

MEMO

TO: Boulder PC, Interested Parties

FROM: Lee Nellis, FAICP

DATE: July 26, 2023

RE: Proposed Amendments – Installment 3

This is the final installment of amendments to be heard at the PC's August meeting. The purpose of these proposed amendments is to promote the provision of more affordable housing by permitting duplexes by-right in all residential zoning districts in Boulder.

Proposing this change is more an acknowledgement of the existing reality than a change in policy. Boulder amended its ordinances to allow External Accessory Dwelling Units (EADU) by conditional use permit in, I believe, 2018. The Utah Legislature required all municipalities to permit Internal Accessory Dwelling Units by-right in 2021.

There is no way, then, to interpret the current policy except to say that the impacts of having two households on a lot has been found, both by the Town and the Legislature, to be generally acceptable. Given that, why not simplify administration and allow those landowners who have the means and choose to do so to provide what will hopefully be more affordable housing? Also, why not make those duplexes that exist conforming, giving their owners a clear path to making improvements?

I am going to argue here - and this is an argument in favor of both lot size averaging and allowing duplexes - that the existing zoning is out of character; that it reflects a fear of change rather than a positive statement about what kind of community you all want to live in. Boulder currently retains a rural ambience of mixed uses, lot size, and housing types with plenty of open space. That is not because of the existing zoning. It is because the five-acre, single dwelling restriction does not yet dominate the Town's appearance or character. As time passes the existing zoning will overpower history and make Boulder look and feel more and more suburban, with increasingly uniform lot sizes and housing types. About halfway to build-out the suburban character will dominate. I don't think that's what anyone wants. I encourage you to make sure you get what you want and, in so doing, to at least make it possible for some relatively affordable housing to appear.

Notes:

ADUs. The proposed amendments do not change the prohibition against having more than one ADU on a lot or parcel.

EADUs. The proposed amendments make no changes re EADU's, which will continue to be allowed with a CUP. The Town's affordable housing goals might be advanced a bit by allowing EADUs by-right, but that is for future discussion.

IADUs. The IADU language amended into the ordinance must remain to demonstrate compliance with State law. The Town cannot just say that duplexes will be allowed and delete

what the Legislature required, but the intent of these proposed amendments is to make IADUs and the complications they entail superfluous.

Duplexes. The term duplex will be defined.

Zoning District Purposes. The proposed amendments will change the purpose statements for the LDR and the MDR just enough to be clear that averaging lot sizes (in the LDR only) and duplexes will be permitted. The PC will revisit zoning district purpose statements in the next round of amendments and further revisions may be needed.

Zoning Table. Duplexes will be added to the Table of Uses as permitted uses in all residential zoning districts.

Parking Table. This table will be changed to match the changes in the Table of Uses.

Nonconforming Lots. The ordinances include redundant sections about nonconforming lots. The proposed amendments revise them both to allow duplexes as well as single dwellings on nonconforming lots because the PC has not discussed this. One of them can be removed in the next round of amendments.

Ordinance 2023 - _____

Whereas Boulder Town desires to implement its General Plan by encouraging the provision of more affordable housing;

Whereas Boulder Town desires to expand the availability of housing that is affordable for local workers by removing regulatory obstacles to the provision of such housing; and

Whereas Boulder Town currently allows Internal Accessory Dwelling Units (IADU) as a permitted use as required by state law; and

Whereas the only substantive difference between an IADU and a duplex is whether both units may be available for long-term rental:

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF BOULDER TOWN THAT THE BOULDER TOWN CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

AMENDMENTS TO CHAPTER 153

Add a definition § 153.011 DEFINITIONS in alphabetical order, as follows:

DUPLEX. A building designed and built or remodeled to include two (and only two) dwelling units.

Revise §153.116(B) as follows:

(B) *Low Density Residential District (LDR).* This zoning district provides for ~~a single-family large lot, low-density residential living environment with on~~ a an average density of one dwelling unit for each lot size of five or more acres. It also permits ~~and continuing agriculture, home businesses, and other compatible~~ uses. ~~that do not require additional public facilities and services than those provided to a low density residential area.~~ Additionally, this district is ~~established to allow limited development on areas that may possess certain constraints for development.~~

(C) *Medium Density Residential District (MDR).* ~~The Medium Density Residential (MDR)~~ This zoning district reflects Boulder's current land use pattern by providing a somewhat higher density of one dwelling unit per two and half acres, ~~is provided by the town to allow an alternative residential living environment than those provided by to~~ the LDR zoning district. ~~and HDR Districts.~~

Revise the Table of Uses found at §153.117 by replacing the row title “Single-family on a lot of record” with “Single dwelling unit.”

Revise the Table of Uses found at §153.117 by inserting a new row, in alphabetical order, titled “Duplex” then adding a “P” in each column to the right in that row except “C.”

Revise the Table of Off Street Parking found at §153.120 by replacing the title “Single-family dwelling” with “Single dwelling unit”, then replacing the “2 per primary dwelling” in the adjoining column in that row with “2.”

Revise the Table of Off Street Parking found at §153.120 by adding a new row, in alphabetical order, titled “Duplex” with “4” in the column to the right of the title.

Revise § 153.186(D) GENERAL REQUIREMENTS as follows:

(D) *Allowed minimum use of legal lots.* Nothing in this chapter shall be construed to prevent the use for construction or installation of one single-family dwelling or duplex on any legally created lot or parcel of land; provided that, such lot or parcel of land is located in a zoning district which permits single-family dwellings, and was a legal lot that was of record at the time of adoption of this chapter was adopted, and provided further that all can qualify for the issuance of a building permit as required by complies with the International Building Code (IBC).

Revise §153.267 as follows:

§ 153.267 REQUIREMENTS FOR NON-COMPLYING SMALL LOTS.

~~(A) This section shall apply to legal undeveloped non-complying lots or parcels.~~

Any legal lot of record or any parcel of record legally existing that is too small to comply with, but that was of record on the date of the adoption of, this chapter the currently applicable minimum lot size or other minimum lot dimension shall be eligible for a building permit authorizing the construction or installation of one single-family dwelling or duplex complying with the provisions of this chapter, as adopted, and all other land use ordinances and requirements, as applicable, even though such lot or parcel may not conform to the requirements of the zoning district in which the legal non-complying lot or parcel is located; provided that otherwise complies with this Code.

- ~~—(1) Such lot or parcel of land is located in a zoning district that allows single-family dwellings; and~~
- ~~—(2) The proposed construction can qualify for the issuance of a building permit for a single-family dwelling unit, as required by the Building Codes as adopted.~~