~ detached dwelling unit or similar property; owner, manager, or operator of any
13 ~~multiple family-unit~~ dwelling, private club, or similar property; or owner, operator,
14 manager, or employee of any commercial or industrial establishment or similar property
shall fail to:

15 ...

16 Section 15. Section 6-3-4, "Containers Required," B.R.C. 1981, is amended to read as
17 follows:

18 **6-3-4. Containers Required.**

19 No owner or occupant of any ~~single-family~~ detached dwelling unit; owner or manager of any
20 ~~multiple family-unit~~ dwelling or private club; or owner, operator, or manager of any business; or
21 any similar property shall fail to provide at all times one or more trash containers on such
property. Such containers shall be of a size sufficient to accommodate the regular accumulation
of trash from the property.

22 Section 16. Section 6-3-12, "Bear-Resistant Containers Required," B.R.C. 1981, is
23 amended to read as follows:

6-3-12. Bear-Resistant Containers Required.

(a) No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a ~~single-family~~detached dwelling unit, a duplex, a triplex, or a fourplex shall fail to keep all refuse attractants in bear resistant enclosures, in bear resistant containers, bear resistant dumpsters or securely stored within a house, garage, shed or other structure at least as secure as a bear resistant enclosure at all times, except when being transported from a house, garage or bear resistant enclosure for pickup. Refuse attractants transported for pickup not in a bear resistant container shall be attended, by a person remaining within 15 feet of the container at all times. It is not a defense to a violation of this section that a container or enclosure was damaged and the owner had not received the notice under subsection (d) below.

...

(d) No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a ~~single-family~~detached dwelling unit, a duplex, a triplex, or a fourplex shall fail to repair a damaged container or enclosure within seventy-two hours after written notification by any city official, or such other time designated in the notice by the city official.

(e) If the city manager finds a violation of any provision of this section, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty according to the following schedule:

- (1) For the first violation of the provision, \$100.00;
- (2) For the second violation of the same provision, \$250.00;
- (3) For the third violation of the same provision, \$500.00; and
- (4) The hearing officer may adjust the penalty, based on evidence presented at a hearing.

(f) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, including but not limited to Section 5-2-4, "General Penalties," B.R.C. 1981, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.

(g) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(h) Notice under this subsection is sufficient if hand delivered, emailed, mailed, or telephoned to such person, or by posting on the premises.

Section 17. Section 6-4-9, "Entryway," B.R.C. 1981, is amended to read as follows:

6-4-9. Entryway.

(a) No person shall smoke within any entryway of a building, enclosed area, or common entrance to a ~~multifamily~~ multi-unit dwelling, except a ~~single-family~~ detached dwelling unit.

...

Section 18. Section 6-10-11, "Pre-Application Notification of Airborne Application," B.R.C. 1981, is amended to read as follows:

6-10-11. Pre-Application Notification of Airborne Application.

(a) Prior to airborne application of any pesticide, no contracting party or other user of pesticides, shall fail to give notice to all occupants of all adjacent properties. For purposes of this section, properties located diagonally from the affected property and touching only on a property corner or other point shall be considered to be adjacent, and rights-of-way shall be disregarded in such determinations.

...

(g) If a commercial property or an attached (i.e., ~~multi-family~~ unit) residential dwelling is located adjacent to property on which an airborne application of any pesticide is to occur as set forth above, no contracting party or other user of pesticides shall fail to make a reasonable attempt to notify the owner or manager of the property at least forty-eight hours prior to the pesticide application. Upon receipt of such notice, such owner or manager shall not fail to post in a prominent place the information that the adjacent property will be treated.

Section 19. Section 6-12-2, "Definitions," B.R.C. 1981, is amended to read as follows:

~~Multifamily~~ Multi-unit customer means the ~~occupants~~ residents, taken together, of a residential building or set of residential buildings that uses a collective, common system for the collection of trash generated by the ~~occupants~~ residents.

Section 20. Section 6-12-5, "Containers for Recycling or Composting Collection," B.R.C. 1981, is amended to read as follows:

1 **6-12-5. Containers for Recycling or Composting Collection.**

- 2 (a) Haulers providing trash collection service to multi-unit family customers through
3 centralized collection areas shall provide containers for recyclable materials at no
4 additional charge. Containers shall be of a sufficient size to accommodate the regular
5 accumulation of recyclables from that customer, but, at a minimum, such containers shall
6 be of a volume equal to one-half of the volume of the trash collection service. If the city
manager requires the collection of compostables, haulers shall provide containers for that
service of a sufficient size to accommodate the regular accumulation of compostables
from that customer.

7 ...

8 Section 21. Section 6-12-6, "Disposition of Recyclable or Compostable Materials,"

9 B.R.C. 1981, is amended to read as follows:

10 **6-12-6. Disposition of Recyclable or Compostable Materials.**

- 11 (a) No person other than the person placing the recyclables or compostables for collection or
12 that person's designated hauler shall take physical possession of any recyclables or
compostables separated from trash, set out in the vicinity of the curb or alleys, and
plainly marked for recyclables or compostables collection.
- 13 (b) Each property owner, property manager, residential customer, commercial customer, or
14 multi-unit family customer shall relinquish recyclable materials to a hauler only on the
15 condition that the hauler deliver the recyclable materials only to a recyclables processing
center as set forth in subparagraph (c) below.

16 ...

17 Section 22. Section 7-6-14, "Unauthorized Parking Prohibited," B.R.C. 1981, is
18 amended to read as follows:

19 **7-6-14. Unauthorized Parking Prohibited.**

- 20 (a) No vehicle shall be parked upon any public or private property without the express or
21 implied consent of the owner, lessee or occupant of the property or for a time period in
22 excess of or in a manner other than that for which consent was given by such person.
- 23 (b) For the purposes of this section, there is an implied consent to park in areas set aside for
24 parking on any private or public property except on property used as a single-family
25 residence detached dwelling unit, but such implied consent is deemed revoked with
respect to any person who has parked a vehicle or has allowed a vehicle to remain parked
in disregard of or contrary to the direction or intended function of any of the following:

...

Section 23. Section 7-6-24, "All-Night Parking of Commercial Vehicle, Camper or Motor Home, or Trailer Prohibited," B.R.C. 1981, is amended to read as follows:

7-6-24. All-Night Parking of Commercial Vehicle, Camper or Motor Home, or Trailer Prohibited.

- (a) No commercial vehicle shall be parked on any street in any district of the city zoned RR-1, RR-2, RE, RL-1, RL-2, RM-1, RM-2, RM-3, RMX-1, RMX-2, RH-1, RH-2, RH-3, RH-4, RH-5, RH-6, RH-7, MH, P, or A for more than thirty minutes between 8 p.m. and 7 a.m. The penalty for a first violation of this section is \$40. The penalty for a second violation of this section by the same vehicle or the same registered owner of a vehicle is \$50. The penalty for a third and any subsequent violation of this section by the same vehicle or the same registered owner of a vehicle is \$60.
- (b) No camper, motor home, or trailer shall be parked on any street except as follows:
- (1) When located directly on a street frontage of the ~~single-family~~ detached dwelling unit or multi-family-unit dwelling of the vehicle's registered owner for a consecutive period of forty-eight hours or less; or

...

Section 24. Section 7-7-5, "Private Towing and Impounding of Vehicle Parked Without Authorization on Private Property," B.R.C. 1981, is amended to read as follows:

7-7-5. Private Towing and Impounding of Vehicle Parked Without Authorization on Private Property.

- (a) The owner or lessee of real property or an agent authorized by the owner or lessee may cause any motor vehicle, parked on such property without the permission of the owner, lessee or occupant of the property, to be removed or impounded by a towing carrier, but, except on property used as a ~~single-family residence~~ detached dwelling unit, only if any applicable requirements of Subsection 7-6-14(b), B.R.C. 1981, and subsection (b) of this section have been met. It is not necessary that a citation be issued for violation of Section 7-6-14, "Unauthorized Parking Prohibited," B.R.C. 1981, for a vehicle to be removed or impounded pursuant to this section.
- (b) Except on property used as a ~~single-family residence~~ detached dwelling unit, the owner, lessee or occupant of real property or an agent thereof, prior to causing the removal and impoundment of a motor vehicle from any area set aside for motor vehicle parking on such person's property, shall:

...

Section 25. Section 8-2-13, "Duty to Keep Sidewalks Clear of Snow," B.R.C. 1981, is amended to read as follows:

8-2-13. Duty to Keep Sidewalks Clear of Snow.

(a) Removal of Snow, Ice, and Sleet from Sidewalks Required. No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a ~~single-family detached~~ dwelling unit, a duplex, a triplex, or a fourplex shall fail to keep all public sidewalks and walkways abutting the premises such person owns, leases, or occupies clear of snow, ice, and sleet, as provided in this section. Such persons are jointly and severally liable for such responsibility, criminally and administratively. Such persons shall remove any accumulation after any snowfall or snowdrift as promptly as reasonably possible and no later than twenty-four hours after the snowfall or the formation of the snowdrift. Such persons shall remove the snow, ice, or sleet from the full width of all sidewalks and walkways, except those with a width exceeding five feet, which must be cleared to a width of at least five feet.

...

(1) The city manager will notify the owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, the lessee leasing the entire premises or any adult occupant of a ~~single-family detached~~ dwelling unit, a duplex, a triplex, or a fourplex, that such person must remove the snow within the earlier of twenty-four hours or 12 noon of the day following the notice.

Section 26. Section 8-9-2, "Definitions," B.R.C. 1981, is amended to read as follows:

For purposes of this chapter and the related fees in Chapter 4-20, "Fees," B.R.C. 1981, the following words have the following meanings, unless the context clearly indicates otherwise:

...

#

~~Multifamily residential means all other residential not included in the definition of single family residential as defined in this section.~~

...

~~Single family residential means a single family detached dwelling unit, single family attached dwelling unit that is townhouse or a duplex, or mobile home.~~

...

Section 27. Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, is amended to read as follows:

9-2-3. Variances and Interpretations.

(a) Purpose: This section identifies those standards that can be varied by either the city manager or the Board of Zoning Adjustment (BOZA). Some standards can be varied by the city manager through an administrative Review process, others by BOZA by another level of administrative Review. The city manager may defer any administrative decision pursuant to this section to BOZA. This section also identifies which city manager interpretations of this title may be appealed to BOZA and establishes a process for such appeals.

...

(c) Administrative Variances: The city manager may grant a variance from:

...

(3) The minimum requirements of Section 9-7-11, "Maximum Building Coverage," and Section 9-8-2, "Floor Area Ratio Requirements," to existing ~~single-family detached~~ dwelling units, by up to two hundred square feet. The purpose of this administrative variance is to permit minor modifications to ~~single-family detached~~ dwelling units that will allow residents or a family member of a head of household with existing or anticipated impairments that restricts their ability to perform a major life activity to be in the home. This variance may be granted if the city manager finds that:

(A) The request meets the requirements of Subparagraphs (h)(5)(A) and (B) of this section; and

(B) The improvements are necessary to remedy any impairment, or anticipated impairment, that would prohibit or significantly restrict a resident's or a family member of a head of household's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity.

(4) The height of the plane above a side lot line in bulk plane requirements of Section 9-7-9, "Side Yard Bulk Plane," B.R.C. 1981, and the side yard wall articulation standards of Section 9-7-10, "Side Yard Wall Articulation Standards," B.R.C. 1981, may vary by up to twenty percent and the building coverage requirements

of Section 9-7-11, "Maximum Building Coverage," or the floor area ratio requirements of Section 9-8-2, "Floor Area Ratio Requirements," by up to two hundred square feet for existing ~~single-family~~detached dwelling units if the manager finds that the application satisfies all of the requirements in Subsection (h) of this section.

...

Section 28. Section 9-3-11, "Medium Density Overlay Zone," B.R.C. 1981, is amended to read as follows:

9-3-11. Medium Density Overlay Zone.

- (a) Purpose and Scope: Medium density residential areas adjacent to the downtown central business district originally developed with a ~~predominantly single-family~~ character predominantly composed of detached dwelling units and are now redeveloping with higher densities. Development and redevelopment in certain RM-2 and RM-3 zoning districts has been very disruptive of the existing residential character of those areas, has failed to preserve certain historic structures, has led to many inappropriate structures being erected and thus has negatively affected the value of adjoining properties. The medium density overlay zone map which designates those portions of the medium density areas to which this section applies is set forth as ~~appendix~~Appendix D, "Medium Density Overlay Zone," of this title.
- (b) Additional Regulations: The following additional regulations shall apply in the medium density residential overlay zone:
- (1) No person shall construct a second detached dwelling on a lot as set forth in Section 9-7-12, "Two Detached Dwellings on a Single Lot," B.R.C. 1981.
 - (2) No person shall create additional ~~multiple~~ dwelling units except that one additional dwelling unit per lot may be created by internal conversions of existing principal structures that are not enlarged in size subsequent to September 2, 1993, and provided that such conversions do not involve exterior modifications other than for access, including, without limitation, doors, windows and stairways.

Section 29. Section 9-3-12, "Opportunity Zone Overlay," B.R.C. 1981, is amended to read as follows:

9-3-12. Opportunity Zone Overlay.

- (a) Legislative Intent: The purpose of this section is to enact an overlay zone for Census Tract 122.03, described in Appendix O, "Census Tract 122.03," and associated standards in order to protect the public health, safety and welfare:

- (1) Federal Census Tract 122.03 was certified by the federal government as an opportunity zone;
- (2) Investors in the opportunity zone, through opportunity zone funds, will receive favorable tax relief as an incentive to invest in business and real estate within Census Tract 122.03;
- (3) It is anticipated that opportunity zone funds may lead to accelerated investment in Census Tract 122.03;
- (4) The Boulder Valley Comprehensive Plan provides that the city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock;
- (5) The Boulder Valley Comprehensive Plan describes that the city will make special efforts to preserve and rehabilitate existing housing servicing low-, moderate-, and middle-income households; and
- (6) It is the intent of this section to prevent accelerated demolition of the existing relatively affordable multi-family-unit dwelling housing stock in Census Tract 122.03 to protect existing neighborhood character in this area and preserve the existing housing stock and its relative affordability.

...

- (e) Unsafe Buildings: As an exception to the standards of this section, a building or part thereof may be demolished if the city manager has declared the building or relevant part thereof to be unsafe or dangerous to the general public, ~~occupants~~ residents, or property or otherwise unfit for human occupancy, and such that it is unreasonable to repair the structure or relevant part thereof. In making such determination, the city manager will consider the deficiencies of the structure or part thereof, including without limitation, damage, decay, faulty construction, potential for collapse, disrepair or the presence of health and safety concerns such as unsanitary conditions, infestation of rats or vermin, the presence of filth and contamination, or other conditions that constitute a hazard to ~~occupants~~ residents or the public.
- (f) Maintenance: The city council intends to preserve from deliberate or inadvertent neglect attached dwelling units in Census Tract 122.03. No owner, lessee or occupant of an attached dwelling unit shall fail to comply with the ordinances of the city regulating property maintenance, including without limitation Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

Section 30. Section 9-5-2, "Zoning Districts," B.R.C. 1981, is amended to read as follows:

9-5-2. Zoning Districts.

(a) Classification: Zoning districts are classified according to the following classifications based on the predominant character of development and current or intended use in an area of the community:

- (1) R: Residential;
- (2) M: Mixed Use, a mix of residential and business;
- (3) B: Business;
- (4) DT: Downtown business zones;
- (5) I: Industrial;
- (6) P: Public;
- (7) A: Agricultural.

...

(c) Zoning District Purposes:

(1) Residential Districts and Complementary Uses:

(A) Residential - Rural 1, Residential - Rural 2, Residential - Estate, and Residential - Low 1: Primarily ~~single-family~~ detached dwelling units with some duplexes and attached dwelling units at low to very low residential densities.

...

(D) Residential - Mixed 1: Mixed density residential areas with a variety of ~~single-family~~, detached dwelling units, duplexes, and multi-family units dwellings that will be maintained; and where existing structures may be renovated or rehabilitated.

...

(H) Residential - High 6: High density residential urban areas that are ~~predominately~~ predominantly townhouses in close proximity to either a primary destination or a transit center and where complementary uses may be allowed.

...

Section 31. Section 9-6-3, "Specific Use Standards - Residential Uses," B.R.C. 1981, is amended to read as follows:

9-6-3. Specific Use Standards - Residential Uses.

(a) Residential Uses:

(1) This Subsection (a) sets forth standards for uses in the residential use classification that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Residential Uses in the IG and IM Zoning Districts: The following standards apply in the IG and IM zoning districts to residential uses that may be approved pursuant to a use review:

...

(j) **Congregate Care Facility, Custodial Care Facility, and Residential Care Facility:**

(1) Applicability: This subsection (j) sets forth standards for congregate care facilities, custodial care facilities, and residential care facilities that are subject to specific use standards pursuant to Table 6-1, Use Table.

(2) Intensity: The number of dwelling units or sleeping rooms or accommodations shall be consistent with Section 9-8-6, "Density Equivalencies for Group Residences and Hostels," B.R.C. 1981.

~~Standards: The following standards apply to any such facility that may be approved as a conditional use or pursuant to a use review:~~

~~(A) For purposes of density limits in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, and occupancy limits, six occupants, including staff, in any custodial, residential, or congregate care facility constitute one dwelling unit, but the city manager may increase the occupancy of a residential care facility to eight occupants, including staff, if:~~

~~(i) The floor area ratio for the facility complies with standards of the Colorado State Departments of Health and Social Services and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and~~

~~(ii) Off street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off street parking requirements of this chapter.~~

...

1 (l) **Group Home Facility:**

2 (1) The following standards apply to any group home facility that may be approved
3 as a conditional use or pursuant to a use review:

4 (A) General Standards: Any group home facility approved as a conditional use
5 or pursuant to a use review shall meet the following standards:

6 (i) Intensity: The number of dwelling units or sleeping rooms or
7 accommodations shall be consistent with Section 9-8-6, "Density
8 Equivalencies for Group Residences and Hostels," B.R.C. 1981.

9 ~~For purposes of density limits in Section 9-8-1, "Schedule of~~
10 ~~Intensity Standards," B.R.C. 1981, and occupancy limits, eight~~
11 ~~occupants, not including staff, in any group home facility~~
12 ~~constitute one dwelling unit, but the city manager may increase the~~
13 ~~occupancy of a group home facility to ten occupants, not including~~
14 ~~staff, if:~~

15 a. ~~—The floor area ratio for the facility complies with standards~~
16 ~~of the Colorado State Departments of Public Health and~~
17 ~~Environment and Human Services and Chapter 10-2,~~
18 ~~"Property Maintenance Code" B.R.C. 1981; and~~

19 b. ~~—Off street parking is appropriate to the use and needs of the~~
20 ~~facility and the number of vehicles used by its occupants,~~
21 ~~regardless of whether it complies with other off street~~
22 ~~parking requirements of this chapter.~~

23 (ii) Concentration: In order to prevent the potential creation of an
24 institutional setting by concentration of group homes in a
25 neighborhood, no group home facility may locate within three
hundred feet of another group home facility, but the city manager
may permit two such facilities to be located closer than three
hundred feet apart if they are separated by a physical barrier,
including, without limitation, an arterial, a collector, a commercial
district or a topographic feature that avoids the need for dispersal.
The planning department will maintain a map showing the
locations of all group home facilities in the city.

(iii) Safety: No person shall make a group home facility available to an
individual whose tenancy would constitute a direct threat to the
health or safety of other individuals or whose tenancy would result
in substantial physical damage to the property of others. A
determination that a person poses a direct threat to the health or
safety of others or a risk of substantial physical damage to property
must be based on a history of overt acts or current conduct of that
individual and must not be based on general assumptions or fears
about a class of disabled persons.

...

(m) **Transitional Housing:**

(1) The following standards apply to any transitional housing facility that may be approved as a conditional use or pursuant to a use review:

(A) General Standards: Any transitional housing approved as a conditional use or pursuant to a use review shall meet the following standards:

(i) Density: The maximum number of dwelling units with transitional housing facility shall be the same as is permitted within the underlying zoning district, except that for any zoning district that is classified as an industrial zoning district pursuant to Section 9-5-2, "Zoning Districts," B.R.C. 1981, the number of dwelling units permitted shall not exceed one dwelling unit for each one thousand six hundred square feet of lot area on the site.

~~(ii) Occupancy: No person shall occupy such dwelling unit within a transitional housing facility except in accordance with the occupancy standards set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for dwelling units.~~

(iii) Parking: The facility shall provide one off-street parking space for each dwelling unit on the site. The approving authority may grant a parking deferral of up to the higher of fifty percent of the required parking or what otherwise may be deferred in the zoning district if the applicant can demonstrate that the criteria set forth in Subsection 9-9-6(e), B.R.C. 1981, have been met.

...

Section 32. Section 9-6-5, "Specific Use Standards- Commercial Uses," B.R.C. 1981, is amended to read as follows:

9-6-5. Specific Use Standards - Commercial Uses.

FOOD, BEVERAGE, AND LODGING

(a) **Bed and Breakfast:**

(1) The following standards apply to bed and breakfast uses that may be approved as a conditional use or pursuant to a use review:

...

(C) No structure contains more than twelve guest rooms. The number of guest rooms shall not exceed the occupancy limitations set forth in Section 9-8-6, "Density Occupancy ~~Occupancy~~ Equivalencies for Group Residences and Hostels," B.R.C. 1981.

1 ...

2 Section 33. Section 9-7-2, "Setback Standards," B.R.C. 1981, is amended to read as
3 follows:

4 **9-7-2. Setback Standards.**

5 (a) Front Yard Setback Reductions: The front yard setback required in Section 9-7-1,
6 "Schedule of Form and Bulk Standards," B.R.C. 1981, may be reduced for a principal
7 structure on any lot if more than fifty percent of the principal buildings on the same block
8 face or street face do not meet the required front yard setback. The setback for the
9 adjacent buildings and other buildings on the block face shall be measured from the
10 property line to the bulk of the building, excluding, without limitation, any unenclosed
11 porches, decks, patios or steps. The bulk of the building setback shall not be less than the
12 average bulk of the building setback for the principal buildings on the two adjacent lots.
13 Where there is only one adjacent lot, the front yard setback reduction shall be based on
14 the average of the principal building setbacks on the two closest lots on the same block
15 face. (See Figure 7-1 of this section.)

12 ...

13 (b) Side Yard Setback Standards:

14 ...

15 (6) Existing Nonstandard Side Yard Setbacks for Existing ~~Single-Family~~ Detached
16 Dwelling Units: A second story addition that does not comply with the minimum
17 interior or combined side yard setbacks may be added to an existing ~~single-family~~
18 detached dwelling unit subject to the following:

17 (A) The interior side yard setback for the existing ~~single-family~~ detached
18 dwelling unit complied with the setback requirements in existence at the
19 time of initial construction and was not created by a variance or other
20 procedure;

20 (B) The resulting interior side yard setback will not be less than five feet and
21 combined side yard setbacks will not be less than ten feet;

21 (C) That portion of the building in the side yard setback shall vertically align
22 with the existing ~~first-story~~first-story wall.

23 Section 34. Section 9-7-8, "Accessory Buildings in Residential Zones," B.R.C. 1981, is
24 amended to read as follows:

9-7-8. Accessory Buildings in Residential Zones.

(a) Maximum Building Coverage: In an RR, RE, RL or RMX-1 residential zoning district, unless the property has been designated as an individual landmark or is located within a historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, the total cumulative building coverage of accessory buildings or structures between the principal building rear yard setback and the rear yard property line shall not exceed five hundred square feet. For a property that has been designated as an individual landmark or is located within a historic district under Chapter 9-11, "Historic Preservation," B.R.C. 1981, such total cumulative building coverage may be increased to permit the addition of one new accessory building or structure of up to five hundred square feet of coverage if such property has existing structures within the principal building rear yard setback area. There shall be no limitation on building coverage for accessory buildings or structures located entirely within the principal building envelope except as set forth in the definition of "accessory building or structure," in Chapter 9-16, "Definitions," B.R.C. 1981.

(b) Connections Between a Dwelling Unit and an Accessory Building Located Within the Principal Building Envelope: In a residential zoning district, a ~~single-family~~ detached dwelling unit may be connected to an accessory building by a breezeway that is built in compliance with the principal building setback standards set forth in this chapter, or the principal building setback standards in place at the time of its construction, if the breezeway meets the following standards:

...

(c) Breezeway Connections Between Accessory and Principal Buildings: In a residential zoning district, a ~~single-family~~ detached dwelling unit may be connected to an accessory building which is located partially or entirely within principal building rear yard setback by a breezeway if the breezeway meets the following standards:

...

(5) The sides of the breezeway above grade shall remain completely open except for structural support columns and the walls of the accessory building and the ~~single-family~~ detached dwelling unit to which it is attached.

...

Section 35. Section 9-7-9, "Side Yard Bulk Plane," B.R.C. 1981, is amended to read as follows:

9-7-9. Side Yard Bulk Plane.

(a) Purpose: Buildings with tall side walls may impact privacy, views or visual access to the sky on neighboring properties. The purpose of this side yard bulk plane standard is to

1 ensure that buildings step down towards neighboring properties in order to enhance
2 privacy, preserve some views and visual access to the sky for lots or parcels that are
adjacent to new development.

3 (b) Scope: All construction related to principal and accessory buildings shall comply with the
4 bulk plane requirements of this section. This section applies to all construction related to
5 buildings, including new construction, building addition or modification of existing
buildings as follows:

6 (1) All residential principal and accessory buildings in the RR-1, RR-2, RE and RL-1
zoning districts; and

7 (2) All principal and accessory buildings that are used as ~~a detached single family~~
8 ~~land used~~ dwelling units in the RMX-1 zoning district.

9 ...

10 Section 36. Section 9-7-10, "Side Yard Wall Articulation," B.R.C. 1981, is amended to
11 read as follows:

12 **9-7-10. Side Yard Wall Articulation.**

13 (a) Purpose: Buildings with tall side walls may impact privacy, views or visual access to the
14 sky on neighboring properties. The purpose of the side yard wall articulation standard is
15 to reduce the perceived mass of a building by dividing it into smaller components, or to
16 step down the wall height in order to enhance privacy, preserve views and visual access
to the sky for lots or parcels that are adjacent to new development.

17 (b) Scope: All construction related to principal and accessory buildings shall comply with the
18 side yard wall length articulation requirements of this section. This section applies to all
construction related to buildings, including new construction, expansion or modification
of existing buildings as follows:

19 (1) All residential buildings in the RR-1, RR-2, RE and RL-1 zoning districts,
including lots located in planned developments, planned residential developments
20 and planned unit developments.

21 (2) All buildings that are used as ~~a detached single family land used~~ dwelling units in
22 the RMX-1 zoning district, including lots located in planned developments,
planned residential developments and planned unit developments.

23 ...

24 Section 37. Section 9-7-11, "Maximum Building Coverage," B.R.C. 1981, is amended
25 to read as follows:

9-7-11. Maximum Building Coverage.

- (a) Purpose: The purposes of the building coverage standards are to establish the maximum percentage of lot surface that may be covered by principal and accessory buildings to preserve open space on the lot, and to preserve some views and visual access to the sky and enhance privacy for residences that are adjacent to new development.
- (b) Scope: All construction related to principal and accessory buildings shall comply with the building coverage requirements of this section. This section applies to all construction related to residential buildings, including new construction, building additions or modification of existing buildings as follows:
- (1) All residential and principal and accessory buildings in the RR-1, RR-2, RE and RL-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.
- (2) All principal and accessory buildings that are used as ~~a detached single family land use dwelling units~~ in the RMX-1 zoning district, including lots located in planned developments, planned residential developments and planned unit developments.

...

Section 38. Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, is amended to read as follows:

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

The purpose of this chapter is to indicate the requirements for the allowed intensity of all types of development, including maximum density for residential developments based on allowed number of units ~~and occupancy~~. All primary and accessory structures are subject to the standards set forth in Table 8-1 of this section except that developments within an area designated in Appendix L, "Form-Based Code Areas," and subject to the standards or Chapter 9-14, "Form-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 Chapter 9-14, "Form-Based Code," are subject to the standards of Sections 9-8-5, "Occupancy of Dwelling Units," 9-8-6, "~~Density Occupancy~~ Equivalencies for Group Residences and Hostels," 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 according to the following requirements unless modified through a use review under Section 9-2-15, "Use Review," B.R.C. 1981, or a site review under Section 9-2-14, "Site Review," B.R.C. 1981, or granted a variance under Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or approved through a form-based code review under Section 9-2-16, "Form-Based Code Review," B.R.C. 1981.

1 ...

2 Section 39. Section 9-8-2, “Floor Area Ratio Requirements,” B.R.C. 1981, is amended to
3 read as follows:

4 **9-8-2. Floor Area Ratio Requirements.**

5 (a) Purpose: The purpose of the floor area ratio requirements is to limit the impacts of the use
6 that result from increased building size.

7 ...

8 (d) District-Specific Standards:

9 (1) Maximum Floor Area in the RR-1, RR-2, RE, RL-1, RL-2, and RMX-1 Zoning
10 Districts:

11 (A) Purpose: The purpose of a floor area ratio standard is to address the
12 proportionality of building size to lot size and allow variation in building
13 form within the established building envelope.

14 (B) Scope: All construction related to principal and accessory buildings shall
15 comply with the floor area ratio requirements of this section. This section
16 applies to all construction related to residential buildings, including new
17 construction, building additions, or modification of existing buildings as
18 follows:

19 (i) All ~~residential and~~ principal and accessory buildings in the RR-1,
20 RR-2, RE, and RL-1 zoning districts, including lots located in
21 planned developments, planned residential developments, and
22 planned unit developments.

23 (ii) All principal and accessory buildings ~~that are used as a detached~~
24 ~~single-family land use~~ in the RMX-1 zoning district, including lots
25 located in planned developments, planned residential
developments, and planned unit developments.

(iii) In the RL-2 zoning district, the floor area ratio requirements shall
apply to lots that are 8,000 square feet or larger, used for detached
~~single-family land uses~~ dwelling units that are not within the
boundaries of a planned development, planned residential
development, planned unit development, or an approved site
review.

(iv) In the RL-2 zoning district, the floor area ratio requirements shall
apply to all lots and parcels used for detached ~~single-family land~~

1 ~~uses dwelling units~~ that are within the boundaries of a planned
2 development, planned residential development, and planned unit
3 development that are shown on Appendix H to this title.

- 4 (v) For projects subject to site review in Section 9-2-14, "Site
5 Review," B.R.C. 1981, the floor area shall be calculated based
6 upon each lot or parcel.

7 ...
8 Section 40. Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is amended to
9 read as follows:

10 **9-8-5. Occupancy of Dwelling Units.**

11 (a) General Occupancy Restrictions: No person shall occupy a dwelling unit in violation of
12 the occupancy limitations of Chapter 10-2, "Property Maintenance Code," B.R.C.1981. A
13 violation of this section shall be considered a violation of Title 10.

14 (b) Prior Approvals: Any requirement under a city approval granted under this title that
15 restricts occupancy based on familial relationship, such as number of unrelated persons,
16 or restricts occupancy beyond the occupancy permitted by Chapter 10-2, "Property
17 Maintenance Code," B.R.C. 1981, is void and shall not be enforced. Notwithstanding the
18 foregoing, this subsection does not apply to any residential occupancy limit based on the
19 standards in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, or based on any local,
20 state, federal or political subdivision affordable housing program guidelines. Subject to
21 the provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, no persons
22 except the following persons shall occupy a dwelling unit:

23 (1) ~~Members of a family plus up to two additional persons. Quarters that roomers use~~
24 ~~shall not exceed one third of the total floor area of the dwelling unit and shall not~~
25 ~~be a separate dwelling unit;~~

(2) ~~Up to any five persons except within a residential development exceeding a~~
~~density of 1,600 square feet of lot area per dwelling unit in the RH-2 and RH-5~~
~~zoning districts up to four persons;~~

(3) ~~Three persons and any of their children by blood, marriage, guardianship,~~
~~including foster children, or adoption; or~~

(4) ~~A nonconforming occupancy meeting the requirements of Subsection (c) of this~~
~~section.~~

(5) ~~The occupancy level allowed by Subparagraphs 9-8-5 (a)(2) and (a)(3) do not~~
~~apply to nonconforming uses or nonconforming occupancies.~~

(b) ~~Accessory Dwelling Unit: The principal dwelling unit and accessory dwelling unit shall~~
~~be considered one dwelling unit. The occupancy of the principal dwelling unit together~~

1 with the occupancy of any accessory dwelling unit shall not exceed the occupancy
2 requirements set forth in this section for one dwelling unit; provided, however, for
3 purposes of this subsection only, any occupant and his or her dependents shall be counted
4 as one person. The floor area limitation for quarters used by roomers under Paragraph 9-
5 8-5(a)(1), B.R.C. 1981, shall not apply to an accessory dwelling unit.

6 (c) ~~Nonconforming Occupancy in Dwelling Units: A dwelling unit that has a legally
7 established occupancy higher than the occupancy level allowed by Subsection (a) of this
8 section may maintain such occupancy of the dwelling unit as a nonconforming
9 occupancy, subject to the following:~~

- 10 (1) ~~The higher occupancy level was established because of a rezoning of the property,
11 an ordinance change affecting the property, or other city approval;~~
- 12 (2) ~~The rules for continuation, restoration, and change of a nonconforming use set
13 forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-
14 2-15, "Use Review," B.R.C. 1981;~~
- 15 (3) ~~Units with an occupancy greater than five unrelated persons shall not exceed a
16 total occupancy of the dwelling unit of one person per bedroom;~~
- 17 (4) ~~The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and~~
- 18 (5) ~~If a property owner intends to sell a dwelling unit with a non-conforming
19 occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981,
20 every such contract for the purchase and sale of a dwelling unit shall contain a
21 disclosure statement that indicates the allowable occupancy of the dwelling unit.~~

22 (d) ~~Nonconforming Uses: A nonconforming residential use that is not permitted by Section
23 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, or is a lot or parcel that does not
24 meet the density requirements of Chapter 9-8, "Intensity Standards," B.R.C. 1981, is
25 subject to the following:~~

- 26 (1) ~~Unless the occupancy was established meeting the requirements of Subsection (c)
27 of this section, the occupancy of a nonconforming use per dwelling cannot be
28 more than:~~
 - 29 (A) ~~Three unrelated persons in P, A, RR, RE, and RL zones;~~
 - 30 (B) ~~Four unrelated persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT,
31 IS, IG, IM, and IMS zones; or~~
 - 32 (C) ~~Two persons and any of their children by blood, marriage, guardianship,
33 including foster children, or adoption.~~
- 34 (2) ~~The rules for continuation, restoration, and change of a nonconforming use set
35 forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-
36 2-15, "Use Review," B.R.C. 1981, apply except that occupancy cannot be more
37 than that permitted by Subparagraph (1).~~

38 (e) ~~Cooperative Housing License: A dwelling unit licensed as a cooperative housing unit
39 pursuant to Section 10-11-3, "Cooperative Housing Licenses," B.R.C. 1981, shall not be
40 subject to the occupancy limits or any exceptions as set forth in this section; and an~~

1 attached accessory dwelling unit or detached accessory dwelling unit licensed with such
2 dwelling unit as a cooperative housing unit shall not be subject to the occupancy
3 standards of Subparagraph 9-6-3(n)(1)(A)(ii), "Occupancy Requirements," B.R.C. 1981.
4 All such dwelling units together with any attached accessory dwelling unit or detached
5 accessory dwelling unit so licensed shall be limited to no fewer than five occupants with
6 the maximum number of occupants, without regard to whether the occupants are related
7 or not, as follows:

8 (1) — In the RR, RE and RL zone districts to no more than twelve occupants, provided,
9 however, that occupancy shall not exceed more than one person per two hundred
10 square feet of habitable space;

11 (2) — In all other zone districts to no more than fifteen occupants, provided, however,
12 that occupancy shall not exceed more than one person per two hundred square
13 feet of habitable space; and

14 (3) — The city manager may authorize a greater number of occupants in any cooperative
15 housing unit that is deed restricted as permanently affordable if the planning
16 board after a public hearing recommends a greater number. Before making any
17 such recommendation, the planning board shall consider the potential impacts on
18 the surrounding community, the number of residents proposed, the proposed
19 habitable square feet per person, the available off-street parking, and the mission
20 of the cooperative.

21 (f) — Prohibition: No person shall occupy a dwelling unit or accessory dwelling unit in
22 violation of this section or intentionally or negligently misrepresent the permitted
23 occupancy of a dwelling unit or accessory dwelling unit in violation of this section.

24 Section 41. Section 9-8-6, "Occupancy Equivalencies for Group Residences," B.R.C.

25 1981, is amended to read as follows:

9-8-6. Density ~~Occupancy~~ Equivalencies for Group Residences and Hostels.

The permitted density/~~occupancy~~ for the following uses shall be ~~computed~~ calculated as indicated below. The density/~~occupancy~~ equivalencies shall not be used to convert existing uses referenced in this section to dwelling units except as set forth in subsection (g). The number of allowed dwelling units shall be determined by using Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981:

(a) Boarding or Rooming House, Fraternity, Sorority, or Dormitory: In boarding or rooming houses, fraternities, sororities, or dormitories, three sleeping rooms ~~Accommodations for three occupants in any boarding or rooming house, fraternity, sorority, or dormitory~~ constitute one dwelling unit.

(b) Hostel: In hostels, three sleeping rooms ~~Accommodations for three occupants in any~~ ~~hostel~~ constitute one dwelling unit, but the planning board may increase the density of a hostel to four ~~occupants~~ sleeping rooms per dwelling unit through a use review as provided in Section 9-2-15, "Use Review," B.R.C. 1981.

(c) Custodial Care and Residential Care Facilities: In custodial care and residential care facilities, The occupancy of a custodial care or a residential care facility must meet the requirements of Subsection 9-6-3(j), B.R.C. 1981 eight sleeping rooms or accommodations without kitchen facilities constitute one dwelling unit. If units are provided in a household living configuration, one detached dwelling unit constitutes one dwelling unit and one attached dwelling unit constitutes one dwelling unit.

(d) Group Home Facilities: In group home facilities, eight sleeping rooms or accommodations without kitchen facilities constitute one dwelling unit. If units are provided in a household living configuration, one detached dwelling unit constitutes one dwelling unit and one attached dwelling unit constitutes one dwelling unit.~~The occupancy of a group home facility must meet the requirements of Subsection 9-6-3(l), B.R.C. 1981.~~

...

(g) Conversion of Rooming Units to Dwelling Units: Pursuant to approval of a use review under Sections 9-2-15, "Use Review," B.R.C. 1981, for nonconforming uses, rRooming units in RM and RH zoning districts that were legally established under prior zoning ordinances and have continued as a legal nonconforming use may be converted to dwelling units at a ratio of four rooming units to one dwelling unit.

Section 42. Section 9-8-7, "Density and Occupancy of Efficiency Living Units," B.R.C. 1981, is amended to read as follows:

9-8-7. Density and Occupancy of Efficiency Living Units.

(a) Dwelling Unit Equivalents for Efficiency Living Units: For purposes of the density limits of Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, two efficiency living units constitute one dwelling unit.

(b) Dwelling Unit Equivalents for Moderate Income Housing: For purposes of counting dwelling units under the provisions of Ordinance No. 4638, as amended, "Moderate Income Housing," one efficiency living unit equals one dwelling unit.

~~(c) Maximum Occupancy: No more than three persons shall occupy an efficiency living unit.~~

Section 43. Section 9-9-5, "Site Access Control," B.R.C. 1981, is amended to read as follows:

9-9-5. Site Access Control.

(a) Access Control: Vehicular access to property from the public right-of-way shall be controlled in such a manner as to protect the traffic-carrying capacity and safety of the street upon which the property abuts and access is taken, ensuring that the public use and purpose of public rights of way is unimpaired as well as to protect the value of the public

1 infrastructure and adjacent property. The requirements of this section apply to all land
2 uses, including ~~single-family residential land uses~~detached dwelling units, as follows:

3 (1) For all uses, except ~~single-family residential~~for detached dwelling units, the
4 standards shall be met prior to a final inspection for any building permit for new
5 development; redevelopment exceeding twenty-five percent of the value of the
6 existing structure; or the addition of a dwelling unit. For purposes of this
7 paragraph (1), the applicant shall demonstrate the value of the existing structure
8 by submitting, at the discretion of the applicant, either the actual value assessed
9 by the Boulder County Assessor's Office or the fair market value determined by a
10 real estate appraiser licensed in Colorado.

11 (2) For ~~single-family residential uses~~detached dwelling units, the standards of this
12 section shall be met prior to a final inspection for any building permit for new
13 development; the demolition of a principal structure; or the conversion of an
14 attached garage or carport to a use other than use as a parking space.

15 ...
16 (c) Standards and Criteria for Site Accesses and Curb Cuts: Any access or curb cut to public
17 rights of way shall be designed in accordance with the City of Boulder Design and
18 Construction Standards and the following standards and criteria:

19 ...
20 (6) Multiple Access Points for ~~Single-Family Residential~~ Detached Dwelling Units:
21 The city manager will permit multiple access points on the same street for a single
22 lot containing a detached dwelling unit ~~single-family residential lots~~ upon finding
23 that there is at least one hundred linear feet of lot frontage adjacent to the front
24 yard on such street, the area has a limited amount of pedestrian activity because of
25 the low density character, and there is enough on-street parking within three
hundred feet of the property to meet the off-street parking needs of such area. The
total cumulative width of multiple curb cuts shall not exceed the maximum
permitted width of a single curb cut. The minimum spacing between multiple curb
cuts on the same property shall not be less than sixty-five feet.

(7) Shared Driveways for Residential Structures: A lot with a detached single-family
~~residential lot~~ dwelling unit that does not have frontage on the street from which
access is taken may be served by a shared driveway that meets all of the standards
and criteria for shared driveways set forth in the City of Boulder Design and
Construction Standards.

24 ...

Section 44. Section 9-9-11, “Useable Open Space,” B.R.C. 1981, is amended to read as follows:

9-9-11. Useable Open Space.

(a) Purpose of Open Space: The purpose of useable open space is to provide indoor and outdoor areas for passive and active uses to meet the needs of the anticipated residents, tenants, employees, customers and visitors of a property, and to enhance the environment of a development or building. Open space can be used to:

- (1) Create spaces that encourage social interaction;
- (2) Provide useful, attractive outdoor spaces that include both sun and shade;
- (3) Provide interesting and usable places, both public and private, active and passive, inside or outside of a building, where people can be aware of the environment in and around a building or group of buildings;
- (4) Provide visual connections between small open areas on a site, and larger open spaces beyond;
- (5) Provide connections between the inside and the outside of a building; and
- (6) Provide separation between buildings and uses.

...

(i) Prohibitions: Portions of a lot on which a structure or unenclosed use is located shall not be counted as useable open space unless allowed in subsection (d),(e),(f) or (h) of this section. Portions of a lot that are unenclosed include those areas that are designed such that they cannot be enclosed and are generally open to the sky above, except for a balcony or deck. The following are specific examples of areas that may not be counted as useable open space:

...

- (8) Balconies, decks and patio areas attached to a ~~single-family~~ detached dwelling unit which are:

...

Section 45. Section 9-9-12, “Landscaping and Screening Standards,” B.R.C. 1981, is amended to read as follows:

9-9-12. Landscaping and Screening Standards.

(a) Purpose: The purpose of the landscaping and screening requirements set forth in this

chapter is to:

- (1) Provide minimum requirements for the landscaping of lots and parcels, street frontages, streetscapes and paved areas;
- (2) Provide minimum requirements to ensure the proper installation or cultivation, and maintenance of landscaping materials;
- (3) Promote sustainable landscapes and improve the quality of the environment by enhancing air quality, reducing the amount and rate of stormwater runoff, improving stormwater runoff quality, the spread of noxious weeds, and increasing the capacity for groundwater recharge;
- (4) Minimize the amount of water used for landscaping by promoting Xeriscape™ practices and improving irrigation efficiency;
- (5) Enhance the appearance of both residential and nonresidential areas, and reduce the visual impacts of large expanses of pavement and rock; and
- (6) Minimize impacts between uses both on-site and off-site. Landscaping can improve the compatibility of adjacent land uses and screen undesirable views. The landscaping standards also enhance the streetscape by separating the pedestrian from motor vehicles, auto fumes, and dust, providing shade, attenuating noise, and filtering air, buffering wind, and reducing glare.

...

(d) General Landscaping and Screening Requirements:

- (1) Landscaping Plan: A landscaping plan designed in accordance with this section and Sections 9-9-13, "Streetscape Design Standards," and 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, shall be provided for all developments. The site plan shall include the following:
 - (A) A site plan with a north arrow showing the major details of the proposed landscaping and irrigation, prepared on a scale not less than ~~one inch~~ one-half inch equals thirty feet providing sufficient detail to evaluate the features of the landscaping and irrigation required by this section and Sections 9-9-13, "Streetscape Design Standards," and 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981;
 - (B) The location of property lines and adjacent streets, the zoning and use of adjacent properties, the existing and proposed locations of all buildings, sidewalks and curb cuts, bike paths and pedestrian walkways, drive aisles and curb islands, ~~utilities, and~~ utilities, easements, and the existing location, size, and type of all trees one and one-half inch caliper or greater;
- ...
- (5) Screening of Trash Collection and Recycling Areas, Service Areas, and Loading Areas: In nonresidential and multi-~~family~~ unit residential developments, trash collection and recycling areas, service areas, and loading areas shall be screened

on all sides so that no portion of such areas are visible from public streets and alleys and adjacent properties. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

Section 46. Section 9-9-13, "Streetscape Design Standards," B.R.C. 1981, is amended to read as follows:

9-9-13. Streetscape Design Standards.

Streetscape improvements shall be designed in accordance with the following standards:

- (a) Scope: The standards set forth in this section apply to all land uses, including ~~single-family residential land uses~~ detached dwelling units.
- (b) Street Trees: A planting strip consisting of deciduous trees shall be planted along the full length of all public and private streets in all zoning districts. When possible, trees shall be planted in the public right-of-way. Large deciduous trees and detached sidewalks are required wherever possible and shall be planted at a minimum, in accordance with subsection (d) of this section.
- (c) Alley Trees: Except for existing ~~single-family lots~~ with a detached dwelling unit, along all alleys adjacent to or within a residential zone, trees shall be planted at an overall average of one tree per forty linear feet within ten feet of the pavement or edge of alley.

...

Section 47. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, is amended to read as follows:

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

Changes to nonstandard buildings, structures, or nonstandard lots and nonconforming uses shall comply with the following requirements:

...

(b) Nonstandard Lots or Parcels:

- (1) Development Requirements: Vacant lots in all residential districts except RR-1 and RR-2 which are smaller than the lot sizes indicated in Section 9-8-1, "Schedule of Intensity Standards," B.R.C. 1981, but larger than one-half of the required zoning district minimum lot size, may be developed with a ~~single-family~~

detached dwelling unit if the building meets the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981. In RR-1 and RR-2 districts, lots which are smaller than the minimum lot size but larger than one-fourth of the minimum lot size may be developed if the building meets the setback requirements. In all other zoning districts, vacant lots which are below one-half of the required minimum lot size for the zoning district shall not be eligible for construction of principal buildings.

...

Section 48. Section 9-13-3, "General Inclusionary Housing Requirements," B.R.C. 1981, is amended to read as follows:

9-13-3. General Inclusionary Housing Requirements.

(a) Inclusionary Housing Requirements.

- (1) A development is required to include at least twenty-five percent of the total number of dwelling units as permanently affordable units.
- (2) For required for-sale permanently affordable units, townhouses and ~~single-family homes~~ detached dwelling units shall have prices set to be affordable to one hundred twenty percent of the AMI. All other types of permanently affordable for-sale units shall have prices set to be affordable to one hundred percent of the AMI.

...

Section 49. Section 9-13-7, "Relationship of Permanently Affordable Units to Market Units," B.R.C. 1981, is amended to read as follows:

9-13-7. Relationship of Permanently Affordable Units to Market Units.

- (a) Purpose: Permanently affordable units shall be comparable in quality, design and general appearance to the market rate units creating the inclusionary housing requirement.
- (b) Detached Dwelling Units: When a development contains ~~single-family~~ detached dwelling units, a proportional number of the required permanently affordable units shall also be ~~single-family~~ detached dwelling units or attached townhouses.
- (c) Mixed Dwelling Unit Types: In developments with a mixture of dwelling unit types, including, without limitation, ~~single-family~~ detached dwelling units, townhouses, duplexes, triplexes, four-plexes, eight-plexes, and stacked flats, the required permanently affordable units shall be comprised of the different dwelling unit types in the same

proportion as the dwelling units that are not permanently affordable within the development except as allowed in Subsection (b) above.

...

Section 50. Section 9-15-4, "Criminal Sanctions," B.R.C. 1981, is amended to read as follows:

9-15-4. Criminal Sanctions.

(a) The city attorney, acting on behalf of the people of the city, may prosecute any violation of this title or any approval granted under this title in municipal court in the same manner that other municipal offenses are prosecuted.

(b) The penalty for violation of any provision of this title is a fine of not more than \$2,650,000.00 per violation. The limitation of this fine shall be adjusted for inflation on January 1, 2025, and on January 1 of each year thereafter. As used in this subsection, "inflation" means the Colorado consumer price index or a similar index that is tied to the annual rate of inflation in the state or Denver-Boulder metropolitan area. In addition, upon conviction of any person for violation of this title, the court may issue a cease and desist order and any other orders reasonably calculated to remedy the violation. Violation of any order of the court issued under this section is a violation of this section and is punishable by a fine of not more than \$4,000.00 per violation, or incarceration for not more than ninety days in jail or both such fine and incarceration.

~~(c) Notwithstanding the provisions of subsection (b) of this section, the following specific sentencing considerations shall apply to fines imposed for violations of section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981:~~

~~(1) The court shall consider any evidence presented by the defendant that a potential fine would be confiscatory. A confiscatory fine is a fine that would deprive a normally capitalized owner of the ability to continue operating a rental housing business of the sort involved in the case before the court. No fine that is confiscatory shall be enforced by the court.~~

~~(2) In imposing a fine in any single case or in any consolidated cases, the court may weigh all factors normally and properly considered in connection with the imposition of fines, including the seriousness of the violation, the past record of the defendant, the economic circumstances of the defendant and all mitigating or aggravating factors relevant to the violation or to the defendant. In addition, in determining the amount of any fine, the court may consider:~~

~~(A) The imposition of a fine that would deprive the defendant of any illegal profit collected because of the occurrence of the over-occupancy violation or violations on the rental housing property;~~

~~(B) The imposition of a reasonable penalty in addition to any level of fine that is attributable to illegally obtained profit; and~~

(C) ~~The imposition of such additional fine as is determined by the court to constitute a reasonable amount to be suspended in order to ensure compliance with any terms of probation imposed by the court.~~

(3) ~~No fine imposed in a single case alleging multiple dates of violation, nor any fine in consolidated cases alleging multiple days of violation, shall exceed the maximum fine that might be imposed for fifteen separate violations unless the court finds special aggravating circumstances. Where special aggravating factors are at issue, the following procedures shall apply:~~

(A) ~~The defendant shall be entitled to ten days' notice of any special aggravating factors upon which the prosecution intends to rely at the sentencing hearing or about which, based upon evidence previously presented, the court is concerned. If necessary in order to provide such notice, a defendant shall be entitled to a continuance of the sentencing hearing.~~

(B) ~~A judicial finding of the existence of special aggravating factors shall not mandate that the court impose any particular level of fine but will, rather, provide the sentencing court with discretion to determine a fine based upon all the criteria set forth in this subsection.~~

(C) ~~Special aggravating factors, for the purpose of this subsection, shall require a judicial finding of one or more of the following:~~

(i) ~~The occupancy violations at issue were flagrant and intentional on the part of the defendant;~~

(ii) ~~The defendant, after learning of the over-occupancy condition, failed to attempt corrective action over a sustained period of time; or~~

(iii) ~~A fine equivalent to the maximum fine permitted for fifteen separate violations would be inadequate to disgorge the defendant of illegal profits obtained as a consequence of the violations or would be inadequate to ensure that the violation is neither profitable nor revenue neutral for the offender.~~

Section 51. Section 9-15-9, "Multiple Dwelling Units and Occupancy- Specific Defenses," B.R.C. 1981, is amended to read as follows:

9-15-9. Multiple Dwelling Units and Occupancy-- Specific Defenses.

(a) Specific Defenses to Alleged Violations Related to Multiple Dwelling Units: If a charge of violation of any provision of chapter 9-5, "Modular Zone System," 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9, "Development Standards," B.R.C. 1981, is premised solely upon the multiple dwelling units provisions of subsection 9-16-1(c), B.R.C. 1981, it is a specific defense to such charge that, on a continuing basis, the residents of the dwelling unit share utilities and

keys to all entrances to the property and that they function as a single housekeeping unit. For purposes of this section, to function as a single housekeeping unit means to share major functions associated with residential occupancy and to share a single common kitchen as the primary kitchen.

(b) ~~Specific Defenses to Alleged Violations Related to Occupancy of Units for Guest Occupancy: If a charge of violation of any provision of chapters 9-6, "Use Standards," and 9-7, "Form and Bulk Standards," or section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, is premised upon exceeding allowable occupancy limits based upon the number of persons residing in or occupying a dwelling unit, it is a specific defense as to any alleged occupant that such person spent the night in the unit without remuneration as a social guest for periods of time which never exceeded a cumulative total of fourteen nights in any ninety day period. Spending the night for the purposes of this subsection means to be on the premises during the hours of 12:00 midnight through 5:00 a.m., or to sleep on the premises for more than five hours at any time in any twenty four hour period. If the defense is established as to an alleged occupant, that person shall be considered a social guest and not an occupant for the purposes of proof of the charge of violation. Conversely, any person who spends more than a cumulative total of fourteen nights in any ninety day period in any dwelling unit is an occupant of that unit for those nights for the purposes of the occupancy limits established in this title.~~

(c) ~~Specific Defenses to Alleged Violations Related to Occupancy of a Unit Which Is a Rental Property: The following shall constitute specific defenses to any alleged violation of subsection 9-8-5(a), B.R.C. 1981, relating to the occupancy of units:~~

(1) ~~It shall be a specific defense to an alleged violation of subsection 9-8-5(a), B.R.C. 1981, that a defendant is a nonresident landlord or nonresident property manager and:~~

(A) ~~Prior to the initiation of the prosecution process, the defendant undertook and pursued means to avoid over-occupancy violations by:~~

(i) ~~complying with advertising requirements of Chapter 10-3-2, B.R.C. 1981 and the posting requirements of Chapter 10-3-20, B.R.C. 1981;~~

(ii) ~~receiving rent payments from only those persons on a lease that includes no more than the number of tenants associated with the occupancy limitation of the unit; and~~

(iii) ~~requiring each tenant to acknowledge, through a lease provision or otherwise, the established occupancy limitation for the unit; and~~

(B) ~~The defendant had no actual knowledge of the over-occupancy of the relevant rental housing property prior to the initiation of the prosecution process. However, this specific defense shall not apply when a defendant reasonably should have been aware of the occupancy violation.~~

(C) ~~For the purposes of this subsection, the initiation of a prosecution process occurs when any of the following events occurs:~~

(i) ~~A potential defendant is first contacted by a city investigator in connection with the investigation of an occupancy violation;~~

(ii) ~~A summons and complaint alleging an occupancy violation is served upon a defendant; or~~

(iii) ~~A criminal complaint is filed against a defendant alleging an occupancy violation.~~

(D) ~~For purposes of this subsection, a nonresident landlord or nonresident property manager means a person who is neither a full-time nor part-time resident of the property that he or she owns or manages.~~

Section 52. Section 9-14-3, "Design Goals for the Form-Based Code Areas," is amended to read as follows, as part of a new Chapter 14, "Form Based Code Standards," B.R.C. 1981:

9-14-3. DESIGN GOALS FOR THE FORM-BASED CODE AREAS

The requirements of this chapter 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, increasing energy efficiency, and promoting safe transportation options for pedestrians and bicycles.

(b) **Human-Scaled Building Design.** Design to a human scale and 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 multi-unit dwelling units, townhouses, and detached single family dwelling 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) **Adaptable 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.

Section 53. Section 9-14-4, "Organization and Scope," B.R.C. 1981, is amended to read as follows, as part of a new Chapter 14, "Form Based Code Standards," B.R.C. 1981:

9-14-4. ORGANIZATION AND SCOPE

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

(a) **Organization.** This chapter is organized into the following sections:

(1) **Sections 9-14-1 through 9-14-8: 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 chapter's organization and scope, the regulating plans for each form-based code area, and definitions that apply to the terms of this chapter.

(2) **Sections 9-14-9 through 9-14-13: 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 9-14-14- through 9-14-26: 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 9-14-27- through 9-14-33: Building Design.** These sections establish general building design requirements that are applicable to all of the building types, unless otherwise stated.

(b) **Scope.** The requirements of this chapter supplement those imposed on the same lands by underlying zoning provisions and generally applicable development standards of this title and other ordinances of the city. If there is a conflict between the requirements of this chapter 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 chapter:

(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 of this chapter.

- (2) **Chapter 9-7: Form and Bulk Standards.** This chapter 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 chapter 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, "Density Equivalencies for Group Residences and Hostels," and 9-8-7, "Density 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 chapter as follows:
- (5) **Applicable Sections.** The following sections of Chapter 9-9, "Development Standards," B.R.C. 1981, are applicable:
- (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.**
- (6) **Superseded Sections.** The following sections of Chapter 9-9, "Development Standards," B.R.C. 1981, are superseded by this chapter:
- (A) **9-9-3, Building Design, is superseded by this chapter.**

(B) 9-9-11, Useable Open Space, is superseded by the requirements of this chapter.

(c) **Other Sections and Ordinances.** The Boulder Revised Code and other ordinances of the city are applicable unless expressly waived or modified in this chapter. If there is a conflict between the requirements of this chapter 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.

Section 54. Section 9-16-1, "General Definitions," B.R.C. 1981, is amended to read as follows:

9-16-1. General Definitions.

- (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title unless a term is defined differently in this chapter.
- (b) Terms identified with the references shown below after the definition are limited to those specific sections or chapters of this title:

- (1) Airport influence zone (AIZ).
- (2) Floodplain regulations (Floodplain).
- (3) Historic preservation (Historic).
- (4) Inclusionary housing (Inclusionary Housing).
- (5) Solar access (Solar).
- (6) Wetlands Protection (Wetlands).
- (7) Signs (Signs).

- (c) The following terms as used in this title have the following meanings unless the context clearly indicates otherwise:

A—E

...

Breezeway means a roofed at grade open passage connecting a detached ~~single-family~~ dwelling unit to an accessory building. A breezeway is not a space enclosed by walls.

...

Building coverage means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, breezeways, courts, and exterior stairways, but excluding:

...

- (3) Up to three hundred square feet of a ~~single-family detached residence~~ dwelling unit front porch that is adjacent to a street;
- (4) Up to one hundred fifty square feet of additional porch area not located in the front yard for a ~~single-family detached residence~~ dwelling unit;
- (5) One accessory building, no larger than eighty square feet in size and no taller than ten feet in height, associated with a ~~single-family detached residence~~ dwelling unit; and

...
Conveyance zone means those portions of the floodplain required for the passage or conveyance of the ~~one hundred year~~ one-hundred-year flood. The conveyance zone is delineated based on an equal encroachment methodology (measured in volume of water), which is applied to the floodplain from the edges of the flood channel to a point where the one-hundred-year flood profile will be raised no more than six inches, after considering a reasonable expectation of blockage at bridges and other obstructions by flood-borne debris. The city may, in its discretion, delineate the conveyance zone on city owned land or right-of-way based on unequal encroachment to minimize delineation on other properties. The conveyance zone is equivalent to a floodway delineation based on a six-inch rise. (Floodplain)

~~*Cooperative housing unit* has the same meaning as set forth in Section 10-1-1, "Definitions," B.R.C. 1981.~~

...

Expansion of nonconforming use means any change or modification to a nonconforming use that constitutes:

- (1) An increase in the ~~occupancy~~, floor area, required parking, traffic generation, outdoor storage, or visual, noise, or air pollution;
- (2) Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise, or the number of employees or customers;
- (3) The addition of bedrooms to a dwelling unit, except a ~~single-family detached~~ dwelling unit; or
- (4) The addition of one or more dwelling units.

...
F—J

Floor area for detached ~~single-family~~ dwelling units means the total habitable square footage of all levels measured to the outside surface of the exterior framing, or to the outside surface of the exterior walls if there is no exterior framing or portions thereof, which includes stairways, storage, and mechanical rooms internal to the structure, but excluding garages. (Inclusionary Housing)

1 ...

2 *Housing type* means the particular form which an attached or detached dwelling unit
3 takes, including, without limitation, the following: ~~single-family detached houses~~ dwelling units
4 and mobile homes; ~~single-family attached dwellings~~ dwelling units such as townhouses and row
5 houses; duplexes, triplexes, and apartments.

6 ...

7 **P—T**

8 ...

9 *Townhouse* means an attached ~~single-family~~ dwelling unit located or capable of being
10 located on its own lot, and ~~is~~ separated from adjoining dwelling units by a wall extending from
11 the foundation through the roof which is structurally independent of the corresponding wall of
12 the adjoining unit.

13 *Transitional housing* means a facility providing long-term housing in ~~multi-family unit~~
14 dwelling units with or without common central cooking facilities, where participation in a
15 program of supportive services is required, as a condition of residency, to assist tenants in
16 working towards independence from financial, emotional, or medical conditions that limit their
17 ability to obtain housing for themselves.

18 ...

19 Section 55. Section 10-1-1, “Definitions,” B.R.C. 1981, is amended to read as follows:

20 **10-1-1. - Definitions.**^[2]

21 (a) The following terms used in this title have the following meanings unless the context
22 clearly indicates otherwise:

23 ...

24 ~~*Cooperative* means a housing arrangement in which residents share expenses, ownership~~
25 ~~or labor.~~

26 ~~*Cooperative housing unit* means a dwelling unit in a private equity not for profit,~~
27 ~~permanently affordable cooperative or rental cooperative.~~

28 ...

29 *Rooming house* means an establishment where, for direct or indirect compensation,
30 lodging, with or without kitchen facilities or meals, is offered for one month or more for three or
31 more roomers living independently within rooming units ~~not related to the family of the heads of~~
32 ~~the household.~~

1 *Rooming unit* means a type of housing accommodation that consists of a room or group
2 of rooms for a roomer, arranged primarily for sleeping and study, and that may include a private
3 bath but does not include a sink or any cooking device.

4 ...

5 Section 56. Section 10-2-2, "Adoption of International Property Maintenance Code
6 With Modifications," B.R.C. 1981, is amended to read as follows:

7 **10-2-2. Adoption of International Property Maintenance Code With Modifications.**

- 8 (a) The 2024~~18~~ edition of the *International Property Maintenance Code* (IPMC) of the
9 International Code Council is hereby adopted by reference as the City of Boulder
10 Property Maintenance Code and has the same force and effect as though fully set forth in
11 this chapter, except as specifically amended for local application by this chapter.
- 12 (b) IPMC Appendix chapters A, "Boarding Standard," B, "Rental Housing Inspections," and
13 C, "Energy Efficiency Requirement - Existing Residential Rental Structures Energy
14 Conservation," are adopted.
- 15 (c) For ease of reference, the following identifies all chapters, sections and appendices of the
16 published and adopted IPMC and includes specific amendments for local application.
17 Chapter, Section, Subsection, or Appendix numbers of provisions not amended appear,
18 followed by the words, "No changes." The amended text of specifically amended
19 provisions appears below. Chapter, Section, Subsection, or Appendix numbers of any
20 provisions not adopted appear, followed by the word, "Deleted."

21 ...

22 **SECTION 106**
23 **VIOLATIONS**

24 **106.1 Violations.**

25 (a) General Provisions:

- (1) No person shall erect, construct, enlarge, alter, extend, repair, move, remove,
improve, convert, demolish, equip, use, occupy, or maintain any building or
structure in the city, or cause or permit the same to be done, except in conformity
with all of the provisions of this code and in conformity with the terms and
conditions of approval issued under this code, or of any directive of the code
official. No person shall violate a provision of this code, or fail to comply
therewith or with any of the requirements thereof. No person shall fail to comply
with any order issued by the code official under this code.

1 ...

2 (c) Criminal Penalties. Violations of this code are punishable as provided in Section 5-2-4,
3 "General Penalties," B.R.C. 1981.

4 (1) Occupancy Limitation Violations: Notwithstanding the provision of subsection
5 (c), Criminal Penalties, of this section, the following specific sentencing
6 considerations shall apply to fines imposed for violations of Section 404,
7 Occupancy Limitations, of this code:

8 (A) The court shall consider any evidence presented by the defendant that a
9 potential fine would be confiscatory. A confiscatory fine is a fine that
10 would deprive a normally capitalized owner of the ability to continue
11 operating a rental housing business of the sort involved in the case before
12 the court. No fine that is confiscatory shall be enforced by the court.

13 (B) In imposing a fine in any single case or in any consolidated cases, the
14 court may weigh all factors normally and properly considered in
15 connection with the imposition of fines, including the seriousness of the
16 violation, the past record of the defendant, the economic circumstances of
17 the defendant and all mitigating or aggravating factors relevant to the
18 violation or to the defendant. In addition, in determining the amount of
19 any fine, the court may consider:

20 (i) The imposition of a fine that would deprive the defendant of any
21 illegal profit collected because of the occurrence of the over-
22 occupancy violation or violations on the rental housing property;

23 (ii) The imposition of a reasonable penalty in addition to any level of
24 fine that is attributable to illegally obtained profit; and

25 (iii) The imposition of such additional fine as is determined by the
26 court to constitute a reasonable amount to be suspended in order to
27 ensure compliance with any terms of probation imposed by the
28 court.

29 (C) No fine imposed in a single case alleging multiple dates of violation, nor
30 any fine in consolidated cases alleging multiple days of violation, shall
31 exceed the maximum fine that might be imposed for fifteen separate
32 violations unless the court finds special aggravating circumstances. Where
33 special aggravating factors are at issue, the following procedures shall
34 apply:

35 (i) The defendant shall be entitled to ten days' notice of any special
36 aggravating factors upon which the prosecution intends to rely at
37 the sentencing hearing or about which, based upon evidence
38 previously presented, the court is concerned. If necessary in order

1 to provide such notice, a defendant shall be entitled to a
2 continuance of the sentencing hearing.

3 (ii) A judicial finding of the existence of special aggravating factors
4 shall not mandate that the court impose any particular level of fine
5 but will, rather, provide the sentencing court with discretion to
6 determine a fine based upon all the criteria set forth in this
7 subsection.

8 (iii) Special aggravating factors, for the purpose of this subsection,
9 shall require a judicial finding of one or more of the following:

10 a. The occupancy violations at issue were flagrant and
11 intentional on the part of the defendant;

12 b. The defendant, after learning of the over-occupancy
13 condition, failed to attempt corrective action over a
14 sustained period of time; or

15 c. A fine equivalent to the maximum fine permitted for fifteen
16 separate violations would be inadequate to disgorge the
17 defendant of illegal profits obtained as a consequence of
18 the violations or would be inadequate to ensure that the
19 violation is neither profitable nor revenue neutral for the
20 offender.

21 (2) Specific Defenses to Alleged Violations:

22 (A) Specific Defenses to Alleged Violations Related to Occupancy of Units
23 for Guest Occupancy: Occupancy limitation violations are premised upon
24 exceeding allowable occupancy limits based upon the number of persons
25 residing in or occupying a dwelling unit pursuant to Section 404,
26 Occupancy Limitations. It is a specific defense as to any alleged occupant
27 that such person spent the night in the unit without remuneration as a
28 social guest for periods of time which never exceeded a cumulative total
29 of fourteen nights in any ninety-day period. Spending the night for the
30 purposes of this subsection means to be on the premises during the hours
31 of 12:00 midnight through 5:00 a.m., or to sleep on the premises for more
32 than five hours at any time in any twenty-four-hour period. If the defense
33 is established as to an alleged occupant, that person shall be considered a
34 social guest and not an occupant for the purposes of proof of the charge of
35 violation. Conversely, any person who spends more than a cumulative
36 total of fourteen nights in any ninety-day period in any dwelling unit is an
37 occupant of that unit for those nights for the purposes of the occupancy
38 limits established in this code.

39 (B) Specific Defenses to Alleged Violations Related to Occupancy of a Unit
40 Which Is a Rental Property: The following shall constitute specific

1 defenses to any alleged violation of Section 404 of this code relating to the
2 occupancy of units:

3 (i) It shall be a specific defense to an alleged violation of Section 404
4 that a defendant is a nonresident landlord or nonresident property
5 manager and:

6 a. Prior to the initiation of the prosecution process, the
7 defendant undertook and pursued means to avoid over-
8 occupancy violations by:

9 1. receiving rent payments from only those persons on
10 a lease that includes no more than the number of
11 tenants associated with the occupancy limitation of
12 the unit; and

13 2. requiring each tenant to acknowledge, through a
14 lease provision or otherwise, the established
15 occupancy limitation for the unit; and

16 (ii) The defendant had no actual knowledge of the over-occupancy of
17 the relevant rental housing property prior to the initiation of the
18 prosecution process. However, this specific defense shall not apply
19 when a defendant reasonably should have been aware of the
20 occupancy violation.

21 (iii) For the purposes of this paragraph, the initiation of a prosecution
22 process occurs when any of the following events occurs:

23 1. A potential defendant is first contacted by a city
24 investigator in connection with the investigation of an
25 occupancy violation;

1 2. A summons and complaint alleging an occupancy violation
2 is served upon a defendant; or

3 3. A criminal complaint is filed against a defendant alleging
4 an occupancy violation.

5 (iv) For purposes of this paragraph, a nonresident landlord or
6 nonresident property manager means a person who is neither a full-
7 time nor part-time resident of the property that he or she owns or
8 manages.

9 (d) Other Remedies. The city attorney may maintain an action for damages, declaratory
10 relief, specific performance, injunction, or any other appropriate relief in the District
11 Court in and for the County of Boulder for any violation of any provision of this code or
12 any approval granted under this code.

(e) Declaration of Use. If the code official determines that a person is using a structure in a way that might mislead a reasonable person to believe that such use is a use by right or otherwise authorized by this title, the code official may require such person to sign under oath a declaration of use that defines the limited nature of the use and to record such declaration in the office of the Boulder County Clerk and Recorder against the title to the land. In addition to all other remedies and actions that the code official is authorized to use under the Boulder Revised Code or other applicable federal, state, or local laws to enforce the provisions of this code, the code official is authorized to withhold any approval affecting such structure or land, including, without limitation, a building permit, use review, site review, subdivision, floodplain development permit, or wetland permit, until such time as the person submits a declaration of use that is in a form acceptable to the code official.

106.2—106.3 Deleted.

106.4 Violation Penalties. Deleted.

106.5 Abatement of Violation. No changes.

Section 57. Section 10-3-2, “Rental License Required Before Occupancy and License Exemptions,” B.R.C. 1981, is amended to read as follows:

10-3-2. Rental License Required Before Occupancy and License Exemptions.

(a) No operator shall allow, or offer to allow through advertisement or otherwise, any person to occupy any dwelling, dwelling unit or rooming unit as a tenant or lessee or otherwise for a valuable consideration unless each room or group of rooms constituting the rental property has been issued a valid rental license by the city manager, provided however, an operator may advertise for a rental of thirty days or longer, if the operator has submitted a complete rental licensing application or is advertising for pre-leasing of new construction. Any advertisement shall include the rental licensing number once assigned by the city manager.

(b) Buildings, or building areas, described in one or more of the following paragraphs are exempted from the requirement to obtain a rental license from the city manager, provided, however that the exemptions in subsections (b)(1) and (b)(2) below shall not apply to short-term rentals. No operator shall allow any person to occupy any dwelling, dwelling unit or rooming unit exempted pursuant to subsections (b)(1) and (b)(2) below prior to submitting to the city manager an Affidavit of Exemption for the dwelling, dwelling unit or rooming unit. No person shall be issued any civil penalty or summons for failure to submit an Affidavit of Exemption, unless the person has previously been advised in writing of this requirement.

(1) Any dwelling unit occupied by the owner or members of the owner's family who are at least 21 years of age and housing ~~no more than two~~ roomers who are unrelated

to the owner or the owner's family. An owner includes an occupant who certifies that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.

(2) A dwelling unit meeting all of the following conditions:

(A) The dwelling unit constitutes the owner's principal residence;

(B) The dwelling unit is temporarily rented by the owner for one a period of time no greater than twelve consecutive months in any twenty-four-month period;

...

Section 58. Section 10-3-19, "Short-Term Rentals," B.R.C. 1981, is amended to read as follows:

10-3-19. Short-Term Rentals.

(a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental license for the property.

...

(i) The occupancy of a dwelling unit rented as a short-term rental shall not exceed the occupancy permitted pursuant to ~~Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981 and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981;~~ provided, however, for the purposes of this section only, the licensee and people related to the licensee shall be counted as one person.

...

(l) No person shall advertise a short-term rental, unless the advertisement includes the valid short-term rental license number once assigned by the city manager ~~and the maximum unrelated occupancy permitted in the unit.~~

...

(o) An accessory dwelling unit or a principal dwelling unit on a ~~single-family detached dwelling unit~~ lot or parcel with an accessory unit may not be rented as a short-term rental unless all the following requirements are met:

...

Section 59. Section 10-3-20, "Occupancy," B.R.C. 1981, is repealed and reserved:

10-3-20. Occupancy. Reserved.

- (a) ~~Every operator of any property with fewer than five dwelling units, shall at the time any dwelling unit is shown to any prospective renter, post conspicuously on the inside of the main entrance to each dwelling unit a sign listing a maximum occupancy number that shall be no greater than the maximum number of unrelated individuals permitted under Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981 in a form specified by the city manager. Any such sign may include an occupancy limit smaller than that allowed by Section 9-8-5.~~
- (b) ~~Each license shall include a notation of the legal occupancy, including the number of unrelated individuals permitted for each dwelling unit covered by the license. Acceptance of the license shall constitute a waiver of any claim for a non-conforming occupancy in excess of the occupancy stated on the license. The notation on the license shall also not provide the basis for an assertion of non-conforming occupancy.~~
- (c) ~~Each advertisement for rental shall include a statement of the maximum occupancy, such statement shall include a number no greater than the number of unrelated individuals permissible pursuant to Section 9-8-5, B.R.C. 1981 of the dwelling unit to be rented. Any such advertisement may include an occupancy limit smaller than that allowed by Section 9-8-5.~~

Section 60. Chapter 10-11, "Cooperative Housing," B.R.C. 1981, is repealed in its entirety and reserved:

Chapter 11 Cooperative Housing. Reserved.

10-11-1. Legislative Intent.

- (a) ~~The City Council intends to facilitate cooperative living arrangements. The Council finds that cooperative living arrangements can provide an affordable alternative for living in Boulder. In addition, cooperative arrangements can provide supportive and fulfilling community for their residents. The City Council seeks to balance the benefits of cooperative living against the impacts from the increased density that comes along with cooperative living. The City Council also is concerned about cooperatives competing in a tight housing market with families seeking single family homes. The City Council intends to monitor the implementation and effects of this ordinance.~~
- (b) ~~The City Council intends that all licensed cooperatives be legitimate cooperatives. A legitimate cooperative is a group living arrangement in which the residents have a high degree of social cohesion and teamwork. The residents typically govern through consensus and share responsibilities and resources. New members are typically selected by the community's existing membership, rather than by real estate agents, property managers or non-resident landowners.~~

1 **10-11-2. Cooperative License Required Before Occupancy.**

2 No person shall occupy, allow, or offer to allow through advertisement or otherwise, any person
3 to occupy any cooperative housing unit unless the cooperative housing unit has been issued a
4 valid cooperative housing license by the city manager. Nothing in this chapter shall relieve any
5 person of the obligation to comply with any other requirement of this code, including, but not
6 limited to the requirements of Chapter 10-3 "Rental Licenses," B.R.C. 1981, the requirements of
7 Chapter 10-2, "Property Maintenance Code," Appendix C "Energy Efficiency Requirements,"
8 B.R.C. 1981 and the requirements of Section 10-2-2 "Adoption of International Property
9 Maintenance Code With Modifications," B.R.C. 1981.

10 **10-11-3. Cooperative Housing Licenses.**

11 (a) License terms shall be as follows:

12 (1) Licenses shall expire four years from issuance or when ownership of the licensed
13 property is transferred.

14 (A) In addition to any other applicable requirements, new licenses and
15 renewals shall require that the licensee submit to the city manager a
16 completed current baseline (for a new license) or renewal inspection
17 report, on forms provided by the City. The report shall satisfy the
18 following requirements:

19 (i) The section of the report concerning fuel burning appliances must
20 be executed by a qualified heating maintenance person certifying
21 compliance with those portions of Chapter 10-2, "Property
22 Maintenance Code," B.R.C. 1981, for which the report form
23 requires inspection and certification.

24 (ii) The section of the report concerning smoke and carbon monoxide
25 alarms must be executed by the operator certifying that the
operator inspected the smoke and carbon monoxide alarms in the
licensed property and that they complied with the requirements of
Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

(iii) The section of the report concerning trash removal must be
executed by the operator certifying that the operator has a current
valid contract with a commercial trash hauler for removal of
accumulated trash from the licensed property in accordance with
Subsection 6-3-3(b), B.R.C. 1981.

(b) Whenever an existing license is renewed, the renewal license shall be effective from the
date of expiration of the last license if the applicant submits a complete renewal
application by or within ninety days from the expiration date. Licenses not renewed
within ninety days will be considered expired, requiring a new baseline inspection report.

(c) The city manager shall issue no more than ten new cooperative housing licenses in any
calendar year. Provided, however, if in any calendar year, after the city manager issued
ten licenses, there are fewer than two licenses issued to not-for-profit permanently
affordable cooperatives, private equity cooperatives or rental cooperatives, the city
manager may issue sufficient additional license so that there are at least two licensees

1 issued in each category up to a total of no more than fourteen licenses for all categories in
2 any calendar year.

3 If an application for a cooperative housing unit exceeds the limits set forth in this
4 subparagraph (c), the city manager will place the applicant on a waiting list. Applicants
5 on the waiting list shall be given priority for consideration of applications in the next
6 calendar year.

7 (d) ~~The boundary of a property on which a cooperative housing unit is located shall not be~~
8 ~~within five hundred feet from the boundary of the property on which another cooperative~~
9 ~~housing unit is located, but the city manager may permit two cooperative housing units to~~
10 ~~be located closer than five hundred feet apart if they are separated by a physical barrier,~~
11 ~~including, without limitation, an arterial, a collector, a commercial district or a~~
12 ~~topographic feature that avoids the need for dispersal. The planning department shall~~
13 ~~maintain a map showing the locations of all cooperative housing units in the city.~~

14 (e) ~~Any Not for Profit Permanently Affordable Cooperative shall be permanently affordable.~~
15 ~~Affordability shall be measured by individual households. That is, a household consisting~~
16 ~~either of an individual or a family. Rents charged must be affordable to households~~
17 ~~earning no more than sixty percent of the area median income.~~

18 (f) ~~A cooperative license may be issued to any group of natural persons or organization~~
19 ~~formed under Colorado law. If the applicant is an organization, all owners must be~~
20 ~~natural persons.~~

21 (g) ~~No rental cooperative shall be located in a dwelling unit with less than two thousand~~
22 ~~square feet of habitable space nor in any dwelling unit that within five years prior to the~~
23 ~~application was modified to have two thousand square feet or more of habitable space.~~

24 (h) ~~No cooperative shall be located in an agricultural, industrial or public zone. Cooperatives~~
25 ~~shall be permitted in all other zone districts.~~

(i) ~~No person under twenty one years of age may own an interest in a cooperative, in real~~
~~property on which a cooperative is located or in an organization owning real property on~~
~~which a cooperative is located.~~

(j) ~~Any cooperative in which any person resides in return for valuable compensation shall be~~
~~subject to the rental licensing provisions included in Section 10-3-2, "Rental License~~
~~Required Before Occupancy and License Exemptions," B.R.C. 1981. The exceptions to~~
~~the rental licensing requirements that are set forth in Section 10-3-2(b) shall not apply to~~
~~any dwelling unit licensed pursuant to this chapter.~~

(k) ~~No dwelling unit licensed pursuant to this chapter shall be licensed as or used as a short-~~
~~term rental.~~

(l) ~~Any attached accessory dwelling unit or detached accessory dwelling unit to a dwelling~~
~~unit that is licensed pursuant to this chapter shall be part of the licensed cooperative~~
~~housing unit and subject to the standards of this chapter. The occupants of the dwelling~~
~~unit and accessory unit shall all be members of the cooperative. While such units are~~
~~licensed as a cooperative housing unit under this chapter, neither the principal dwelling~~
~~unit nor the accessory dwelling unit shall be required to be owner-occupied as would~~

otherwise be required under Subparagraph 9-6-3(n)(1)(A)(iv), "Owner-Occupied," B.R.C. 1981.

10-11-4. License Application Procedure for Cooperative Housing Licenses.

(a) ~~Only a Legitimate Cooperative may be an applicant for a cooperative housing license. A licensed cooperative may operate only with the written consent of the property owner, unless the cooperative is the owner.~~

(b) ~~Every applicant for cooperative housing license shall submit the following:~~

(1) ~~A written application for a license to the city, on official city forms provided for that purpose including:~~

(A) ~~A housing inspector's certification of baseline inspection dated within twelve months before the application. Each licensee shall submit evidence of a renewal inspection every two years. The applicant shall make a copy of the inspection form available to city staff and residents of inspected units within fourteen days of a request;~~

(B) ~~A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the applicant. Each applicant shall submit a verification under this subsection every two years;~~

(C) ~~A trash removal plan meeting the requirements of Section 6-3-3(b), B.R.C. 1981, made and verified by the applicant;~~

(D) ~~A parking management plan meeting the requirements of Section 10-11-11, B.R.C. 1981, made and verified by the applicant;~~

(E) ~~Evidence establishing compliance with Section 10-11-14 "Legitimate Cooperatives," B.R.C. 1981. The city manager shall not issue a cooperative housing license unless the applicant can be certified as meeting the criteria set forth in Section 10-11-14. Each licensee shall submit evidence of compliance with Section 10-11-14 every two years; and~~

(F) ~~A list of all persons who have any ownership interest in any entity to be licensed.~~

(2) ~~All applications shall be submitted at least thirty days prior to occupancy, provided, however, that any applicant that can demonstrate operation in the same dwelling unit as a legitimate cooperative on December 6, 2016 may submit an application while in occupation of that dwelling unit.~~

(c) ~~Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, at the time of submitting the license application.~~

(d) ~~Any licensee shall provide the city manager with a report of any changes in the information required by paragraph (b)(1) above within thirty days of such change.~~

(e) ~~The city manager may issue a conditional approval for any group that has met the requirements of Subsections (a), (b)(1)(E), (b)(1)(F).~~

1 (f) Within thirty days after initial occupancy, the licensee shall provide to the city manager a
2 certification that the applicant has provided to a resident of each dwelling on the block
3 face contact information for the applicant and the organization responsible for certifying
the applicant. Provided, however, that no notice shall be required to any dwelling unit
more than six hundred feet from the licensed cooperative.

4 (g) A plan showing legal bedroom spaces sufficient to accommodate the number of residents
requested in the license application.

5 **10-11-5. License Renewal Procedure for Cooperative Housing Units.**

6 Every licensee of a cooperative housing unit shall follow the procedures in this section when
7 renewing an unexpired license:

8 (a) Pay all license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C.
1981, before the expiration of the existing license.

9 (b) Submit to the city manager, on forms provided by the manager:

10 (1) A housing inspector's certification of renewal inspection within twelve months
11 before application. The applicant shall make a copy of the inspection form
available to city staff and residents of inspected units within fourteen days of a
request;

12 (2) A report on the condition and location of all smoke and carbon monoxide alarms
13 required by Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and
verified by the operator; and

14 (3) A trash removal plan meeting the requirements of Subsection 6-3-3(b), B.R.C.
1981, made and verified by the operator.

15 (4) A parking management plan meeting the requirements of Section 10-11-11,
B.R.C. 1981, made and verified by the applicant.

16 (c) Take all reasonable steps to notify in advance all residents of the property of the date and
17 time of the inspection. The operator shall be present and accompany the inspector
throughout the inspection, unlocking and opening doors as required.

18 **10-11-6. Temporary License.**

19 If the inspection shows that there are violations of Chapter 10-2, "Property Maintenance Code,"
20 B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the housing
21 is to be occupied (in the case of a new cooperative housing unit) or the existing license expires
(in the case of a renewal), the applicant may apply, on forms specified by the city manager, for a
22 temporary license. If the manager finds, based on the number and severity of violations, that such
a temporary license would not create or continue an imminent health or safety hazard to the
23 public or the occupants, the manager may issue a temporary license. The manager shall specify
the duration of the temporary license, for a period reasonably necessary to make the needed
24 repairs and changes. Upon receipt of an additional certificate of inspection showing correction of
the deficiencies, and an additional housing license fee, the manager shall issue the cooperative
housing license.

25 **10-11-7. License Appeals.**

Any applicant denied a temporary license, or aggrieved by the period of time allowed for correction, may appeal the denial or the time for correction, or both, as provided in Section 10-2-2, Section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required to correct a violation, the board shall either affirm the city manager's originally prescribed time or grant a longer time to correct the alleged violation.

10-11-8. Time of License Expiration.

Every rental license expires upon the earliest of the following dates:

- (a) The expiration date on the license unless temporary authority is allowed under Section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;
- (b) The effective date of any order or notice to vacate the property issued under any provision of law;
- (c) The expiration of the temporary certificate of occupancy for the property if a permanent certificate of occupancy has not been issued; or
- (d) The revocation of the certificate of occupancy for the property.

10-11-9. License Fees.

Applicants for any cooperative housing license, and applicants renewing an existing cooperative housing license, shall pay the license fees prescribed by Section 4-20-69, "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.

10-11-10. Availability of License.

No person who holds a cooperative housing license shall fail to make the license available to anyone within seventy-two hours of receiving a request. Posting of a cooperative housing license at the property is not required.

10-11-11. Parking Management Plan Required.

Each applicant for a cooperative housing license shall prepare a parking management plan. Approval of any such plan shall be a condition of issuance of any cooperative housing license. The plan shall limit the number of automobiles to be parked in the public right of way to three. If the cooperative housing unit is located in a Neighborhood EcoPass district, the plan shall include a requirement that each resident who licensed to drive, acquire an EcoPass.

10-11-12. Compatibility with Neighborhoods.

Each cooperative shall at all times maintain compatibility with the neighborhood in which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive parking on the public right of way and noise, trash and weeds on the property. A cooperative may be considered incompatible with the neighborhood if the city manager receives multiple complaints relating to parking on the public right of way, noise, trash or weeds in any twelve-month period. Complaints from a single person shall not be sufficient to cause a property to be incompatible with the neighborhood. Prior to making any determination that a cooperative is not compatible with the neighborhood, the city manager shall provide written notice to the licensee and encourage the licensee to address the complaints with the residents of the neighborhood.

10-11-13. Property Rights for Equity Cooperatives.

Cooperatives that are licensed pursuant to this chapter will have the following status under Title 9, "Land Use Code," B.R.C. 1981:

(a) ~~Equity Cooperatives. Any licensed not for profit permanently affordable cooperative or private equity cooperative is considered a use of land for the purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981. If the city changes its land use regulations, such cooperatives may continue as non-conforming uses under the requirements in Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, provided that all of the requirement of the Boulder Revised code continue to be met.~~

(b) ~~Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit purposes of Chapter 9-6, "Uses of Land," B.R.C. 1981 and not a use of land. Upon the abandonment, expiration, or revocation of such license, the property will continue to be considered a dwelling unit.~~

10-11-14. Legitimate Cooperatives.

(a) ~~All applicants for cooperative housing licenses shall demonstrate as part of the licensing process that the community to be formed will be a legitimate cooperative. A legitimate cooperative is a group of individuals or an organization formed under Colorado law that, in addition to any other criteria adopted by the city manager, has the following:~~

~~(1) a documented governance structure;~~

~~(2) a list of the number of adults and dependents;~~

~~(3) a dedicated bank account; and~~

~~(4) bylaws that provide for the following:~~

~~(A) provisions prohibiting unlawful discrimination or harassment;~~

~~(B) a provision requiring regular meetings of all members;~~

~~(C) a decision making structure;~~

~~(D) provisions for discipline or discharge of members;~~

~~(E) provisions for sharing of resources;~~

~~(F) provisions for selection of new members; and~~

~~(G) provisions for sharing information about the dedicated bank account.~~

(b) ~~The city manager shall designate one or more Expert Cooperative Housing Organizations with ninety days after final adoption of this ordinance. An applicant shall seek training and certification by an Expert Cooperative Housing Organization. An applicant shall submit evidence of such training and certification as part of an application for a cooperative housing license.~~

10-11-15. City Manager May Order Premises Vacated.

(a) ~~Whenever the city manager determines that any cooperative housing unit is in violation of this chapter or of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has caused a summons and complaint requiring the licensee to appear in municipal court to answer the charge of violation to issue, and the summons cannot be served upon the~~

licensee despite reasonable efforts to do so, or, having been served, the licensee has failed to appear in the municipal court to answer the charges or at any other stage in the proceedings, or, having been convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment of the court or any condition of a deferred judgment, then the city manager may, after thirty days' notice and an opportunity for a hearing to the residents and the licensee, require that the premises be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code and the cooperative housing code have been satisfied and a cooperative housing license is in effect. No person shall occupy any cooperative housing unit after receiving actual or constructive notice that the premises have been vacated under this section.

(b) — Any notice required by this section to be given to a licensee is sufficient if sent by first class or certified mail to the address of the last known owner of the property as shown on the records of the Boulder County Assessor as of the date of mailing. Any notice to a resident required by this section is sufficient if sent by first class or certified mail to or delivered to any occupant at the address of the premises and directed to "All Residents."

(c) — The remedy provided in this section is cumulative and is in addition to any other action the city manager is authorized to take.

~~10-11-16. Administrative Remedy.~~

(a) — If the city manager finds that a violation of any provision of this chapter or Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to remedy the violation:

(1) — Impose a civil penalty according to the following schedule:

(A) — For the first violation of the provision, \$150;

(B) — For the second violation of the same provision, \$300; and

(C) — For the third violation of the same provision, \$1,000;

(2) — Revoke the cooperative housing license; and

(3) — Issue any order reasonably calculated to ensure compliance with this chapter and Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

(b) — If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation, other than a violation of Section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, that the violation has been corrected, the manager will re-inspect the cooperative housing unit. If the manager finds that the violation has been corrected, the manager may cancel the hearing.

(c) — If notice is given to the city manager by the licensee at least forty-eight hours before the time and date set forth in the notice of hearing on any violation of Section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, that the licensee has scheduled a community mediation with concerned neighbors, the manager may continue the hearing until the manager receives a report regarding the conclusion of the mediation. If after reviewing a community mediation report, if the city manager is satisfied that the

1 cooperative housing unit meets the requirements of Section 10-11-12 "Compatibility with
2 Neighborhoods," B.R.C. 1981, the city manager may dismiss any pending complaint.

3 (d) ~~The city manager's authority under this section is in addition to any other authority the~~
4 ~~manager has to enforce this chapter, and election of one remedy by the manager shall not~~
5 ~~preclude resorting to any other remedy as well, provided however, the city manager shall~~
6 ~~not seek criminal penalties for any violation of this chapter.~~

7 (e) ~~The city manager may, in addition to taking other collection remedies, certify due and~~
8 ~~unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-~~
9 ~~2-12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer~~
10 ~~for Collection," B.R.C. 1981.~~

11 (f) ~~To cover the costs of investigative inspections, the city manager will assess operators a~~
12 ~~\$250 fee per inspection, where the city manager performs an investigative inspection to~~
13 ~~ascertain compliance with or violations of this chapter.~~

14 **10-11-17. Authority to Issue Rules.**

15 The city manager may adopt reasonable rules to implement this chapter.

16 **10-11-18. Reporting.**

17 The city manager shall prepare an annual report to the city council regarding the implementation
18 and enforcement of this chapter. Council will consider the impacts of this ordinance and make
19 changes as necessary.

20 Section 61. Section 10-12-2, "Definitions," B.R.C. 1981, is amended to read as follows:

21 **10-12-2. - Definitions.**

22 The following words used in this chapter have the following meanings unless the context clearly
23 indicates otherwise:

24 ...

25 *Mobile home* means a transportable, ~~single-family detached~~ dwelling unit, suitable for year-
round occupancy that contains the same water supply, waste disposal and electrical conveniences
as immobile housing, that has no foundation other than wheels or removable jacks for
conveyance on highways, and that may be transported to a site as one or more modules, but the
term does not include "travel trailers," "campers," "camper buses," or "motor homes," or modular
homes designed to be placed on a foundation.

...

Section 62. Section 11-1-13, "When Connections With Water Mains Are Required,"

B.R.C. 1981, is amended to read as follows:

11-1-13. When Connections With Water Mains Are Required.

- (a) All property located in the city or annexed to the city that is open to the public or used for commercial or industrial purposes or uses (other than ~~single family detached dwelling units-residential~~) and that requires a potable water supply for human consumption shall be connected with the water utility of the city. The owner of the property, the owner's agent or other person having charge of such property or receiving the rent for it, or a tenant of the property shall pay all applicable fees and charges when the city manager notifies such person that connection is required. The manager shall serve such notice upon the owner of such property by registered mail to the last address of the owner on the records of the Boulder County Assessor and upon the person in possession of such property by mail to the property address. Connection to the water utility is immediately required only where there exists a city water main abutting or adjacent to any portion of the boundaries of the property upon which there is an existing structure or a proposed structure requiring the use of potable water. A private water supply may be used for irrigation on property connected to the water utility, but no person in possession of such property shall allow the water from the private supply to be used for human consumption or to be cross connected with a line containing water from the water utility. Nothing in this subsection shall be deemed to require water connection by properties in the portion of Moore's ~~Subdivision~~ Subdivision, annexed on July 11, ~~1978~~ 1978, or specifically exempted by any written agreement with the city.

...

Section 63. Section 11-1-15, "Out of City Water Service," B.R.C. 1981, is amended to read as follows:

11-1-15. Out of City Water Service.

- (a) Out of city water service permits are intended for properties that may be eligible for annexation in the near future but are not presently eligible. The purpose of this section is to outline the requirements precedent to the receipt of out of city utility services. A person desiring to make connection to out of city services will be required to make such land dedication and pay such fees as would be anticipated from a similarly situated property that would annex into the city.
- (b) Any person outside of the city limits desiring to make a connection or repair to or disconnect from the water utility or to use water therefrom shall apply to the city manager for a revocable out of city water permit, which may be issued after approval of the city manager if the manager finds that the application meets the following conditions:

...

- (5) The service is to be extended to a structure, which contains a legal use, that existed on the effective date of this chapter or to a platted ~~single-family lot~~ with a detached dwelling unit existing on the effective date of this chapter;

...

Section 64. Section 11-2-10, "Out of City Sewer Service," B.R.C. 1981, is amended to read as follows:

11-2-10. Out of City Sewer Service.

- (a) Out of city sewer service permits are intended for properties that may be eligible for annexation in the near future but are not presently eligible. The purpose of this section is to outline the requirements precedent to the receipt of out of city utility services. A person desiring to make connection to out of city services will be required to make such land dedication and pay such fees as would be anticipated from a similarly situated property that would annex into the City.
- (b) Any person outside of the city limits desiring to make a connection to the wastewater utility shall apply to the city manager for a revocable out of city wastewater permit, which may be issued after approval of the city manager if the manager finds that the application meets the following conditions:

...

- (5) The service is to be extended to a structure, which contains a legal use, that existed on the effective date of this chapter or to a platted ~~single-family lot~~ with a detached dwelling unit existing on the effective date of this chapter;

...

Section 65. Section 11-5-5, "Discharges to the Stormwater Utility System," B.R.C. 1981, is amended to read as follows:

11-5-5. Discharges to the Stormwater Utility System.

- (a) Illicit Discharges Prohibited: No user or other person shall discharge any illicit discharge into or upon the stormwater utility system, any public highway, street, sidewalk, alley, land, public place, stream, ditch or other watercourse or into any cesspool, storm or private sewer or natural water outlet, except as specifically provided in this chapter and in accordance with the MS4 permit.

...

(d) Exemptions: The following discharges are exempt from the requirements established by this chapter:

- (1) Landscape irrigation and lawn watering associated with ~~single family detached dwelling units~~ or duplexes development,

...

Section 66. Section 12-1-2, "Discrimination in Housing Prohibited," B.R.C. 1981, is amended to read as follows:

12-1-2. - Discrimination in Housing Prohibited.^[4]

...

(b) The provisions of subsection (a) of this section do not apply to prohibit:

- ...
- (4) Compliance with any provisions of ~~Section 9-8-5, "Occupancy of Dwelling Units," or Chapter 10-2, "Property Maintenance Code,"~~ B.R.C. 1981, concerning permitted occupancy of dwelling units.

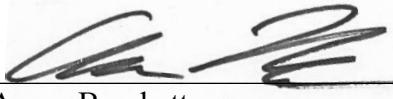
...

Section 67. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.


Section 68. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city and covers matters of local concern.

Section 69. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

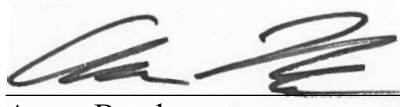
1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 6th day of February 2025.


Aaron Brockett,
Mayor

5 Attest:

6 
7 Elesha Johnson,
8 City Clerk

9 READ ON SECOND READING, PASSED AND ADOPTED this 6th day of March 2025.

11 
12 Aaron Brockett,
13 Mayor

14 Attest:

15 
16 Elesha Johnson,
17 City Clerk