

**DRAFT: 092424**

**ORDINANCE 2024-B  
BOULDER TOWN, UTAH**

**AN ORDINANCE TO CHANGE THE BOULDER TOWN ZONING CODE (CHAPTER 153) TO ALIGN WITH RECENT CHANGES IN THE BOULDER TOWN SUBDIVISION CODE (CHAPTER 152)**

**Whereas** Boulder Town is adopting changes in its Subdivision Code to comply with State mandated changes;

**Whereas** such changes in the Subdivision Code have created inconsistencies in the Boulder Town Zoning Code; and

**Whereas** after review and public input, the following changes are deemed necessary to avoid conflicts and confusion in Boulder Town Codes:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOULDER TOWN COUNCIL THAT THE BOULDER TOWN ORDINANCES BE AMENDED AS FOLLOWS:**

**AMENDMENTS TO CHAPTER 153**

**SECTION 153.011 DEFINITIONS**

**ADD the following definition:**

**ADMINISTRATIVE LAND USE AUTHORITY (ALUA).** The individual, board, consultant, or commission formally appointed or employed by the Town, including members of staff or the Planning Commission. The ALUA does not include the Town Council or a member of the Town Council.

**REPEAL the following definitions:**

~~**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.~~

~~**Lot.** A lot is any area of land that is separately demarked on a recorded subdivision plat, whether called a lot or not.~~

~~**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.~~

~~**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.~~

~~**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.~~

**REPEAL AND REPLACE the following definitions:**

~~**REPEAL:** DRIVEWAY. A private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which the driveway is located.~~

~~**REPLACE WITH:** DRIVEWAY. A privately owned access route serving a single lot.~~

~~**REPEAL:** IMPROVEMENTS. Street grading, street surfacing and paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges,~~

~~public utilities or other such installations designated by the Planning Commission or Town Council.~~

**REPLACE WITH:** IMPROVEMENTS. Street grading, street surfacing and paving, water mains and lines, water meters, fire hydrants, wastewater systems, storm drainage facilities, culverts, bridges, public utilities, or other such installations designated by the Town Council.

**REPEAL:** ~~RIGHT-OF-WAY.~~ Rights-of-Way are separately owned, generally linear areas of land that provide circulation, irrigation, or utility service to adjoining lots or parcels.

**REPLACE WITH:** RIGHT-OF-WAY. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another owner.

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**MODIFY:** BUILDING LOT. ~~For the purposes of lot size averaging, a building lot is any~~ 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 (Section 153.118).~~

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**REPEAL SECTION 153.042 (A) (6) and RENUMBER THE REMAINING 5 DUTIES**

§ 153.042 BOULDER TOWN PLANNING COMMISSION.

(A) Powers and duties. The Commission shall be an advisory body to the Council on legislative matters, including the General Plan and land use ordinances. The Commission shall: ~~—(6) Review and recommend approval, approval with requirements or denial of all subdivision applications to the Council, as authorized by Ch. 152 of this code of ordinances;~~

**ADD SECTION 153.044 (B) (6)**

(B) Powers and duties. The Zoning Administrator shall:

- (1) Ensure all procedures and provisions of the town's land use ordinances, including this chapter, are consistently and equitably applied;
- (2) Approve, approve with requirements or deny the following applications:
  - (a) All temporary use applications; and
  - (b) All permitted use applications.
- (3) Render interpretations of the text of this chapter, as provided herein;
- (4) Render determinations of a zoning district boundary application, as provided herein;
- (5) Carry out all other functions, duties and actions as may be necessary to administer this chapter and as may be identified herein; and
- (6) Serve as the convenor and a member of the Administrative Land Use Authority for review of Subdivision Applications.

**ADD A NEW SECTION 153.045 and RENUMBER THE FOLLOWING SECTIONS UP TO AND INCLUDING 153.156:**

**153.045 ADMINISTRATIVE LAND USE AUTHORITY**

As outlined in Chapter 152.100, subdivision applications and decisions shall be made by the Administrative Land Use Authority appointed by the Boulder Town Council.

**ADD A NEW SECTION (C) TO 153.049 (newly numbered)**

§ 153.049 COMPUTATION OF TIME.

(A) Unless specifically provided by the requirements of this chapter as otherwise, all times identified herein shall be computed using calendar days; except that, if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday.

(B) The time within which an act is to be done shall be computed by excluding the first day and including the last day.

(C) For actions related to subdivision applications, review, and decisions as outlined in Chapter 152, time requirements are measured in business days.

**REPEAL THE EXISTING TABLE OF DEVELOPMENT STANDARDS IN SECTION 153.118 AND REPLACE IT WITH THE FOLLOWING TABLE**

**Table of Development Standards**

**Required Development Standards for All Principal Buildings**

Site Development Requirement	Zoning District				
	GMU	LDR	MDR	HDR	C
Lot required	Principal buildings shall be on a lot, as defined by this chapter				
Maximum allowed residential density	1 dwelling unit per 5 acres	1 dwelling unit per 5 acres	1 dwelling unit per 2.5 acres	1 dwelling unit per 1 acre	Lot size sufficient to meet all site requirements of this chapter
Maximum building height	2.5 stories or 30 feet				
Minimum front yard	30 feet				
Minimum lot width	1/3 of lot depth				
Minimum lot size required	5 acres	5 acres	2.5 acres	1 acre	No requirement
Minimum rear yard	30 feet				
Minimum side yard	10 feet	10 feet	10 feet	10 feet	30 feet if located adjacent to a residential zone, otherwise, as allowed by International Building Code
Permanent Foundation	Principal buildings must be located on a site-built permanent foundation which meets the International Building Code and all other codes, or if a manufactured home, meets the requirements for manufactured housing installations				
Utilities	Principal buildings shall be permanently connected to and approved for all required utilities				
<b>Required Development Standards for Accessory Buildings</b>					
Maximum Size	1000 square feet				

Minimum front yard	30 feet				
Minimum rear yard	Must meet the requirements of the International Building Code				
Minimum side yard	Must meet the requirements of the International Building Code				
Total maximum lot coverage (principal plus accessory buildings)	20%	20%	30%	40%	50%

**REPEAL SECTION 153.119 (changed in Ordinance 2024-1):**

**§153.119 LOT SIZE AVERAGING.**

This Code allows lot size averaging in new subdivisions or re-subdivisions in the GMU and LOR 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 as of **January 4, 2024** and **the cumulative number of existing and proposed building lots on that original parcel**, 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.~~

**APPROVED and PASSED** by the Boulder Town Council, State of Utah, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

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

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

VOTE:

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

Josh Ellis, Councilmember \_\_\_\_\_

Ray Gardner, Councilmember \_\_\_\_\_

Gladys LaFevre, Councilmember \_\_\_\_\_

John Veranth, Councilmember \_\_\_\_\_