

## MEMORANDUM

**TO:** Mark Doering and Brandy Reitter, Town of Buena Vista  
**FROM:** Matt Goebel and Tareq Wafaie, Clarion Associates  
**DATE:** December 1, 2016  
**RE:** BV Unified Development Code – Consolidated Draft – PUBLIC DRAFT

We are pleased to submit the consolidated draft of the new Buena Vista Unified Development Code (UDC). This draft contains all of the articles that were previously reviewed under Modules 1 and 2, and is organized as follows:

- Article 16.01: General Provisions
- Article 16.02: Zoning Districts
- Article 16.03: Use Regulations
- Article 16.04: Development and Design Standards
- Article 16.05: Subdivision
- Article 16.06: Review Procedures
- Article 16.07: Rules of Construction and Definitions

This consolidated draft reflects comments received on earlier draft modules from staff, the Steering Committee, other stakeholders, and the general public. Major changes from previous drafts are noted below, by article.

### General Changes

The following changes were made throughout the UDC Consolidated Draft:

- New graphics were added to supplement text for clarity. Updates to these graphics are currently underway and will be inserted into the UDC prior to final adoption.
- Grammar and wording edits were made to improve legibility of the document.
- New footnotes were added in some locations to reflect changes.

### Article 16.01: General Provisions

Minor edits were made to improve clarity and to respond to Town Attorney and other staff comments.

### Article 16.02: Zoning Districts

Although the proposed lineup of zoning districts remains unchanged, several changes were made to the zoning districts dimensional standards:



- Building heights (for both primary and accessory structures) were slightly increased in several zoning districts to allow for two-story construction with steeper roof pitches. One of the biggest changes from previous versions is the increase in the MU-MS district from 35 feet to 45 feet.
- Minimum lot areas were reduced in the R-3 and Mixed-Use zoning districts to allow for fee-simple lots with single-family attached (townhomes/rowhomes) and two-family dwellings (duplexes) to be developed by right.
- Zero lot line exceptions to setbacks were drafted to allow by-right development of two-family and single-family attached dwellings in the R-3 and Mixed-Use zoning districts.

### Article 16.03: Use Regulations

The following changes were made:

- **Table of allowed uses**
  - Eliminated previously proposed “V” uses, which allowed additional land use permissions in certain zoning districts when a property has been vacant for a defined period of time. After further discussion, it was clear that this option was not worth the challenge of administering it and would not result in added flexibility for development.
  - Revised the level of permission for several use types in some zoning districts. In some cases to make uses more permissive than previous draft (e.g., museum added as permitted use in the I-1 district) and in some cases more restrictive than previous draft (e.g., single-family attached dwelling prohibited in the MU-MS district).
- **Use-specific standards**
  - Clarified distinctions between dwelling types.
  - Eliminated unnecessary regulation for some use types (e.g., eliminated restriction on maximum number of guest rooms for a bed and breakfast).
  - Clarified that personal recreational vehicles can be stored on residential properties and eliminated unnecessary restrictions to specific location and manner.

### Article 16.04: Development and Design Standards

The following changes were made:

- **Parking and loading**
  - Revised the number of required parking spaces for some uses, in some cases to be more strict (e.g., elementary or secondary schools) and in some cases to be more flexible (e.g., accessory dwelling units).
  - Clarified requirements for off-site parking agreements.
- **Landscaping, screening, and fencing**
  - Clarified requirements and procedures for approving installation of landscaping.
  - Clarified distinction between fence and wall requirements.
  - Clarified measurements of fences and walls.
- **Building design standards**
  - Revised the applicability of residential building design standards to apply to multifamily development with three or more units rather than five or more units.
  - Added several graphics to improve understanding of design standards. (Some of the graphics will be updated prior to adoption draft.)
  - Clarified building mass and form standards.
- **Exterior lighting**
  - No major changes



- **Signs**
  - Substantial changes to make the sign code “content neutral.”
  - Included new section for electronic message boards.
  - Clarified language throughout sign code for clarity.
  - Reorganized some sections for clarity (e.g., moved banners from “temporary signs” to “signs that do not require a permit.”)
  - Included several graphics to improve understanding of sign standards and sign types.

#### **Article 16.05: Subdivision**

The following changes were made:

- Block dimensions were revised to match historic pattern downtown and to accommodate desirable lot and block patterns throughout the Town.
- Off-site improvements language revised to reflect Town’s latest thinking.
- New section added for public improvement agreements based on current code section 17-46 (a) through (h).
- New section added for cost-recovery, to reflect Town’s recent ordinance (current code section 17-46(i)).

#### **Article 16.06: Review Procedures**

The following changes were made:

- A separate Board of Adjustment was not carried forward in this draft. Those decisions will be made by the Planning and Zoning Commission.
- Referral and call-up procedures revised to require three Board members to call-up an application.
- Clarified that applications referred to or called-up to the Board of Trustees first require a hearing and recommendation by the Planning and Zoning Commission.
- Minor subdivision procedures modified to include notification procedures for properties within 300 feet, with the option to make comments to the Town Administrator prior to their decision. Also included referral option at the discretion of the Town Administrator for minor subdivisions creating fewer than 10 lots.
- Revised the administrative adjustment procedures to include notification procedures for properties within 300 feet, with the option to make comments to the Town Administrator prior to their decision.
- Revised appeals procedures to clarify that appeals of administrative site plans shall be heard by the Planning and Zoning Commission, and appeals of the Board of Adjustment (P&Z acting as BOA) and the Planning and Zoning Commission shall be made to the courts.
- Revised procedural flowcharts to improve legibility.

#### **Article 16.07: Rules of Construction and Definitions**

Definitions were modified to include terms that were not previously included with previous drafts, to clarify some specific use types, and to make sign definitions content-neutral. Graphics were added to several definitions to improve the understanding of particular terms. Definitions were also combined into a single alphabetized list. Previous drafts included definitions in three sections: 1) use categories; 2) specific use types; and 3) other terms defined.



## Next Steps

We are scheduled to present the consolidated draft on December 7<sup>th</sup> at a joint meeting with the Planning and Zoning Commission and the Board of Trustees.

### Attachments:

- Consolidated Draft UDC – STAFF DRAFT (PDF – with tracked changes from consolidated STAFF DRAFT)
- Consolidated Draft UDC – STAFF DRAFT (PDF – clean for public posting and distribution)

