

# Ordinance 2023-x: Ordinance Changing Lot Size Requirements in the LDR and GMU Zoning Districts

**Whereas** Boulder Town desires to implement its General Plan by encouraging the provision of more affordable housing, continuing agricultural operations, and open space protection;

**Whereas** current Boulder Town ordinances specify fixed lot size and shape requirements that do not allow consideration of infrastructure availability, access, terrain, and current and future agricultural operations; and

**Whereas** Boulder Town desires to permit more subdivision design flexibility for landowners to provide housing while protecting agricultural land and other natural assets without increasing the overall density of development;

**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 152

**Revise § 152.045 PRELIMINARY SUBDIVISION APPLICATION APPROVAL PROCEDURES; PLANNING COMMISSION RECOMMENDATION as follows: Split the present (1) into two items and renumbering accordingly.**

(C) *Planning Commission recommendation.*

- (1) Following consideration of the preliminary subdivision application, and all information and materials presented, the Planning Commission may recommend approval of the preliminary subdivision application as presented, recommend approval of the preliminary subdivision application with conditions, or recommend denial of the preliminary subdivision application. ~~The Planning Commission may recommend onsite and offsite improvements, facilities and amenities, provided 100% by the applicant for subdivision approval, and determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the town, including, but not limited to:~~ In support of its recommendation, the PC must find that the proposed lot layout is respectful of and compatible with the: (A) terrain, avoiding natural hazards while preserving agricultural opportunities, riparian areas and wetlands, views, and other natural assets; (B) safe, adequate access to each lot; and (C) neighboring uses. The PC's recommendation may include lot size averaging as it is authorized in Chapter 153 of this Code.
- (2) The Planning Commission may also recommend onsite and offsite improvements, facilities and amenities, the cost of which is provided 100% by the applicant for subdivision approval, and determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents of the town, including, but not limited to:

**The lettered list following this language is not changed.**

## Amendments to Chapter 153

Revise §153.011 DEFINITIONS, revising, deleting, or inserting definitions in alphabetical order as follows:

**AVERAGE LOT SIZE.** The average of the sizes of lots within a subdivision. This is calculated by dividing the total area of the parcel or lot being divided by the total number of building lots proposed. Lots that are separately demarked for common use or open space protection are not building lots, nor are rights-of-way, public or private. Lot size averaging may be applied to a lot or parcel only as it existed on the date lot size averaging was adopted into this Code. While not all lots need to be created at the same time, the basis for lot size averaging shall be the lot or parcel size that existed on the date this definition was adopted.

**BUILDING LOT:** For the purposes of lot size averaging, a BUILDING LOT is any lot that is not separately demarked for common use or open space protection and which is, thus, available for any principal use permitted in the applicable zoning district. Building lots must meet the applicable average and minimum lot size established in the Table of Development Standards.

~~**LOT.** A parcel of land or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two or more smaller units. A lot is any area of land that is separately demarked on a recorded subdivision plat, whether called a lot or not.~~

~~**LOT, COVERAGE.** The percentage of the total area of a lot or parcel which is occupied by all buildings, covered structures, or other impervious surfaces or other covered structures.~~

**LOT LINE ADJUSTMENT.** A lot line adjustment occurs when the owners of adjoining lots within a recorded subdivision agree to change lot lines or when the owner of a lot within a subdivision agrees with the owner of an adjoining parcel to change boundaries between the lot and the parcel. A lot line adjustment cannot create a new parcel or lot. It can be used to change the boundary between a right-of-way and adjoining lots. For the regulation of lot line adjustments, please see § 152.116.

**MINIMUM LOT SIZE.** The smallest lot or parcel on which any principal use will be permitted. §153.199 of this Code allows the Town to approve smaller lots separately demarked for open space protection or common use. §153.267 allows for exceptions for existing small lots.

**PARCEL.** A parcel is any area of land that is not a lot. In the administration of this Code, there are no lots outside of recorded subdivisions, there are no parcels within recorded subdivisions.

**PARCEL BOUNDARY ADJUSTMENT.** A parcel boundary adjustment occurs when the owners agree to adjust the boundary between adjoining parcels. A parcel boundary adjustment cannot create a new parcel or lot. It can be used to change the boundary between a right-of-way and a parcel. For the regulation of parcel boundary adjustments, please see § 152.115.

**RIGHT-OF-WAY.** Land occupied or intended to be occupied by a public or private trail, road or other public transportation use; or railroad, electric transmission line, or other utility uses. Rights-of-Way are separately owned, generally linear areas of land that provide circulation, irrigation, or utility service to adjoining lots or parcels.

**RIGHT-OF-WAY (LOT).** A strip of land not less than 16 feet in width connecting a lot to a street for use as private access to that lot.

**SUBDIVISION.** Any land that is divided, re-subdivided or proposed to be divided into two or more lots, plots, parcels, sites, units or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. Subdivision does not include a bona fide division of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates this code or a parcel boundary adjustment as defined by § 152.006(C) of this code.

**Shift §153.119 back to §153.118, which is now just a placeholder, revise it as follows and replace the attached table as shown below.**

### **§ 153.118 TABLE OF DEVELOPMENT STANDARDS.**

The Table of Development Standards accompanies the Table of Uses. This table identifies the maximum residential density allowed, required setback and yard standards, building height standards, site coverage standards and other requirements for the uses allowed within each zoning district. The standards adopted in this table apply to all lots, parcels, buildings, structures, and uses unless they are specifically exempted by other requirements of this Code.

<u>Development Standards</u>	<u>Zoning Districts</u>				
	<u>GMU</u>	<u>LDR</u>	<u>MDR</u>	<u>HDR</u>	<u>C</u>
<b><u>Density Standards (see note)</u></b>					
<u>Minimum Lot Size without Averaging</u>	<u>5 acres</u>	<u>5 acres</u>	<u>2.5 acres</u>	<u>1 acre</u>	
<u>Average Building Lot Size</u>	<u>5 acres</u>	<u>5 acres</u>	<u>Averaging not permitted</u>		
<u>Minimum Building Lot Size, Well</u>	<u>1 acre</u>	<u>1 acre</u>			
<u>Minimum Building Lot Size, Central Water</u>	<u>1 acre</u>	<u>1 acre</u>			
<u>These minimum building lot sizes for the GMU and LDR may be used <b>ONLY</b> when lot size averaging is used.</u>					
<u>Maximum Lot Coverage</u>	<u>20%</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>	
<b><u>Dimensional Standards, Principal Buildings</u></b>					
<u>Maximum Building Height</u>	<u>30 ft</u>				
<u>Minimum Front Setback</u>	<u>30 ft.</u>				<u>see note</u>
<u>Minimum Rear Setback</u>	<u>30 ft.</u>				
<u>Minimum Side Setback</u>	<u>10 ft.</u>				
<b><u>Dimensional Standards, Accessory Buildings</u></b>					
<u>Maximum Building Size</u>	<u>1000 SF</u>				<u>see note</u>
<u>Maximum Building Height</u>	<u>30 ft</u>				
<u>Minimum Front Setback</u>	<u>30 ft.</u>				<u>see note</u>
<u>Minimum Rear Setback</u>	<u>30 ft.</u>				
<u>Minimum Side Setback</u>	<u>10 ft</u>				

Note: With the exception of the maximum building height, the dimensions of commercial development will usually be controlled by the need to comply with the standards of §153.415 or §153.430. Where compliance with those standards does not result in a larger setback or a lower lot coverage, commercial uses must comply with the standards established here for the LDR.

**Replace the existing §153.119 (which was renumbered by the previous amendment) with the following.**

**§153.119 LOT SIZE AVERAGING.**

This Code allows lot size averaging in new subdivisions or re-subdivisions in the GMU and LDR zoning districts to help implement the Town's general plan and offer flexibility to landowners.

- (A) The applicant may use the average lot size listed in the Table of Development Standards adopted in §153.118 above as a uniform minimum lot size, or
- (B) The applicant may propose any combination of lot sizes that are larger than the applicable minimum lot size established by that Table and result in an average lot size no smaller than that required by the Table.
- (C) The basis for the lot size average calculation shall be the total area of the parcel or lot being divided on the date this section, §153.119, was adopted into the Boulder Town Code of Ordinances and the proposed number of building lots, not including areas separately demarked for common use or open space protection or rights-of-way, public or private.
- (D) All lots must comply with all requirements of this Code, and
- (E) The PC must find that the proposed lot layout is respectful of and compatible with the: (1) terrain, avoiding natural hazards while preserving agricultural opportunities, riparian areas and wetlands, views, and other natural assets; (2) safe, adequate access to each lot; and (3) neighboring uses.

**Delete §153.416 in its entirety. Leave this number as a placeholder so that renumbering at the section level is not necessary.**

APPROVED and PASSED this \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Boulder Town Clerk

\_\_\_\_\_  
Boulder Town Mayor

VOTE

Judy Drain, Mayor \_\_\_\_\_

Gladys LeFevre, Councilperson \_\_\_\_\_

Elizabeth Julian, Councilperson \_\_\_\_\_

Jim Catmull, Councilperson \_\_\_\_\_

Conrad Jepsen, Councilperson \_\_\_\_\_