

Ordinance 2022-1

AN ORDINANCE AMENDING BOULDER'S TOWN CODE TO PROVIDE GREATER CLARITY AND PRACTICALITY IN THE REVIEW OF PROPOSED SUBDIVISIONS

WHEREAS providing increased options for small-scale agriculture and housing for working age adults and families is consistent with the goals of the general plan, and

WHEREAS certain provisions of the Town subdivision procedures create unintended or unnecessary barriers on creating new subdivision lots, and

WHEREAS the Boulder Town Planning Commission has reviewed and recommended the changes and amendments herein.

NOW, THEREFORE, BE IT ORDAINED by the Boulder Town Council that the Boulder Town Code of Ordinances is amended follows:

Definitions 152.011.

Add definitions of Private Driveway and Private Street in alphabetical order:

Private Street: A transportation route accessing multiple lots that meets town standards for subdivision streets, but is owned and maintained by a private person or association.

Private Driveway: An access to one or more lots that is on a privately owned easement and that is maintained by the landowners. Private driveway easements are included in the lot area for minimum lot size determination.

Allow private driveways to access lots in subdivisions with four or fewer lots.

Amend 152.041 as follows and renumber accordingly:

152.041 H (3) Reword to add text from current section (5) as follows:

3) All streets proposed to be created shall identify a permanent method of street maintenance. A street may remain in private ownership as a "private street" or be dedicated to the town as a "public street." If the proposed street is not proposed for dedication to the town, or if the town is unwilling to accept dedication, an appropriate method for long-term maintenance of the private street must be proposed for approval by the Town Council. Acceptance of dedication of a proposed street is at the full discretion of the Town Council.

152.041 H (5) Repeal the current wording and replace as follows:

152.041 H (5) Subdivisions with four or fewer lots may provide access to each lot by private driveways on recorded easements. A private driveway is not required to meet the requirements of Section H (4). A private driveway is required to meet all public safety requirements, as may be required by the town's Fire Marshal including the Utah UrbanWildland Interface Code.

Include the area of easements when considering minimum lot size.

Amend 153.119 Table of Development Standards to remove the phrase “(exclusive of road easements)” from the first column of the row referring to minimum lot size.

Repeal the unclear wording regarding all lots to have frontage on street. Repeal and replace the current Section 153.190 wording as follows:

153.190 Access Required. Every lot shall have frontage upon a public road or street, or have access to a private street or driveway that is on a recorded easement and that leads to a public road or street. The preliminary subdivision plat and other application materials shall show the proposed public street, private street, and private driveway and easement layout.

Correct a typographical error in the Building Permits Issuance section.

152.080 Replace “and” with “or” between clauses (A) and (B) to allow building permits in new subdivisions. The change to the online codified version of 152.080 is as follows:

§ 152.080 BUILDING PERMIT ISSUANCE.

The town's Building Inspector shall not issue any permit for a proposed building or structure, excluding agricultural buildings, on a lot within the corporate boundaries of the town unless:

(A) The lot is within a subdivision and the lot was legally created pursuant to this chapter or prior subdivision ordinances; **or and**

(B) The lot is a legal lot of record, such lot being created and recorded in the office of the County Recorder prior to September 11, 1998.

APPROVED and PASSED this 2nd day of June, 2022.

ATTEST:

Boulder Town Clerk

Boulder Town Mayor

VOTE

Judy Drain, Mayor	yes
Gladys LeFevre, Councilperson	yes
Elizabeth Julian, Councilperson	yes
Jim Catmull, Councilperson	yes
Steve Johnson, Councilperson	yes

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH, COUNTY OF GARFIELD

I, the undersigned, the duly qualified and acting Town Clerk of Boulder Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder;
and

Either

Causing a short summary of this ordinance to be published for at least one publication in a newspaper of general circulation within Boulder Town;

or

Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this 13th day of June, 2022.

Judith Davis, Boulder Town Clerk