

DRAFT Boulder Commercial Development Standards - Application for a CUP Pursuant to §153.415

Things Applicants Need to Know

There are separate application processes for home businesses, short term rentals, and telecommunications facilities. The specific standards for campgrounds are included here because they are additional to these.

Incomplete applications will not be accepted. The Zoning Administrator (ZA) is required to enter a finding of completeness for every standard.

A public hearing will be scheduled and noticed only after the ZA finds that the application for a CUP is complete. At that hearing, the Planning Commission will separately evaluate the performance of the proposed development on each adopted standard. There are two types of standards: absolute and relative. The proposed development must comply with each **absolute** standard in order to receive a CUP. The proposed development must receive a cumulative score of at least zero (0) on the **relative** standards in order to receive a CUP. Use of the relative standards reflects the reality that most development decisions involve trade-offs that are usually implicit. This approach makes the trade-offs visible so they are subject to public review and discussion.

Weights - The relative standards are weighted, with a "5" being assigned to most important and a "1" to the least. This weighting is part of the ordinance and does not vary from application to application.

Ratings - A proposed development's performance on each relative standard is rated using the following guidance.

+2 – The proposed implementation of the relative performance standard is excellent. It provides substantial benefit to the community.

+1 – The proposed implementation of the relative performance standard is responsive and provides at least some of the community benefit that standard seeks.

0 – Zero may be used in two cases. First, the score will be zero when the relative performance standard is irrelevant. Second, zero may be used for the merely adequate implementation of a relative performance standard, for a case in which the PC does not believe a negative score is justified, but in which there is little to none of the community benefit sought by the standard.

-1 – The proposed implementation of the relative performance standard is inadequate. It provides no net benefit to the community and may result in the diminution or loss of community assets.

-2 – The application submitted either ignores the need to implement the relative performance standard or the proposed implementation of that standard provides none of the community benefit the standard seeks and appears to damage or diminish community assets.

Scores - The score on a relative standard is calculated by multiplying the pre-assigned weight by the rating assigned by the Planning Commission.

Conditions - The Planning Commission may impose conditions to ensure compliance with any of the standards. All conditions will be in writing and keyed to one or more specific standards.

As Submitted - Development must proceed in accord with the approved application and any conditions imposed by the PC. Significant changes will void the CUP.

§153.415(A) **Are there locational constraints on commercial development in Boulder?** Yes. Commercial development is confined to parcels from which there is direct access to UT Highway 12.

Developer's Statement: Does the proposed development have direct access to UT Highway 12? If access to the highway via easement is proposed, please attach a copy of the recorded easement.

	YES	NO		
ZA Finding of Completeness				
	NA	COMPLIES	FAILS	DEFER TO PC
ZA Recommendation				

§153.415(B) **Are there environmental constraints on commercial development in Boulder?** Yes.

(1) There shall be no commercial development on sensitive lands, as defined in §§ 153.185 et seq., or within the Sensitive Lands, Hillside, and Mesa Tops Overlay District established by §§ 153.235 et seq.

Developer's Statement: Please present maps which demonstrate that the proposed development is not within the overlay district and does not affect sensitive lands.

	YES	NO		
ZA Finding of Completeness				
	NA	COMPLIES	FAILS	DEFER TO PC
ZA Recommendation				

(2) Commercial development must provide a vegetated buffer along all watercourses, permanent and intermittent, including irrigation works and wetlands. Where feasible, the buffer along a watercourse shall include the entire riparian or wetland area and an additional upland buffer of at least twenty five feet (25'). Where the Planning Commission finds that it is not feasible to include the entire riparian or wetland area, the minimum buffer along a watercourse or around a wetland, shall be fifty feet (50'). The minimum buffer along an irrigation ditch shall be determined in consultation with the owner of the ditch. Irrigation works may, with permission of the owner, be moved underground.

Developer's Statement: Please show required buffers on the site development plan. It is the applicant's responsibility to consult with the owner/s of any irrigation works before submitting an application.

	YES	NO		
ZA Finding of Completeness				
	NA	COMPLIES	FAILS	DEFER TO PC
ZA Recommendation				

(3) Commercial development is encouraged to avoid slopes of fifteen percent (15%) to thirty percent (30%).

Developer's Statement: Please present a slope map as an overlay of the site development plan. Note that (4) below offers a possible exception for slope crossings.

	YES	NO		
ZA Finding of Completeness				
	weight	points	score	
ZA Recommendation	5	X	=	

(4) An exception may be made to allow utilities and pedestrian trails, or, where the Planning Commission finds that no other vehicular access is feasible, an access drive, to cross watercourses and their buffers or moderate slopes. Where a crossing is permitted, it shall take the shortest feasible route and disturb the minimum area necessary for its safe functioning.

Developer's Statement: If you wish to use this exception, please show how on the site development plan.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation			

(5) The siting and design of commercial buildings and outdoor spaces is encouraged to preserve views and make use of the site's natural and cultural features.

Developer's Statement: Please explain how you have implemented this standard.

	YES	NO	
ZA Finding of Completeness			
	weight	points	score
ZA Recommendation	3	X	=
	-2/+2		

§153.415 (C) ***Must existing vegetation be retained during construction and occupancy of a commercial development?*** In some cases.

(1) The removal of existing perennial vegetation, particularly trees, that provides buffering, shade, and/or other functions is discouraged.

(2) All vegetation preserved in compliance with these standards shall be protected during construction, including clearly marking the permitted limits of grading and, where necessary, the installation of tree wells or other barriers.

Developer's Statement: Please show existing vegetation on the site development plan or an overlay, and what existing vegetation you plan to remove. Please also explain how existing vegetation that will not be removed will be protected from damage during construction and occupancy.

	YES	NO	
ZA Finding of Completeness			
	weight	points	score
ZA Recommendation (1)	3	X	=
	-2/+2		
	NA	COMPLIES	FAILS
ZA Recommendation (2)			

§153.415 (D) **Must commercial development manage its storm water runoff?** Yes.

(1) All development must comply with Utah's Storm Water Management Program.

(2) The Town prefers that runoff be absorbed as near its point of origin as possible. Curb and gutter will not ordinarily be permitted, but the Planning Commission may approve an exception where the use of curb and gutter clearly results in more effective storm water management.

Developer's Statement: Where it is required, please attach a copy of your application to the State. Approval of your CUP will be conditioned on its approval. Please explain why if you are requesting an exception from (2).

ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
ZA Recommendation re (2) exception:			

§153.415 (E) **Must commercial development provide utilities and access in accord with Town standards?** Yes.

(1) Utilities must be provided as required by §§ 153.185 et seq. and Utah law.

(2) UDOT approval is required for access to Highway 12.

(3) Points of access (driveways) to town or county roads shall have a minimum width of twenty two feet (22') and meet all applicable state and county standards.

(4) Undergrounding of utilities is encouraged.

Developer's Statement: Please attach copies of all applications for permits from the State and/or Health Department. Approval of your CUP will be conditioned on approval of those application. Please show where utilities will be placed underground on the site development plan.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
	NA	COMPLIES	FAILS
ZA Recommendation (2)			
	NA	COMPLIES	FAILS
ZA Recommendation (3)			
	weight	points	score
ZA Recommendation (4)	3	X	=
	0/+2		

§153.415 (F) **Must commercial development comply with the dimensional requirements of §153.119?** At a minimum, yes. The Planning Commission may, however, condition approval of a commercial use on the provision of setbacks deeper than those established by §153.119 where it finds that a greater distance from property lines or public ways is necessary to mitigate potential impacts of the proposed commercial use.

Developer's Statement: Please show all setbacks and other dimensions regulated by the table adopted at § 153.119 on the site development plan.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation			
Does ZA recommend any greater distances?			

§153.415 (G) **Is the scale of proposed commercial uses directly limited?** Yes.

- (1) Commercial uses for which more than fifteen (15) total parking spaces would be required by §153.120 are prohibited in the LDR.
- (2) Commercial uses for which more fifty (50) total parking spaces would be required by §153.120 are prohibited in the GMU.
- (3) Where there is a dwelling on a parcel that has a commercial use, the parking associated with that dwelling may be in addition to what is permitted for the commercial use.
- (4) Land use intensity - as measured by the floor area ratio and lot coverage - is encouraged to be compatible with that on neighboring properties.

Developer's Statement: The proposed number of parking spaces must be shown on the site development plan. Please calculate the lot coverage and, if a multi-story building is proposed, the floor area ratio. Please give an estimate of the lot coverage or FAR on adjoining lots or parcels.

Lot Coverage = _____ % Floor Area Ratio = _____

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1 - LDR)			
	NA	COMPLIES	FAILS
ZA Recommendation (2 - GMU)			
	weight	points	score
ZA Recommendation (4)	3	X	=
	-2/+2		

§153.415 (H) **Can a commercial use have outdoor workspace or store materials outdoors?** Potentially.

Developer's Statement: Please show proposed outdoor work and storage areas on the site development plan. Please show all proposed buffers or screening.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
	weight	points	score
ZA Recommendation (2)	3	X	=

	-2/+2		
	NA	COMPLIES	FAILS
ZA Recommendation (3)			

§153.415(I) **Can a commercial use have outdoor sales space?** Potentially. Outdoor sales spaces will be evaluated using the following standards.

(1) Outdoor sales areas must fall within the setbacks required by §153.119. Deeper setbacks may be required for compliance with (F), above.

(2) Outdoor sales areas may not occupy more than ten percent (10%) of the parcel's street frontage up to a maximum of forty feet (40').

(3) The landscaping of outdoor sales spaces is encouraged. The lack of irrigation water to support effective landscaping is a valid reason for a finding that a proposed commercial use fails to comply with this standard.

(4) Outdoor sales must not occupy required parking spaces.

Developer's Statement: Please show proposed outdoor sales spaces on the site development plan. Please also show all proposed buffers or screening.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
	NA	COMPLIES	FAILS
ZA Recommendation (2)			
	weight	points	score
ZA Recommendation (3)	3	X	=

	-2/+2		
	NA	COMPLIES	FAILS
ZA Recommendation (4)			

§153.415(J) **Are there limits on parking or traffic generation for commercial development?** Potentially.

Developer's Statement: Please provide traffic generation estimates.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
ZA Recommendation (2)	Are conditions needed?		

§153.415(K) **Must a commercial use provide off-street parking?** Yes, as required by the following standards.

(1) Off-street parking must be provided at the rate set by §153.120.

(2) Excessive off-street parking is prohibited. This means that a use may provide no more than four parking spaces more than the minimum set by §153.120.

(3) Uses that are intended or reasonably expected to serve the traveling public, specifically including, but not limited to, lodging and restaurants, must provide at least one off-street parking space that is suitable for recreational vehicles plus one additional recreational vehicle parking space for every ten (10) spaces that use is required to provide. No additional recreational vehicle parking space must be provided where fewer than ten (10) spaces are required.

(4) Off-street parking is not permitted within the front setbacks established by §153.119.

(5) Off-street parking is discouraged from occupying more than sixty percent (60%) of the frontage of a commercial development (for corner lots, the frontage along the busiest street).

(6) Effective buffering or screening of off-street parking areas is encouraged.

(7) Provision of internal landscaping within off-street parking areas that include ten (10) or more spaces is encouraged.

Developer's Statement: Please show all proposed parking spaces on the site development plan.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
	NA	COMPLIES	FAILS
ZA Recommendation (2)			
	NA	COMPLIES	FAILS
ZA Recommendation (3)			
	NA	COMPLIES	FAILS
ZA Recommendation (4)			
	weight	points	score
ZA Recommendation (5)	3	X	=

ZA Recommendation (6)			
weight	^	points	= score
3		-2/+2	

ZA Recommendation (7)			
weight	X	points	= score
1		-2/+2	

weight	X	points	= score
3		-2/0	

§153.415 (L) **Are commercial uses encouraged to moderate their visual impact, as seen from the road?** They are. The long axis of commercial buildings is encouraged to be perpendicular rather than parallel to the road (for buildings on a corner lot, perpendicular to the busiest road). See also (T)(3).

Developer's Statement: Buildings are to be shown on the site development plan.

	YES	NO	
ZA Finding of Completeness			
	weight	points	score
ZA Recommendation	3	X	=
	-2/+2		

§153.415 (M) **Codification of this ordinance resulted in partial repetition of the solid waste standard in both (M) and (O). Solid waste** will be addressed at §153.415 (O), below.

§153.415 (N) **Are there restrictions on potential nuisances generated by commercial uses?** Yes. (1)
 No commercial use shall require an UPDES permit that is required by state law.

(2) No commercial use shall channel surface run-off onto another property, into irrigation works or a storm water treatment pond, or onto a public way except in compliance with an approved storm water management plan and with permission of the property owner(s).

(3) No commercial use shall require an air quality permit this is required by state law.

(4) Commercial storage, processing, use, and disposal of hazardous materials is not permitted. It is recognized, however, that some compatible commercial uses may use small quantities of hazardous materials (paint, solvents, and the like). The use of hazardous materials is permitted only to the extent allowed by and in compliance with NFPA 1, the 2006 Uniform Fire Code.

(5) All outdoor lighting fixtures shall bear the International Dark Sky Association Fixture Seal of Approval.

Developer's Statement (N)(1-5): Please explain how your proposed development complies with items (1)-(5), above, referring to the site development plan and supporting materials, as necessary.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation (1)			
	NA	COMPLIES	FAILS
ZA Recommendation (2)			
	NA	COMPLIES	FAILS
ZA Recommendation (3)			
	NA	COMPLIES	FAILS
ZA Recommendation (4)			
	NA	COMPLIES	FAILS
ZA Recommendation (5)			

§153.415 (N) **Are there restrictions on potential nuisances generated by commercial uses?** Yes.

(6) No commercial use shall aim or direct light onto another property or public way.

(7) No commercial use shall result in blowing dust or smoke that adversely affects adjoining properties or the use of public ways.

(8) No commercial use shall result in radiant heat or glare from welding equipment or other sources of intense heat or light that adversely affect adjoining properties or the use of public ways.

(9) No commercial use shall generate sound that adversely affects adjoining properties.

(10) Compliance with the Utah Noxious Weeds Act, Utah Code, Title 4, Chapter 17, is required.

Developer's Statement (N)(6-10): Please explain how your proposed development complies with items (6)-(10), above, referring to the site development plan and supporting materials as necessary.

	YES	NO	
ZA Finding of Completeness	<input type="checkbox"/>	<input type="checkbox"/>	
	NA	COMPLIES	FAILS
ZA Recommendation (6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NA	COMPLIES	FAILS
ZA Recommendation (7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NA	COMPLIES	FAILS
ZA Recommendation (8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NA	COMPLIES	FAILS
ZA Recommendation (9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NA	COMPLIES	FAILS
ZA Recommendation (10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

§153.415 (O)(1-2) **Must commercial uses make proper provision for solid waste storage and disposal?** Of course.

(1) All applications for CUPs for commercial uses shall show how any solid waste generated will be properly stored and disposed of. The Planning Commission may reject an application for a CUP for a commercial use upon finding that the proposed provisions for solid waste storage and disposal are inadequate.

(2) Proper storage includes ensuring that solid waste is not accessible to animals and that blowing waste will not become a nuisance.

Developer's Statement (1-2): Please explain how your proposed development will manage solid waste, referring to the site development plan and supporting materials as necessary.

	YES	NO	
ZA Finding of Completeness	<input type="checkbox"/>	<input type="checkbox"/>	
	NA	COMPLIES	FAILS
ZA Recommendation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NA	COMPLIES	FAILS
ZA Recommendation (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

§153.415 (O)(2-3) **Must commercial uses make proper provision for solid waste storage and disposal?** Of course.
 (2) Effective buffering or screening of solid waste receptacles is encouraged.

(3) No use shall serve food primarily in disposable containers, except when such containers are required for take-out service during a public health emergency.
Note that an error in codification resulted in two (2)s in this item (O). Both apply.

Developer's Statement (2-3): Please explain how your proposed development will buffer or screen solid waste storage, referring to the site development plan and supporting materials as necessary.

	YES	NO	
ZA Finding of Completeness			
	weight	points	score
ZA Recommendation (2)	3	X	=

	-2/+2		
	NA	COMPLIES	FAILS
ZA Recommendation (3)			

§153.415 (P) **Can commercial uses have signs?** Yes, but only in compliance with the requirements of §153.185 et seq.

Developer's Statement: Please show the location of all proposed signs on the site development plan and attach scaled drawings of each proposed sign.

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation			

§153.415 (Q) **Can the operating hours of home businesses be restricted?** Yes. The Planning Commission may condition approval of a commercial use on limited operating hours.

Developer's Statement: Please state your proposed operating hours

	YES	NO	
ZA Finding of Completeness			
	NA	COMPLIES	FAILS
ZA Recommendation			

§153.415 (R) **Are drive-throughs or drive-ins allowed?** No. Drive-through windows and facilities for drive-in service are prohibited in Boulder. This standard does not prohibit curbside service for people with mobility limitations or during a public health emergency.

Developer's Statement: Please state for the record that there will be no drive-through.

	YES	NO
ZA Finding of Completeness		

	NA	COMPLIES	FAILS
ZA Recommendation			

§153.415 (S) **Are standardized commercial uses allowed?** No. Commercial enterprises that are required to use standardized features including architecture, décor, menus, signs, and/or uniforms by contractual, franchise, or other agreements are prohibited.

Developer's Statement: Please state for the record that the proposed use will be not be standardized.

	YES	NO
ZA Finding of Completeness		

	NA	COMPLIES	FAILS
ZA Recommendation			

§153.415 (T) **Can commercial uses include accessory dwellings?** Yes.

- (1) Accessory dwellings for the owner and/or employees are permitted as part of a commercial use.
- (2) Provision of affordable housing for employees as part of a commercial development is encouraged.

Developer's Statement: Accessory dwellings for employees must be shown on the site development plan. Please also explain how use of the proposed dwellings will be prioritized for employees.

	YES	NO
ZA Finding of Completeness		

	NA	COMPLIES	FAILS
ZA Recommendation (1)			

	weight	points	score
ZA Recommendation (3)	3	X	=
	0/+2		

§153.415 (U) **Does the Town encourage new or substantially rebuilt commercial buildings to comply with certain design standards?** Yes. Compliance with these standards will be determined by the Planning Commission using the scoring range and weight adopted on the commercial use checklist.

(1) Reflectivity: The use of highly reflective building materials, including large expanses of metal and/or glass is discouraged. This standard is not intended to prohibit or discourage the use of solar power.

(2) Color: New or substantially rebuilt commercial buildings are encouraged to use earth tones for the bulk of their facade. Bright accents in the form of trim, doors, or possibly other architectural details are not discouraged.

(3) Building Lines: Long, uniform building lines are discouraged. There are numerous ways to comply with this standard, depending on the scale and use of the building, including varying the pitch of the roofline, varying the building footprint, placement of windows and doors, and adding architectural details, potentially including changes in color or the texture of the siding.

(4) Detached Forms: The use of detached forms - a cluster of smaller buildings rather than one larger structure - is encouraged for lodging and commercial development that will have multiple tenants.

Developer's Statement: Please submit elevations and/or renderings of the proposed building/s demonstrating how they address these design standards.

	YES	NO	
ZA Finding of Completeness	<input type="checkbox"/>	<input type="checkbox"/>	
	weight	points	score
ZA Recommendation (1)	5	X	=
	-2/0		
	weight	points	score
ZA Recommendation (2)	4	X	=
	-2/+2		
	weight	points	score
ZA Recommendation (3)	4	X	=
	-2/+2		
	weight	points	score
ZA Recommendation (4)	4	X	=
	-2/+2		

§153.415 (V) **Are any commercial uses specifically encouraged because of their contribution to the local economy?** Yes. Commercial uses that process and sell primarily local agricultural products and/or primarily the creations of local artists or artisans are encouraged.

Developer's Statement: Please explain how your proposed project responds to this standard.

	YES	NO	
ZA Finding of Completeness	<input type="checkbox"/>	<input type="checkbox"/>	
	weight	points	score
ZA Recommendation	1	X	=
	-2/+2		

§153.415 (W) This item states that telecommunications facilities are regulated by another part of the Town code.

§153.415 (X) **Does Boulder have additional standards for campgrounds, including RV parks?** Yes. Campgrounds, including RV parks, must comply with the standards of §153.430.

§153.41 (Y) **Is Water-Wise Landscaping Encouraged?** Water-wise landscaping is encouraged. No landscaping encouraged by this ordinance shall receive a positive score (it may receive a zero) if water-wise techniques are not used.

Developer's Statement: Please explain how you plan to use water-wise landscaping.

	YES	NO
ZA Finding of Completeness		

ZA - How does this affect compliance with standards above?

§153.41 (Z) **Does Boulder have additional standards for guest ranches?** Yes.

(1) The minimum required acreage for a guest ranch is 55 acres.

(2) The lodge, bunk houses, or cabins cumulatively shall include not less than four nor more than ten overnight guest rooms. Kitchens, dining areas, rest rooms, storage, and other shared indoor facilities do not count as guest rooms.

(3) The Planning Commission may require deeper setbacks for guest ranches than those required by the Table of Development Standards where it finds that the additional depth is needed to mitigate potential conflict with adjoining uses.

Developer's Statement: Please state the acreage included in your application and the number of guest rooms proposed.

	YES	NO
ZA Finding of Completeness		

	NA	COMPLIES	FAILS
ZA Recommendation (1)			

	NA	COMPLIES	FAILS
ZA Recommendation (2)			

(3) Does the ZA recommend deeper setbacks?

Application for a CUP Pursuant to §153.415 - Second Sheet

Application for a CUP Pursuant to §153.415 - Third Sheet

