



The Buena Vista Planning & Zoning Commission

April 20, 2022 at **7:00 PM**

Commission Members and Staff will meet at the Airport Conference Room. The public is encouraged to join the meeting virtually via Zoom.

The public can join the meeting using the Zoom information below. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information: <https://us02web.zoom.us/j/85826686080>

Listen via phone at **1-720-707-2699** Meeting ID: **858 2668 6080** Passcode: **BuenaVista**

AGENDA

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Agenda Adoption
- V. Approval of Minutes – April 6th, 2022
- VI. Public Comment
- VII. New Business
 1. **Public Hearing** – An ordinance amending Section 16.03.3.3.4.A.3.a of the Buena Vista Municipal Code concerning design standards for Accessory Dwelling Units.
 2. **Public Hearing** – An ordinance amending Section 16.06.6.6.1.C.3.b of the Buena Vista Municipal Code concerning the Minor Subdivision process.
 3. **Public Hearing** - An ordinance amending Section 16.06.6.5.2.C.2 of the Buena Vista Municipal Code concerning application submittals for Special Use Permit.
 4. **Public Hearing** – An ordinance amending section 16.02.2.4.4 and article 16.04 of the Buena Vista Municipal Code concerning development in MU-MS district and historic preservation.
- VIII. Staff/Commission Interaction
- IX. Adjournment



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission April 6, 2022

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, April 6, 2022 at the Central Colorado Municipal Airport and via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Craig Brown, Blake Bennetts, Thomas Brown, and Tony LaGreca (via zoom).

Staff Present: Principal Planner Mark Doering (via zoom), and Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Tart proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer called for approval of the agenda. **Commissioner Schultz-Writsel** motioned to adopt the agenda as amended, **Motion #1** seconded by Commissioner Craig Brown. Motion carried.

APPROVAL OF MINUTES

Larimer called for approval of the minutes from March 16, 2022. Commissioner Craig Brown motioned for approval of the minutes as amended. **Motion #2** was seconded by Commissioner Schultz-Writsel. Motion carried.

PUBLIC COMMENT

Public comments opened at 7:04 pm. With no comments, public comment was closed at 7:04 pm.

NEW BUSINESS

This meeting was a trial to test out the conference room at the Central Colorado Regional Airport for future Planning and Zoning Commission meetings.

Participants that joined via Zoom reported an echo in the room that was found to be improved by lowering the blinds, and there was concern expressed about ADA access. There is a lift station for ADA access upstairs.

Tart sent out links to the Commissioners for Commissioner education and training opportunities.

STAFF / COMMISSION INTERACTION

There was no staff/commission interaction.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Schultz-Writsel motioned to adjourn the meeting at 7:22 p.m. Commissioner Craig Brown seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician



DATE: April 15, 2022

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

RE: An ordinance amending the Unified Development Code to clarify regulations relating to the requirements for Accessory Dwelling Units (ADUs).

Background

Since the adoption of the UDC in 2018 that made ADUs a permitted use, the Town of Buena Vista has seen a significant increase in construction of Accessory Dwelling Units. As a result, staff has seen more creative solutions proposed to meet the minimum requirements needed to allow those units to function for those residents of the units. With that, staff has experienced challenges with what is installed for ovens in those ADUs to meet the requirements. Staff is looking to remove the different variations that have been attempted due to the generic term, “oven.” Builders have provided microwave ovens and countertop conventional ovens that can be removed after the certificate of occupancy has been issued, resulting in a dwelling unit that does not meet the requirements of the code for consideration as dwelling unit.

Staff Recommendation

Staff recommends that the Planning and Zoning Commission recommends for approval the proposed amendments to the ordinance clarifying the requirements for ADUs.

Attachments

- Attachment A – Link to the [Zoning Map](#)
- Attachment B – Link to the entire [Unified Development Code](#)
- Attachment C – Link to the entire [Comprehensive Plan](#)
- Attachment D – Draft ordinance

I. Summary of Requests

Staff has proposed amendments to further clarify the requirements to prevent any confusion over the current regulations which states,

*“Each ADU shall contain a kitchen equipped, at a minimum, with an **oven**, a stove with two (2) burners, a sink, and a refrigerator/freezer with a capacity not less than six (6) cubic feet.”*

Staff is proposing to clarify the regulation to ensure that the ADU has a more permanent oven appliance for the residents of the unit with the proposed changes shown in red, below:

*Each ADU shall contain a kitchen equipped, at a minimum, with an oven, a stove, a sink, and a refrigerator/freezer. **The oven shall have a minimum capacity of 2.0 cubic feet and be installed in a permanent configuration with a slide-in appliance or installed and built-in into a wall cabinet. The stove shall have a minimum of two (2) burners. The refrigerator/freezer shall have a capacity not less than six (6) cubic feet. Countertop appliances shall not be allowed to meet the oven and/or stove requirements.***

II. Criteria used for evaluating Amendments to the UDC:

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Commission shall consider the requested amendments by evaluating each one using the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff's analysis follows each item in plain text.

i. **Is consistent with the Comprehensive Plan.**

Staff have proposed amendments that address goals and policies identified in the Comprehensive Plan. The proposed new zone district accomplishes several goals listed below, with **bold text indicating language specific to the proposed R-1.5 zone district**:

Goal 1: Buena Vista will promote the development of a range of housing opportunities and choices.

*Policy: Buena Vista will pursue a growth strategy which is supported by the community that includes inclusionary zoning, enforcement of development standards, and **a predictable land use review process.***

Policy: Regulatory roadblocks shall be identified and overcome by enacting Land Use Code provisions that contain policies supporting the creation of new housing.

Policy: All appropriate methods of creating affordable and acceptable housing, such as tiny houses, accessory dwelling units, multi-family affordable development, senior housing, live/work opportunities, etc. shall be considered and built to respond to specific populations that may find Buena Vista an attractive place to live.

Goal 2: Buena Vista will locate new housing within existing neighborhoods.

Action items:

- *Establish new zoning districts that encourage mixed-use development, greater density and address affordable housing.*
- *New planning trends such as tiny homes and live-work units should be implemented.*
- ***Develop dimensional standards that will support in-fill development and neighborhood compatibility.***

Goal 3: Buena Vista will maintain and enhance the community's overall appearance.

Policy: New housing quality will be governed by building and site design standards in the municipal code which will be informed by the community's values and history.

Action items:

- ***Improve development standards with an emphasis on building design, location, massing, and form.***

ii. **Does not conflict with other provisions of the UDC or Town Code.**

The proposed amendments clarify the requirements for ADUs in the UDC and the Municipal Code. It does not conflict with other code provisions.

iii. Is necessary to address a demonstrated community need.

The proposed changes ensure that the ADUs meet the need of future residents by specifying the minimums that must be installed.

iv. Is necessary to respond to changing policy or conditions.

The proposed change responds to the increase of the creative uses of the term “oven” that have been attempted by the builders of ADUs to avoid installing permanent facilities for future residents.

v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

The proposed change is consistent with the general purpose and intent of the regulations for ADUs that result in a smaller dwelling unit that contains every component that would otherwise be allowed in any residential unit in Town.

vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

The proposed change would not have significant adverse impacts to the natural environment and other natural features.

III. Process

Town staff is submitting proposed changes for the Commission’s review as a UDC amendment as specified in Section 6.4.3. of the UDC for the Commission’s formal consideration to make a recommendation to the Board of Trustees. After a recommendation from the Planning and Zoning Commission, the Board of Trustees will also review the proposed changes to the Unified Development Code (Chapter 16). If the proposed change is approved by the Board of Trustees, the amendment will become regulation after the change becomes effective.

IV. Conclusion

Based upon the information and materials provided in the staff report, staff supports the proposed amendment to the Municipal Code.

1. The Town of Buena Vista is requesting approval of amendments to the Municipal Code; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 16.06.6.4.3. of the Unified Development Code, and
4. The application for amendments to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts staff’s conclusion and recommendations as presented in the staff report, **it should recommend that the Board of Trustees APPROVE** the proposed amendment to the Unified Development Code regarding the requirements for accessory dwelling units.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. ____
(SERIES OF 2022)

AN ORDINANCE AMENDING SECTION 16.03.3.3.4.A.3.a OF THE BUENA VISTA MUNICIPAL CODE CONCERNING DESIGN STANDARDS FOR ACCESSORY DWELLING UNITS

WHEREAS, the Town desires to clarify the requirements for accessory dwelling units related to the adequacy of the oven appliance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Section 16.03.3.3.4.A.3.a of the Buena Vista Municipal Code is amended to read as follows:

Each ADU shall contain a kitchen equipped, at a minimum, with an oven, a stove, a sink, and a refrigerator/freezer. The oven shall have a minimum capacity of 2.0 cubic feet and be installed in a permanent configuration with a slide-in appliance or installed and built-in into a wall cabinet. The stove shall have a minimum of two (2) burners. The refrigerator/freezer shall have a capacity not less than six (6) cubic feet. Countertop appliances shall not be allowed to meet the oven and/or stove requirements.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2022.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Libby Fay, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)



DATE: April 20, 2022

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

RE: An ordinance amending 16.06.6.6.1.C.3.B of the Buena Vista Municipal Code concerning the minor subdivision process.

Background

Minor subdivisions involve the creation of fewer than 10 lots. The current municipal code is not clear as to how public improvements are handled to support the development of those subdivisions. The proposed amendments clarify how the Town will handle public improvements as they relate to the development of properties in town that may need to have additional improvements to allow for future development to have adequate facilities.

Staff Recommendation

Staff recommend that the Planning and Zoning Commission recommends approval to the Board of Trustees the proposed draft ordinance relating to public improvements associated with Minor Subdivisions.

Attachments

Attachment A – Link to the [Zoning Map](#)
Attachment B – Link to the entire [Unified Development Code](#)
Attachment C – Link to the entire [Comprehensive Plan](#)
Attachment D – Draft ordinance

I. Summary of Requests

Staff has proposed new language to deal with the processing of public improvements associated with minor subdivisions. Development of new lots in many cases means additional public improvements are required to support the increase of uses requiring new utilities, streets, sidewalks, and other public improvements. Those public improvements must be reviewed and approved by the Board of Trustees to then allow the Town Administrator to approve the minor subdivision. The current code needs clarification for how those are handled in relation to the overall administrative subdivision approval.

b. Review and Decision.

- i. Any minor subdivision application requiring the dedication of public improvements to the Town, or requiring a public improvements agreement, shall be forwarded to the Board of Trustees for consideration of the public improvements agreement and/or dedication prior to the Town Administrator taking action on the minor subdivision.*
- ii. The Town Administrator may refer a minor subdivision application for a proposed subdivision creating fewer than ten (10) lots to the Planning and Zoning Commission or to the Board of Trustees for a final decision at his or her discretion.*

- iii. Any application referred to the Board of Trustees shall first require a public hearing before the Planning and Zoning Commission to provide a recommendation on the application and shall be noticed pursuant to Section 6.3.4.
- iv. Once paragraphs i through iii above have been satisfied, if applicable, the Town Administrator shall review the minor subdivision application and any public comments received and shall approve, approve with conditions, or deny the minor subdivision based on the criteria in paragraph c below.

The proposed changed language in the UDC is shown in **red text**, below:

b. Review and Decision.

- i. Any minor subdivision application requiring the dedication of public improvements to the Town, or requiring a public improvements agreement, shall be forwarded to the Board of Trustees for consideration of the public improvements agreement and/or dedication prior to the Town Administrator taking action on the minor subdivision.
- ii. **Once the referral of the public improvements agreement and/or dedication in paragraph i has occurred and the BOT has approved the public improvement or public improvement agreement, as applicable, the Town Administrator shall review the minor subdivision application and any public comments received and shall approve, approve with conditions, or deny the minor subdivision based on the criteria in paragraph c below.**
- iii. The Town Administrator may refer, at his or her discretion, a minor subdivision application for a proposed subdivision creating fewer than ten (10) lots to the Board of Trustees for a final decision.
- iv. Any application referred to the Board of Trustees shall first require a public hearing before the Planning and Zoning Commission to provide a recommendation on the application and shall be noticed pursuant to Section 6.3.4. **The minor subdivision application shall be reviewed based on the criteria in paragraph c below. The Board of Trustees shall approve, approve with conditions, or deny the minor subdivision.**

II. Criteria used for evaluating Amendments to the UDC:

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Commission shall consider the requested amendments by evaluating each one using the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff's analysis follows each item in plain text.

i. Is consistent with the Comprehensive Plan.

Staff have proposed amendments that address goals and policies identified in the Comprehensive Plan. The proposed new zone district accomplishes several goals listed below, with **bold text indicating language specific to the proposed changes for public improvements associated with a minor subdivision**:

Goal 1: Buena Vista will promote the development of a range of housing opportunities and choices.

Policy: Buena Vista will pursue a growth strategy which is supported by the community that includes inclusionary zoning, enforcement of development standards, **and a predictable land use review process.**

Policy: Regulatory roadblocks shall be identified and overcome by enacting Land Use Code provisions that contain policies supporting the creation of new housing.

Goal 2: Buena Vista will locate new housing within existing neighborhoods.

Policy: Buena Vista will promote new housing on underdeveloped and vacant parcels within the downtown core and provide for mixed-uses.

Action items:

- Establish new zoning districts that encourage mixed-use development, greater density and address affordable housing.
- New planning trends such as tiny homes and live-work units should be implemented.
- **Develop dimensional standards that will support in-fill development and neighborhood compatibility.**

ii. Does not conflict with other provisions of the UDC or Town Code.

The proposed amendments include details in various sections of the UDC and the Municipal Code to add code provisions that clarify how public improvement agreements are handled as part of the subdivision process for minor subdivisions.

iii. Is necessary to address a demonstrated community need.

The proposed changes allow for more efficient processing of minor subdivisions that require public improvements which must be approved by the Board of Trustees while the overall subdivision is approved administratively.

iv. Is necessary to respond to changing policy or conditions.

The proposed changes respond to the changing conditions where people are subdividing existing properties, but additional infrastructure is needed to serve additional new development.

v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

The proposed changes allow for more infill that has resulted from the changes that allowed more development in areas that otherwise have existed on the current infrastructure, but additional improvements are needed to support new development.

vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

The proposed changes would not have significant adverse impacts to the natural environment over any other types of development, either commercial or residential.

III. Process

Town staff is submitting proposed changes for the Commission's review as a UDC amendment as specified in Section 6.4.3. of the UDC for the Commission's formal consideration to make a recommendation to the Board of Trustees. After a recommendation from the Planning and Zoning Commission, the Board of Trustees will also review the proposed changes to the Unified Development Code (Chapter 16). If the proposed change is approved by the Board of Trustees, the amendment will become regulation after the change becomes effective.

IV. Conclusion

Based upon the information and materials provided in the staff report, staff support the proposed amendments to the Municipal Code as listed in the attached draft ordinance.

1. The Town of Buena Vista is requesting approval of amendments to the Municipal Code; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 6.4.3. of the Unified Development Code, and
4. The application for amendments to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts staff's conclusion and recommendations as presented in the staff report, **it should recommend that the Board of Trustees APPROVE** the proposed amendments to the Municipal Code to clarify the process for public improvements agreements associated with minor subdivisions.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. ____
(SERIES OF 2022)

AN ORDINANCE AMENDING 16.06.6.6.1.C.3.b OF THE BUENA VISTA MUNICIPAL CODE CONCERNING THE MINOR SUBDIVISION PROCESS

WHEREAS, the Town desires to clarify the procedures for referral of a minor subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Section 16.06.6.6.1.C.3.b of the Buena Vista Municipal Code is hereby amended as follows:

b. Review and Decision.

i. If any minor subdivision application requires the dedication of public improvements to the Town, or a public improvements agreement, the public improvement agreement and/or dedication shall be forwarded to the Board of Trustees for consideration prior to the Town Administrator taking action on the minor subdivision.

ii. Once the referral of the public improvement agreement and/or dedication in paragraph i has occurred and the Board of Trustees has approved the dedication or public improvement agreement, as applicable, the Town Administrator shall review the minor subdivision application and any public comments received and shall approve, approve with conditions, or deny the minor subdivision based on the criteria in paragraph c below.

iii. The Town Administrator may refer, at his or her discretion, a minor subdivision application for a proposed subdivision creating fewer than ten (10) lots to the Board of Trustees for a final decision.

iv. Any application referred to the Board of Trustees shall first require a public hearing before the Planning and Zoning Commission to provide a recommendation on the application and shall be noticed pursuant to Section 6.3.4. The minor subdivision application shall be reviewed based on the criteria in paragraph c below. The Board of Trustees shall approve, approve with conditions, or deny the minor subdivision.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____
day of _____, 2022.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Libby Fay, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)



DATE: April 15, 2022

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

RE: An ordinance amending the Unified Development Code (UDC) to clarify regulations relating to processing a Special Use Permit

Background

The UDC was adopted in 2018 and it revised the regulations and processes relating to development in the Town of Buena Vista. Since that time, staff has processed several Special Use Permits. However, the regulations did not clarify how a Special Use Permit was processed. Staff is seeking to clarify that a Special Use Permit requires a Site Plan to review and to bring documentation of a proposed Special Use Permit to the Planning and Zoning Commission for a decision on the application, and that it does not require a separate fee in addition to the fee collected for the Special Use Permit.

Staff Recommendation

Staff recommends that the Planning and Zoning Commission recommend approval the proposed amendment to the UDC clarifying that a Special Use Permit uses Site Plan documentation/application materials to demonstrate the proposal and that it does not require an additional application fee.

Attachments

- Attachment A – Link to the [Zoning Map](#)
- Attachment B – Link to the entire [Unified Development Code](#)
- Attachment C – Link to the entire [Comprehensive Plan](#)
- Attachment D – Draft ordinance

I. Summary of Requests

Staff has proposed amendments to further clarify the requirements to prevent any confusion over the current regulations which states,

16.06.6.5.2. Special Use Permit.

Application Submittal, Acceptance, Revisions, and Withdrawal. *The special use permit application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2.*

Staff is proposing to clarify the regulation to ensure Special Use Permits use a Site Plan submittal and do not require an additional fee with the proposed changes shown in red, below:

Application Submittal, Acceptance, Revisions, and Withdrawal. *The special use permit application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. **The special use permit application shall conform to the Site Plan application and its associated materials. No separate fee for the site plan shall be applied for the review of the special use permit.***

II. Criteria used for evaluating Amendments to the UDC:

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Commission shall consider the requested amendments by evaluating each one using the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff's analysis follows each item in plain text.

i. **Is consistent with the Comprehensive Plan.**

Staff have proposed amendments that address goals and policies identified in the Comprehensive Plan. The proposed new zone district accomplishes several goals listed below, with **bold text indicating language specific to the proposal**:

Goal 1: Buena Vista will promote the development of a range of housing opportunities and choices.

Policy: Buena Vista will pursue a growth strategy which is supported by the community that includes inclusionary zoning, enforcement of development standards, and a predictable land use review process.

Action Item: Create a streamlined and easy to use Land Use Code.

ii. **Does not conflict with other provisions of the UDC or Town Code.**

The proposed amendments clarify the requirements for Special Use Permits in the UDC and the Municipal Code. It does not conflict with other code provisions.

iii. **Is necessary to address a demonstrated community need.**

The proposed changes clarify the language relating to how Special Use Permits are processed and on exactly which fees are collected for an application.

iv. **Is necessary to respond to changing policy or conditions.**

The proposed change clarifies for future users of the code to minimize conflicts for applicants and staff alike.

v. **Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern.**

The proposed change is not inconsistent with any of the above listed items.

vi. **Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.**

The proposed change would not have significant adverse impacts to the natural environment and other natural features.

III. Process

Town staff is submitting proposed changes for the Commission's review as a UDC amendment as specified in Section 16.06.6.4.3. of the UDC for the Commission's formal consideration to make a recommendation to the Board of Trustees. After a recommendation from the Planning and Zoning Commission, the Board of Trustees will also review the proposed changes to the Unified Development Code (Chapter 16). If the proposed change is approved by the Board of Trustees, the amendment will become regulation after the change becomes effective.

IV. Conclusion

Based upon the information and materials provided in the staff report, staff supports the proposed amendment to the Municipal Code.

1. The Town of Buena Vista is requesting approval of amendments to the Municipal Code; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 16.06.6.4.3. of the Unified Development Code, and
4. The application for amendment to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts staff's conclusion and recommendations as presented in the staff report, **it should recommend that the Board of Trustees APPROVE** the proposed amendment to the Unified Development Code regarding the processes used for review and the fees of Special Use Permits.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. ____
(SERIES OF 2022)

AN ORDINANCE AMENDING SECTION 16.06.6.5.2.C.2 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING APPLICATION SUBMITTALS FOR SPECIAL USE PERMIT

WHEREAS, the Town desires to ensure that a special use permit applicant does not have to submit a separate site plan application and to clarify the submittal requirements for special use permit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Section 16.06.6.5.2.C.2 of the Buena Vista Municipal Code is hereby amended to read as follows:

Application Submittal, Acceptance, Revisions, and Withdrawal. The special use permit application shall be submitted, accepted, and may be revised or withdrawn pursuant to Section 6.3.2. The special use permit application shall conform to the Site Plan application and its associated materials. No separate fee for the site plan shall be applied for the review of the special use permit.

Section 2. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 3. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2022.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Libby Fay, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)



DATE: April 15, 2022

TO: Planning Commission

FROM: Joseph Teipel, Planning Director

RE: Proposed amendment to the Unified Development Code regarding Historic Preservation Commission Review.

Background

A new Chapter 19 was added to the Town's Municipal Code with the adoption of Ordinance No. 14, Series 2016. This ordinance also created the Historic Preservation Commission (HPC). In 2019, the Board of Trustees directed the HPC and staff to create Architectural Design Guidelines (ADGs) with the intent of guiding growth and change on East Main Street. In January of 2021, the Board of Trustees passed Resolution No. 09 Series 2021, which adopted the ADGs. However, the ADGs, as well as HPC review of development applications was intended to be, and has been, voluntary in nature. Indeed, the ADGs themselves are guidelines, not requirements.

With the adoption of the ADGs, the Board requested a regular update from the HPC on their implementation and effectiveness. The first of these updates was provided in a March 8th work session this year, in which the HPC recommended the following:

1. Make an HPC review of development applications a requirement;
2. Make edits to the ADGs to reflect the mandatory review;
3. Create a framework for how regulations could be created and implemented.

The Board had strong agreement with all these recommendations and asked that recommendations 1 and 2 be prioritized and brought back to them for formal action. Recommendation 3 will be worked on subsequently with the goal of having a draft regulatory framework ready for feedback in the late summer 2022. Figure 1 below provides a visual of the process currently underway.

In order to minimize the number of current and future changes to the UDC as a part of this work, the two minor changes as detailed herein effectively 'point to' Chapter 19, where further modifications both now and in the future will be contemplated.

Staff Recommendation

Staff is recommending that the Planning and Zoning Commission recommend that the Board of Trustees approve these changes.

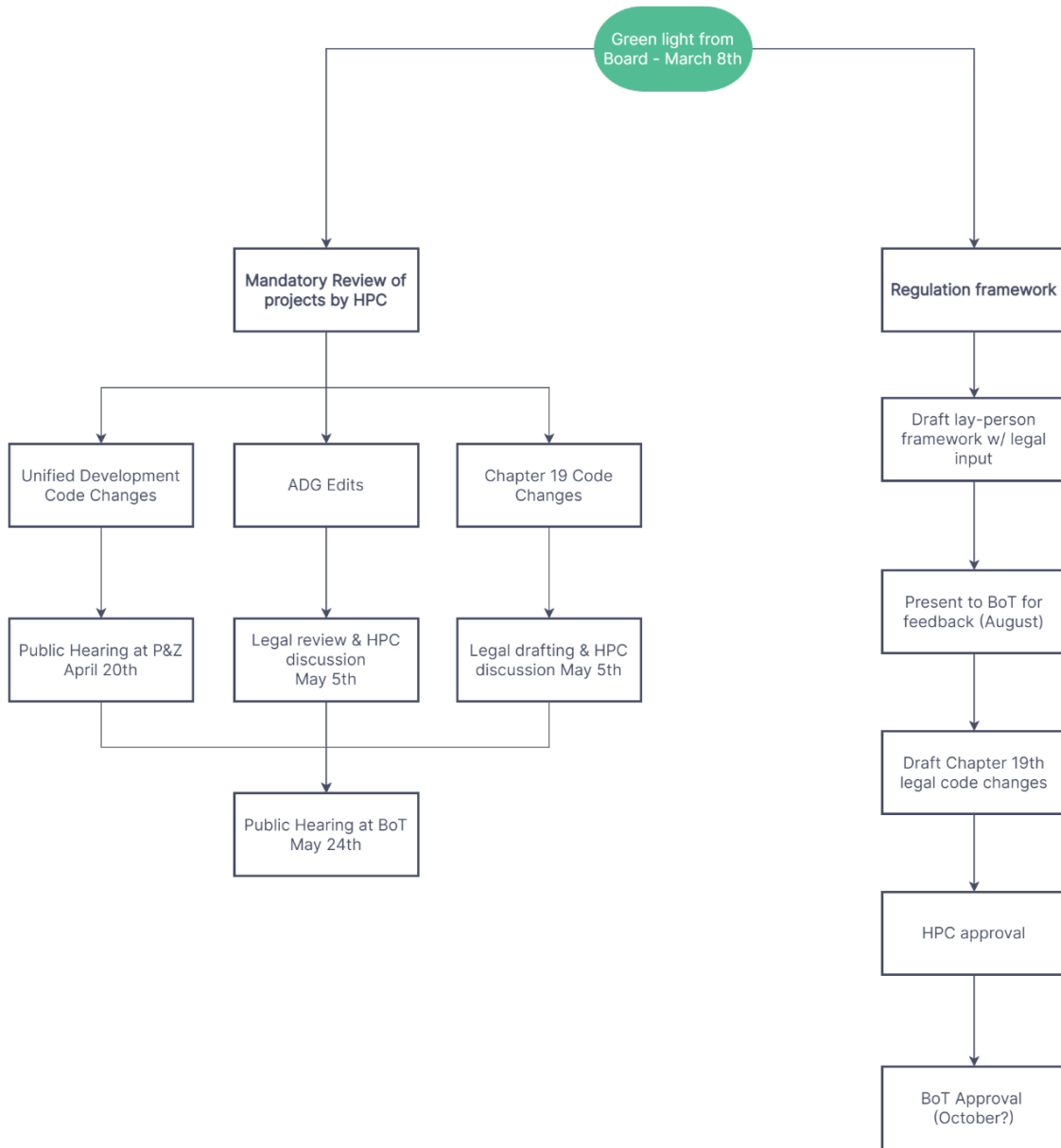


Figure 1 - Board-directed changes to how development and changes in the MU-MS Zone District are reviewed and regulated.

I. Summary of Requests

Staff is proposing an amendment two sections within the UDC with almost identical language which is intended to alert property owners and developers who are proposing work within the MU-MS Zone District to review the requirements of Chapter 19. Separately, the ADGs are proposed to be amended by Board of Trustee approval to get rid of the separately defined “Historic East Main Street” area of applicability and instead simply use the MU-MS Zone District as that applicability area. This simplifies the relationship between the Municipal Code, the ADGs, and HPC.

Staff has proposed changes to section 16.02.2.4.4 as well as article 16.04 as shown below. **New text is shown in blue** while **red strikethrough text** is staff’s proposed deletions.

Section 16.02.2.4.4 – new subsection B (make existing subsection “B” into subsection “C”):
2.4.4. Mixed-Use Main Street District (MU-MS).

A. **Purpose.** The MU-MS district is intended to allow for a vertical or horizontal mix of residential and commercial land uses except single-family dwellings along East Main Street in downtown Buena Vista, and other "main street" developments throughout the Town. The district is intended to maintain a vibrant downtown with shopping opportunities, offices, entertainment, lodging, and civic uses. The MU-MS district is intended for predominantly vertical mixed-use (commercial on first floor and other commercial or residential above), with occasional horizontal mixed-use. The MU-MS district places an emphasis on an active street presence with appropriate character and form.

B. Exterior alterations to an existing building, alterations affecting a party wall between units in an existing building or between existing buildings, a change in use of an existing building, or new construction in the MU-MS district shall be subject to provisions of Title 19 of this Code.

BC. MU-MS District Dimensional Standards...

Article 16.04, new subsection 16.04.4.9 – Certain development activities in the MU-MS District

Sec. 4.9. - Certain Development Activities in the MU-MS District

Notwithstanding the requirements in this Article, exterior alterations to an existing building, alterations affecting a party wall between units in an existing building or between existing buildings, a change in use of an existing building, or new construction in the MU-MS district shall be subject to provisions of Title 19 of this Code.

II. Criteria used for evaluating Amendments to the UDC:

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Planning and Zoning Commission shall consider the requested amendments by evaluating each one using the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff's analysis follows each item in plain text.

i. Is consistent with the Comprehensive Plan.

Staff has proposed amendments that address goals and policies identified in the Comprehensive Plan. Below is a list of those that are addressed with the proposed changes. Chapter 8 of the Comp Plan is devoted to historic preservation. While these two small UDC changes will not themselves directly accomplish the policy objectives of that chapter, they will set up Chapter 19 of the Municipal Code to be able to do so thoroughly and flexibly.

ii. Does not conflict with other provisions of the UDC or Town Code.

The proposed changes do not conflict with the UDC or Town Code. The change instead clarifies the relationship between changes in the MU-MS Zone District and Chapter 19 of the code. These two changes to the UDC seek to inter-connect the code more.

iii. Is necessary to address a demonstrated community need.

The proposed changes are intended to create a clear and non-duplicative code environment for Board-directed historic preservation goals that are also consistent with the Comp Plan goals.

iv. Is necessary to respond to changing policy or conditions.

The proposed changes reflect the increased demand on East Main Street for development and therefore the increased urgency to enact thoughtful review and collaborative changes to designs that will honor and enhance the historic character of the Town.

v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

The proposed changes are consistent with the MU-MS Zone District purpose and intent which “places an emphasis on an active street presence with appropriate character and form.”

vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

The proposed changes would not have adverse impacts to the natural environment over any other types of development, either commercial or residential.

III. Process

Staff is presenting the items listed above to the Commission seeking a recommendation from the Commissioners to the Board of Trustees. The Town has drafted changes and is submitting those proposed changes for the Commission’s review on the application for the proposed changes as a UDC amendment as specified in Section 6.4.3. of the UDC for its formal consideration to make a recommendation to the Board of Trustees. A draft ordinance is attached herein.

IV. Conclusion

Based upon the information and materials provided in the staff report, staff supports the proposed amendments to the UDC as listed in Attachment D.

1. The Town of Buena Vista is requesting approval of amendments to the UDC; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 6.4.3. of the Unified Development Code, and
4. The application for amendments to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts the conclusion and recommendation as presented in the staff report, it should recommend that the Board of Trustees **APPROVE** the proposed amendments to the Unified Development Code, as provided in this staff report.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. ____
(SERIES OF 2022)

AN ORDINANCE AMENDING SECTION 16.02.2.4.4 AND ARTICLE 16.04 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING DEVELOPMENT IN MU-MS DISTRICT AND HISTORIC PRESERVATION

WHEREAS, the Town desires that certain development activities in the MU-MS District be reviewed by the Town’s Historic Preservation Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, THAT:

Section 1. Section 16.02.2.4.4.B of the Buena Vista Municipal Code shall be moved to a new Section 16.02.2.4.4.C and the following language inserted as a new Section 16.02.2.4.4.B to read as follows:

B. Compliance with Historic Preservation Regulations. Exterior alterations to an existing building, alterations affecting a party wall between units in an existing building or between existing buildings, a change in use of an existing building, or new construction in the MU-MS district shall be subject to provisions of Title 19 of this Code.

Section 2. Article 16.04 of the Buena Vista Municipal Code is hereby be amended by a new section to read as follows:

Sec. 4.9. - Certain Development Activities in the MU-MS District

Notwithstanding the requirements in this Article, exterior alterations to an existing building, alterations affecting a party wall between units in an existing building or between existing buildings, a change in use of an existing building, or new construction in the MU-MS district shall be subject to provisions of Title 19 of this Code.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2022.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Libby Fay, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)