

# **Immediate Subdivision Amendments**

**Version 3: April 27, 2022**

## **Public Hearing Draft**

### **Introduction:**

This document proposes concise wording that focus on the original problems regarding small subdivisions that were first brought to the Planning Commission in July 2021. This proposal returns us to the immediate amendments to subdivision regulations that went to public hearing in October 2021 and the draft ordinance that was subsequently forwarded to Town Council. The purpose of this proposed ordinance is to amend certain provisions that have recently been discussed regarding subdivisions containing involving four or fewer lots, which is equivalent to less than 20 acres in the GMU and LDR zones. At the April 2022 meeting the Planning Commission voted to send the draft ordinance to public hearing.

### **Commentary**

The draft ordinance below reflects the conclusion on private driveways versus dedicated public streets that was discussed at length at the Planning Commission meeting in February 2022. It specifically addresses the issues of private roads and “some latitude” that were highlighted by Mark McIff, the town’s attorney, in November.

This draft omits the definitions for Right-of-Way, Easement, and Street. These definitions are currently in the revised draft of the lot line adjustment ordinance which is also scheduled for public hearing in May. The correction to 153.119 Table of Development Standards is also included in the draft lot line ordinance.

The Planning Commission may elect to merge these two closely-related ordinance drafts into a single ordinance before sending a recommendation to the Town Council.

Ordinance \_\_\_\_\_

**AN ORDINANCE AMENDING BOULDER'S TOWN CODE TO PROVIDE  
GREATER CLARITY AND PRACTICALITY IN THE REVIEW OF PROPOSED  
SUBDIVISIONS**

Whereas providing increased options for small-scale agriculture and housing for working age adults and families is consistent with the goals of the general plan, and

Whereas certain provisions of the Town subdivision procedures create unintended or unnecessary barriers on creating new subdivision lots,

BE IT HEREBY BE ORDAINED THAT THE BOULDER TOWN CODE OF ORDINANCES IS AMENDED AS FOLLOWS:

**Definitions 152.011.**

Add definitions of Private Driveway and Private Street in alphabetical order:

*Private Street:* A transportation route accessing multiple lots that meets town standards for subdivision streets, but is owned and maintained by a private person or association.

*Private Driveway:* An access to one or more lots that is on a privately owned easement and that is maintained by the landowners. Private driveway easements are included in the lot area for minimum lot size determination.

OPTION: Move the definitions of Right-of-Way, Easement, and Street from the lot line adjustment draft ordinance and insert here.

**Allow private driveways to access lots in subdivisions with 4 or fewer homes.**

Amend 152.041 as follows and renumber accordingly:

152.041 H (3) Reword to add text from current section (5) as follows:

3) All streets proposed to be created shall identify a permanent method of street maintenance. A street may remain in private ownership as a "private street" or be dedicated to the town as a "public street." If the proposed street is not proposed for dedication to the town, or if the town is unwilling to accept dedication, an appropriate method for long-term maintenance of the private street must be proposed for approval by the Town Council. Acceptance of dedication of a proposed street is at the full discretion of the Town Council.

152.041 H (5) Repeal current wording and replace as follows:

152.041 H (5) Subdivisions with four or fewer lots may provide access to each lot by private driveways on recorded easements. A private driveway is not required to meet the requirements of Section H (4). A private driveway is required to meet all public safety requirements, as may be required by the town’s Fire Marshal including the Utah Urban-Wildland Interface Code.

**Repeal the lot width to depth standard.**

Repeal the current minimum lot with requirement by deleting the row “Minimum lot width” from all zones in Section 153.119 Table of Development Standards.

**Include the area of easements when considering minimum lot size.**

Amend 153.119 Table of Development Standards to remove the phrase “(exclusive of road easements)” from the first column of the row referring to minimum lot size.

**Repeal the unclear wording regarding all lots to have frontage on street.**

Repeal and replace the current Section 153.190 wording as follows:

**153.190 Access Required.** Every lot shall have frontage upon a public road or street, or have access to a private street or driveway that is on a recorded easement and that leads to a public road or street. The preliminary subdivision plat and other application materials shall show the proposed public street, private street, and private driveway and easement layout.

**Correct a typographical error in the Building Permits Issuance section.**

152.080 Replace “and” with “or” between clauses (A) and (B) to allow building permits in new subdivisions.

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End of Draft Ordinance Text

For reference, the change to the online codified version is as follows:

§ 152.080 BUILDING PERMIT ISSUANCE.

The town’s Building Inspector shall not issue any permit for a proposed building or structure, excluding agricultural buildings, on a lot within the corporate boundaries of the town unless:

(A) The lot is within a subdivision and the lot was legally created pursuant to this chapter or prior subdivision ordinances; ~~or and~~

(B) The lot is a legal lot of record, such lot being created and recorded in the office of the County Recorder prior to September 11, 1998.