

# Building Boulder's New Zoning

**How Lot Size Averages Fit In**

Protecting Critical Open Space  
Encouraging Attainable Housing

**Questions To Be Answered**

**Reprise & A New Question**

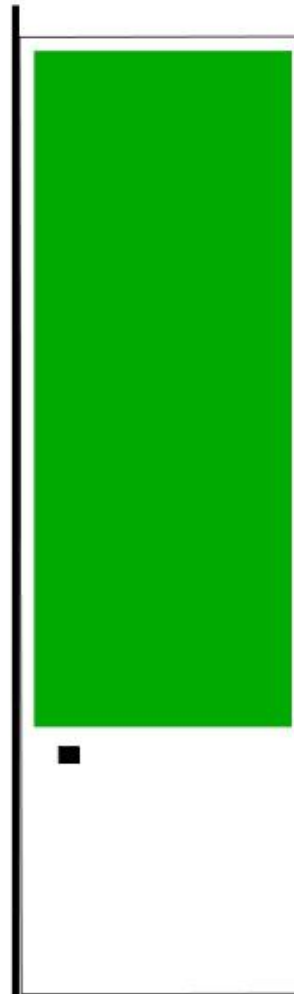
**Open Space Development**

# 60 Acres, More or Less

36 A irrigated

1 existing dwelling

public road



# What makes a difference in what is possible?

- Presence of one (1) dwelling – there already is one
- Irrigation of 60% of parcel
- Shape of parcel – relatively long/narrow
- Access to parcel – already a public road
- **The Rules – the zoning**
- The rules can vary by zoning district

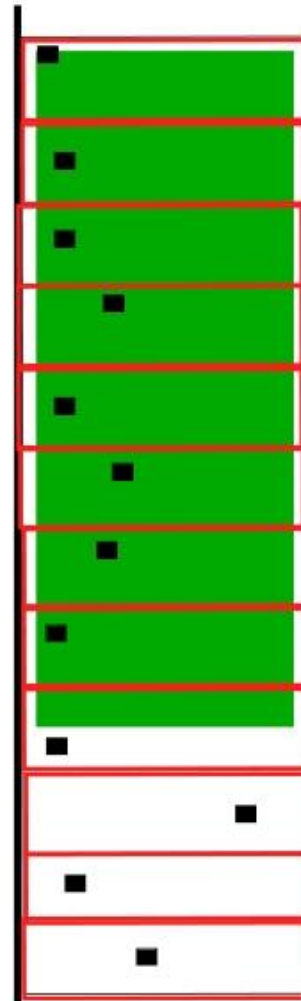
# 60 Acres, More or Less

36 A irrigated

Current Rules

1 existing dwelling

public road



# Development Under Current Rules

- 12 driveways onto road
- 12 dwellings
  - 8 affected by high water table?
- Attainable? Nope
- Irrigated land cut into 8
- Ag Management
  - more fences?
  - more culverts?
  - more weeds?
  - productivity?

Is There a Better Way?

**Define Better**

Continue Agriculture

Encourage Attainable Housing

*As per the General Plan*



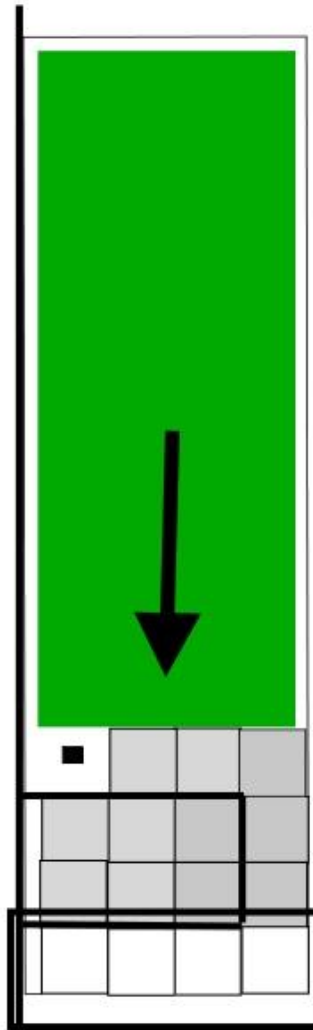
60 Acres, More or Less

36 A irrigated

Density  
Drifts

1 existing dwelling

public road



**This IS a “cluster”  
subdivision, but  
better to say it is  
an “open space  
development.”**

1:5

Incentive

# Law of Open Space Development

- Utah cases? Can't find one. BUT you drive by a really big OSD every time you turn into Park City from I-80.
- Less than 10 minutes to find cases that either approve or accept (while ruling on some detail) the idea from CA, CT, MD (which is where this was first tried back in the '60s), MN, NH. Stopped there.
- **1960** PAS memo – covers most of the questions being raised now

# What has to happen to make it possible?

- 5-acres becomes a permitted density (0.2 DU/A, dwelling units per acre) which is, by definition, the **average** size of the lots that will be created
- Adopt a smaller minimum lot size, the minimum for public health

**Doing these first two things is independently helpful to landowners and leans toward the Town's goals. Which is why the PC proposed it.**

- Next: Identify as clearly as possible what type/s of open space are to be protected. In this case, irrigated lands.

What has to happen to make it possible?

- Then, incentivize protection of that open space.
- Allowing averaging and adopting a smaller minimum lot size is the first incentive
- Allowing additional lots could be a second
- How this works can, probably should, vary by zoning district – which is why Boulder may need more
- There can also be an affordable/attainable housing incentive, in any event:

We return to

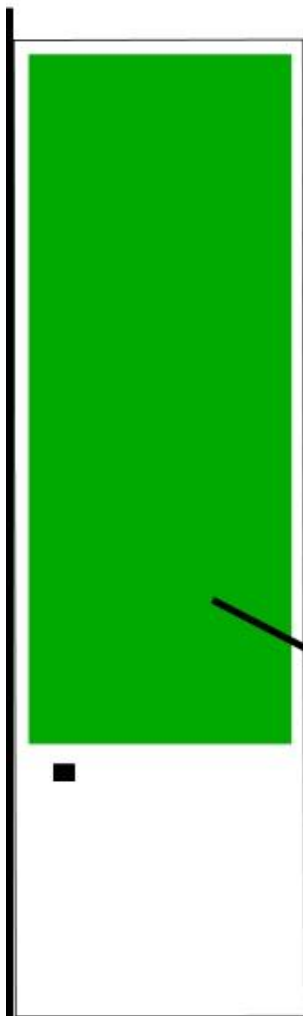
## Questions the PC Must Answer

- How big does the incentive have to be? Size, shape, character of parcel will determine how much of the incentive it is practical to use.
- Does developer have to protect 100% of open space to qualify for incentive? Could there be a sliding scale?
- Practical exceptions for road, path, utility crossings

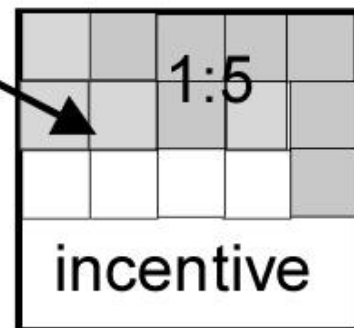
## Questions

- What is the smallest acceptable minimum lot size?  
What district health will accept? Could be more in some zoning districts.
- How much of incentive has to be attainable housing?  
Does attainable housing increase incentive?
- Can density drift from one parcel to another?

60 Acres, More or Less



20 Acres,  
same owner,  
different site



# Answers

- How big does incentive have to be?
- Old cluster provision allows 2.5 A lots (if 50% of ag protected) so start there:
- $36/2.5 = 14.4$ , higher density shifted from what is protected
- $24/5 = 4.8$ , present density from what is not
- Total = 19.2
- 19 instead of 12, is 58% incentive enough? How many of the 19 should be attainable?



# Answers

- More incentive may be needed, so:
- $36/2 = 18$
- $24/5 = 4.8$
- Total = 22.8
- 22 instead of 12, is almost double enough? How many should be attainable?

Whatever Your Answers, They Are Established  
& Managed by Zoning District

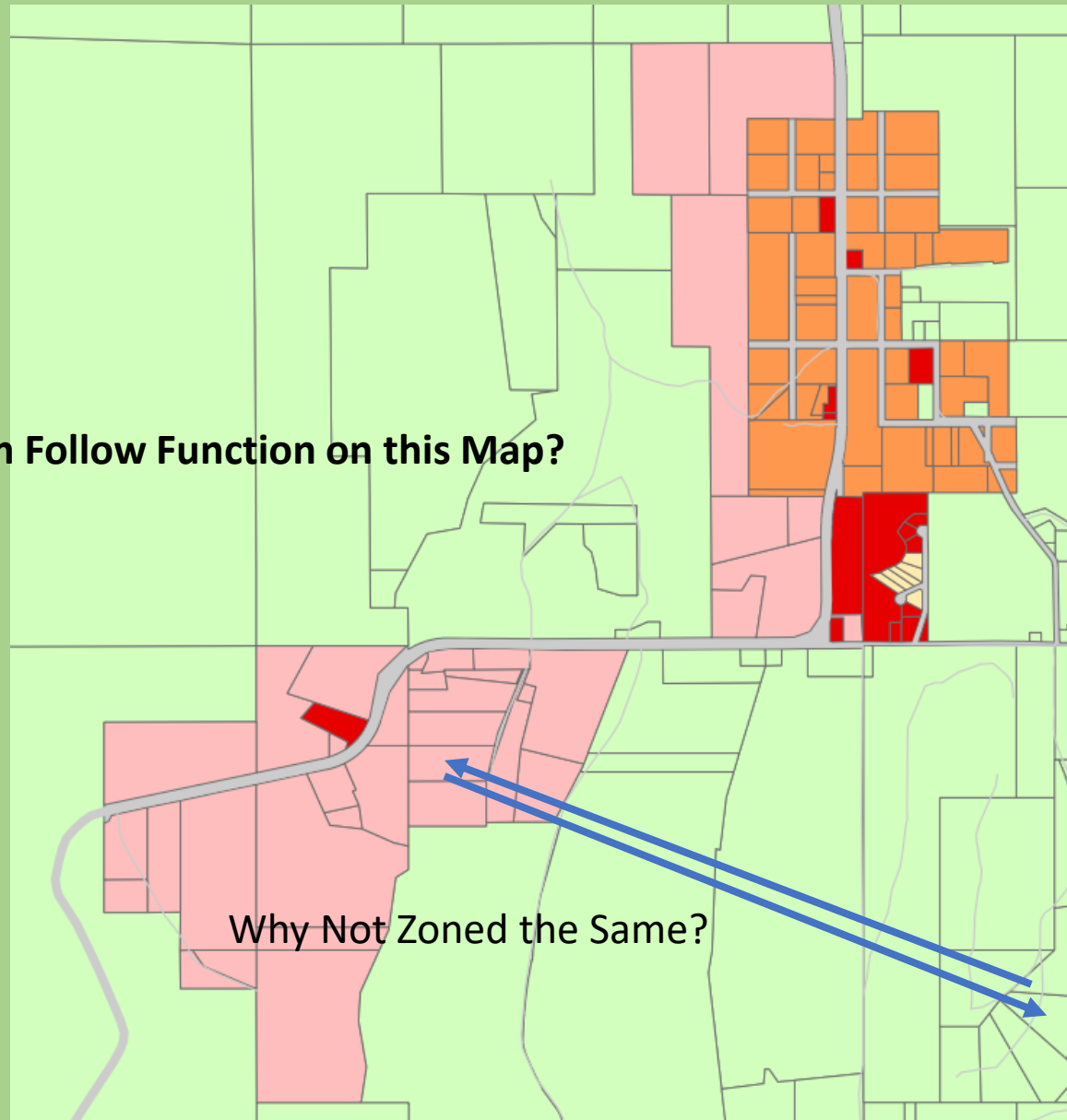
- But first, a question:

Does using zoning districts copied from  
some suburb make sense in Boulder?

# Boulder Town Zoning Districts

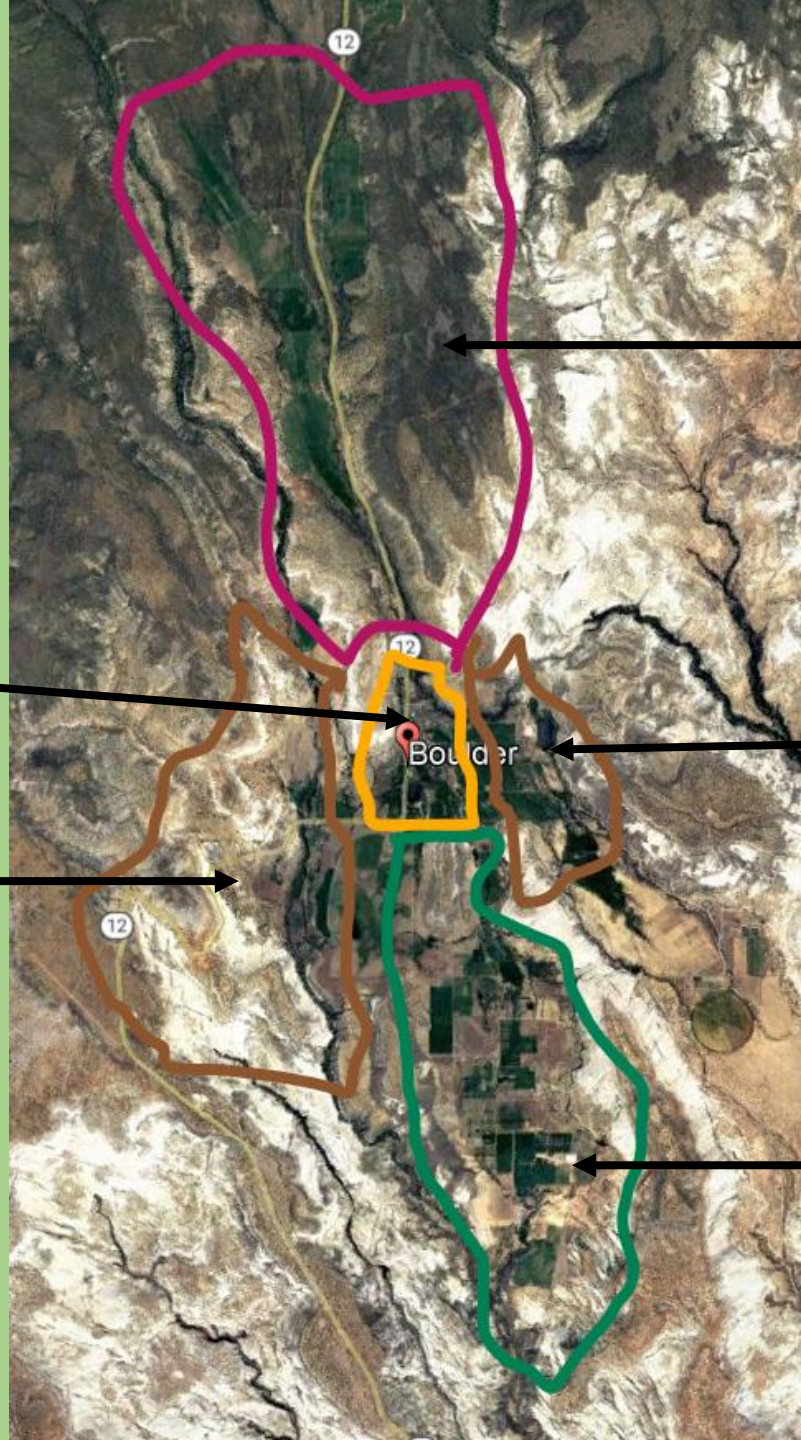
- C = Commercial – some existing, superseded by performance approach to commercial
- HDR – one spot
- MDR – Village Center – includes lots of uses besides residential, nonconforming lots
- LDR – Not used much
- GMU – 90% plus, incorporates very different landscapes

**Does Form Follow Function on this Map?**



Why Not Zoned the Same?

# Functional Boulder



more visual screening, ag,  
highway access

mixed uses, activity centers,  
smaller parcels, highway access

mixed parcel sizes, near center

mixed parcel sizes, some ag,  
highway access

wide open views, ag,  
limited access

# Use Present Zoning Districts

- C = Commercial – superseded by performance approach, existing remain
- HDR – leave it, don't use in future, no transfers
- MDR – transfers in, not out – small lots - could expand into LDR – incentivize attainable housing (duplexes)
- LDR – will be used more! transfers in, not out – allow averaging, small lots – incentivize attainable housing
- GMU – 1:40 A with averaging, future residential development by map amendment OR performance standards – either will work, legal wrinkles

# Landscape-Based Boulder Zoning Districts

- C = Commercial – superseded by performance approach to commercial - existing remain
- HDR – leave it, don't use in future
- Village Center – mixed use - small lots - transfers in, not out - duplexes (or more?)
- Highway Edge – mixed use - smaller lots - transfers in, probably not out - maybe duplexes?
- East Edge – smaller lots - transfers in - maybe duplexes?

# Wrinkles?

- Zoning map amendment is fully discretionary, but cannot be conditional
- Application of performance standards would be to a specific site and can be conditional
- Either constitutes permission to subdivide



# Landscape-Based Zoning Districts

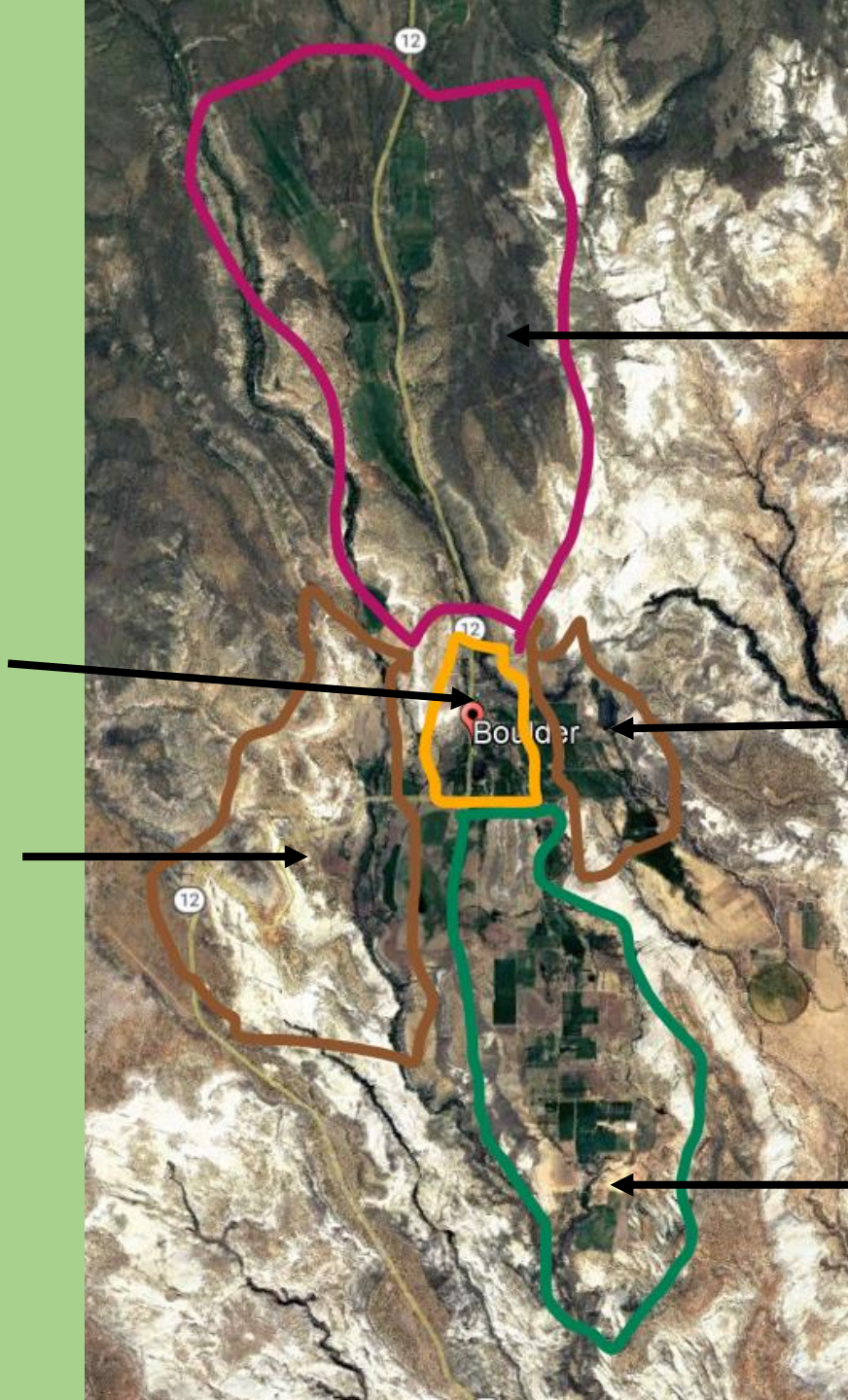
Village Center ZD: mixed use activity center, commercial by right, (in compliance with the standards), small parcels, attainable housing

Highway Edge ZD: mixed parcel sizes, encourage highway access

Upper Boulder ZD: more visual screening, highway access

East Edge ZD: mixed parcel sizes, near center

Lower Boulder ZD: wide open views, ag, limited access



## Landscape-Based Boulder Zoning Districts, cont.

- Lower Boulder – emphasize ag - don't add traffic - keep 5-acres with lot size averaging - transfers out, not in - don't incentivize attainable here
- Upper Boulder – emphasize ag - keep 5-acres with lot size averaging - but allow a density bonus for housing effectively screened by the terrain and/or attainable, allow transfers out

the world is full of this lesson right now:

**The fear of change leads to  
radical change!**

Discussion?

