



**The Buena Vista Planning & Zoning Commission
October 20th, 2021 at 6:00 PM**

**Virtual Regular Meeting will be
held via Zoom.**

The public can join the meeting virtually via ZOOM. To participate in Public Comment and/or Public Hearings you may connect to the video conference.

Conferencing Access Information: <https://zoom.us/j/92196756001>

Listen via phone at 1-720-707-2699 Meeting ID: 921 9675 6001 Passcode: BuenaVista

AGENDA

6:00 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 – October 6, 2021**
- VI. Public Comment**
- VII. New Business – Public Hearings**
 1. Proposal to create the R-1.5 (Small Lot Residential) Residential Zone District
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission October 6, 2021

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, October 6, 2021, at the Community Center and via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Tony LaGreca and Blake Bennetts.

Staff Present: Principal Planner Mark Doering, Planning Director Joseph Teipel, 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 presented, **Motion #1** seconded by Commissioner LaGreca. Motion carried.

APPROVAL OF MINUTES

Commissioner LaGreca motioned for approval of the September 22, 2021 minutes as amended. **Motion #2** was seconded by Commissioner Schultz-Writsel. Motion carried.

PUBLIC COMMENT

Public comments opened at 6:04 p.m. With no comments, public comment was closed at 6:05 p.m.

NEW BUSINESS

Doering and Teipel outlined proposed changes to the UDC that would remove the vertically mixed-use requirement for multi-family uses within the Highway-Commercial (H-C) zone district. The intent of the proposal is to increase the availability of long-term, workforce rental housing units that serve the year-round residents

Under this proposed change, large and small multifamily dwellings may be permitted independent of a mixed-use building in the H-C zone district if short-term rentals are prohibited. For large multi-family dwellings, if pets are permitted, parking can be reduced to 70% of the minimum parking requirements outlined in the UDC. Small multi-family dwellings must not be subdivided or condominiumized. All multifamily uses would remain subject to the approval of a Special Use Permit (SUP) by the Planning and Zoning Commission.

Teipel then discussed additional proposed incentives to encourage more long-term rentals, which staff feels can be accomplished with these potential incentives. The following incentives are as outlined below:

Incentive A: Reduced parking by 30%

- a) Rental agreements must allow for at least one pet **-OR-**
- b) Require no more than 50% of the developed units could be allowed to be platted as condominiums (deed restriction/permanent)

Incentive B: Density Bonus – Allowance of a 4th story or max height of 45.0'

- a) Require that no more than 30% of developed units would be allowed to be platted as condominiums (deed restriction/permanent) **-OR-**
- b) Require that 50% of rental units be maintained at or below 100% AMI (deed restriction/permanent)

Incentive C: Reduced Parking AND Density Bonus

- a) Prohibit condominiums all together (deed restriction/permanent) AND require that minimum of 50% of units be maintained at or below 120% AMI (deed restriction/permanent)

Commissioner Schultz-Writsel pointed out how this approach addresses the importance of affordable housing to the town and puts the impetus on the developer.

Chair Larimer suggest that the reasoning behind the pet option in “Incentive A” should be built into the regulations & intent in order to tie the incentive to the workforce housing issue.

The meeting was then opened to public comment. The following two members of the public commented:

- Jack Arbess – Multi-family Developer; Denver
 - Asked for clarification as to how Special Use Permits are enforced.
 - Doering explained that SUP’s are not reviewed annually. The Town brings the SUP to the Planning & Zoning Commission for review and approval. The Town relies on the agreed upon conditions of approval. Any changes to the agreed upon conditions require a new SUP application. SUP’s transfers with property ownership changes. Violations of the SUP would go to court if necessary.
 - What is the timeline on the current UDC amendment?
 - Doering explained that if the Commission wants more information before deciding, this could continue the conversation to a future hearing.
- Peter Protelle – Developer; Denver
 - Does not believe that the parking change is not a real bonus as it is already higher than most municipalities, incentive just makes it average.
 - Doering clarified that the Town’s parking is not based on the number of units, but this could be incorporated as a change to parking code. Encouraged Jack & Peter to reach out to staff so discuss further.

Commissioner Schultz-Writsel motioned for staff to further explore options and present to the commission at the regularly scheduled meeting on November 3 at 6:00 p.m. Bennetts seconded. **Motion #3** unanimously approved.

Doering then brought back the proposal of a new definition for the single-room occupancy (SRO) use to add to the UDC, as defined below:

Single Room Occupancy: A residential structure characterized by residential occupancy by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis. Structures used for single room occupancy may have a common cooking, eating area and sanitary facilities for residents, but individual bedrooms are separate lease areas. Single room occupancy structures are not associated with an educational facility

Based upon public feedback at the last meeting, the option for the ability for *some* short-term rentals to be allowed in an SRO use could be allowed to help the affordability of such an undertaking.

Commissioner Larimer opened the discussion to public comment:

Linda Barbeau (425 Cedar St.) – The ability to have a short-term rental is necessary for an SRO to make financial sense. Barbeau also commented on the parking requirements – she is proposing to subdivide but parking requirements make it impossible to achieve. Would like to have creative thoughts to deal with parking issue.

Commissioner Bennetts motioned to direct staff to revisit the single-room occupancy discussion, specifically option (b) to develop a table to amend the allowed short-term rentals as discussed and bring it back to the Commission at the Wednesday November 3rd meeting. Chair Larimer seconded. **Motion #4** unanimously approved.

Doering presented the staff's proposal for the removal of the Site Plan review process for small multifamily development.

Commissioner Schultz-Writsel motioned for commission to approve amendments to UDC as listed in Amendment D. Commissioner LaGreca seconded. **Motion #5** unanimously approved.

Doering led the discussion of the creation of a new residential zone district to be referred to as R-1.5 (Small Lot Single Family). Staff is looking to increase workforce housing in town and to find ways to make housing more affordable. The R-1.5 district is intended primarily for small lots with single-family detached dwellings to increase affordability with higher residential densities along the same infrastructure needed for wider single-family lots.

Teipel clarified that staff is not attempting to actively map this new zone district, but merely proposing to offer it as a potential option for a rezone opportunity on a case-by-case basis.

Commissioner Bennetts pointed out a typographical error on page 37 of the packet – "lot width" should say "lot area".

Motion #6 - Commissioner LaGreca motioned to bring back October 20th at 6:00 p.m. with typos fixed and legal counsel direction, Commissioner seconded. **Motion #6** unanimously approved.

STAFF / COMMISSION INTERACTION

Teipel briefed the Commission on the public campaign regarding the potential Carbonate Street development, located west and southwest of Collegiate Commons. The community engagement and comments received affirmed the community's support for Town to use this land for affordable housing. It is believed that a density of approximately 75 units can be achieved, allowing for residential, childcare, and commercial space.

Staff will discuss the master planning effort for the Rodeo Grounds at the November 3rd meeting. NES Inc. out of Colorado Springs is assisting the Town with these efforts and will come to speak to the Commission at this meeting.

The Board of Trustees has authorized the sales of the old Fire Station, as well as the parcel at the corner of North Beldan Street and East Arkansas Street. The North Beldan/East Arkansas lot would potentially be subdivided into two lots. Engineering may be necessary at the East Arkansas Street. and Beldan Street intersection to address drainage.

Doering spoke on behalf of Commissioner Banks, who is formally announcing his resignation from the PZ commission. He will be moving to a new community, and therefore, cannot retain his position on the commission. Banks has been on the Planning and Zoning Commission since October 26, 2010. Doering will be taking a proclamation to the Board of Trustees on Tuesday night. Staff will make a recommendation to the Board to move Commissioner LaGreca from an alternate member to a full member. Staff will publicly advertise for a new member.

Planning and Zoning Commission meetings will be at 6:00 p.m. until April of 2022, when it will move back to 7:00 p.m.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner LaGreca motioned to adjourn the meeting at 9:39 p.m. Commissioner Schultz-Writsel seconded. **Motion #7** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician



DATE: October 19, 21

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

RE: An ordinance amending the Unified Development Code creating the Small Lot Single-Family Residential (R-1.5) zone district.

Background

The Town of Buena Vista has seen a significant increase in single-family home construction over the last couple of years. Even with that increase in new home construction, home prices have continued to climb. Several proposals for single-family home construction have been presented to the Town, but currently the minimum lot size for single-family homes is either limited to 6,500 square feet in the R-1 zone district, or 5,500 square feet in the R-2 zone district. In order to get reduced lot sizes below those minimum lot sizes the only options are to rezone property to R-3 to get down to minimum lot size of 1,500 square feet where other multifamily options are allowed or to rezone the property to a Planned Unit Development (PUD) that involves significant time and discussions to create a specific lot size for any property when the PUD is created and developed. Staff has proposed a new zone district (R-1.5 - Small Lot Residential zone district) where the only uses are single-family and where that construction is compatible with existing housing development in terms of height and setbacks. Staff also has proposed a component that if the approved to those allow those smaller lot sizes, then the Town will receive a portion of the additional residential lots to set aside future affordable homes in each of those new subdivisions developed in the R-1.5 zone district.

Staff is not seeking to actively rezone any property in the town at this time, but is trying to create a new zone district that can address a portion of the housing options available in town. This proposal is being developed along with other separate proposed changes for other housing types such as those for multifamily uses. If any future applicants want to pursue the ability to have smaller lots, they will have to seek a rezoning application for any specific proposed development so that the Planning and Zoning Commission and Board of Trustees can review each proposal on its own merits and circumstances before such homes could be built on lots smaller than currently allowed outside of the Old Town Overlay districts (R-1 OT or R-2OT).

Staff Recommendation

Staff recommend that that the Planning and Zoning Commission recommends for approval the proposed draft ordinance creating the Small Lot Single-Family Residential (R-1.5) Zone District.

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 creating the R-1.5 zone district **with proposed changes shown in red**

I. Summary of Requests

Staff has proposed a new zone district to allow for the creation of smaller single-family residential lots. The proposed new zone district would allow for new residential lots to be created that could be as small as 3,500 square feet in area and 35 feet in lot width. The proposed R-1.5 zone district will allow for those lot sizes - if the developer agrees to dedicate a portion of those new lots to the Town to also allow for the creation of permanent long-term affordable single-family homes. In addition, the proposed new zone district would match the maximum height, lotting pattern, and setbacks of existing developed adjoining properties in the R-1 zone district. This zone district is being proposed to allow for property owners to have the ability to request this zone district as part of any rezoning application that will come before the Town to allow for the development of smaller single-family lots without needing to request a more dense zone district (like the R-3 zone district) that may also allow for higher homes and multifamily uses or requesting a Planned Unit Development (PUD) that takes time to develop any new standards for such small lots.

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.

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.**

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.**

Policy: The Land Use Code shall contain design standards that establish parameters and community character.

Action items:

- *Develop parking standards that will support new development and ensure neighborhood compatibility.*

*Policy: **Land uses shall be compatible with adjacent uses and respect historic properties. Appropriate zone districts should be identified where greater density can be attained.***

Goal 4: Funding mechanisms and an administrative framework for affordable housing should be created and developed.

Policy: Local government will work with the Upper Arkansas Council of Governments to establish a broad-based housing authority.

Action Items:

- *Existing groups working on affordable housing should work with local government initiatives.*
- **Incentives shall be provided to developers to encourage the development of affordable housing.**

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 ensure that there are not conflicts with other code provisions that relate to single-family residential uses in the proposed zone district.

iii. Is necessary to address a demonstrated community need.

The proposed zone district is needed to create one more option for the development community to try and provide more affordable single-family residential uses by allowing smaller lot sizes. By creating the ability to get more homes on a particular property to maximize the necessary

investment for infrastructure needed to support those homes, the unit costs for that infrastructure are reduced for each home. There is a demonstrated need for more housing in the community and this is one part of a multifaceted approach to addressing this need, particularly for new single-family homes.

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

The proposed changes respond to rapid demand for single-family real estate in Buena Vista that has also risen from the costs of construction and from the lack of supply available to meet demand.

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 zone district is consistent with the general purpose and intent of residential zone districts (listed below) and is specifically crafted to match the height and setback requirements of the R-1 zone district to get new homes that are similar to existing developed homes in the town's largest zone district for single family uses.

2.3.1. General Purposes of All Residential Districts. The residential districts established in this section are intended to:

- A. Provide appropriately located lands for residential development that are consistent with the policies and actions of the Comprehensive Plan;
- B. Ensure adequate light, air, privacy, recreation areas, and open space for each dwelling, and protect residents from the negative effects of noise, incompatible population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- C. Protect residential areas from fires, explosions, airborne contaminants and substances, and other public safety hazards;
- D. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs of houses that are on permanent foundations;
- E. Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-friendly neighborhoods;
- F. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development while protecting residential areas from incompatible nonresidential development; and
- G. Create neighborhoods and preserve existing community character while accommodating new infill development and redevelopment consistent with the Town's goals and objectives.

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

Staff present the items listed above to the Planning and Zoning Commission at its October 6, 2021 meeting to seek direction for any proposed changes to the draft ordinance. At that meeting, the Commission directed Staff to finalize the components of the proposed zone district and bring it back to the Commission for one more review of the proposed ordinance. The proposed changes were reviewed

by the Town Attorney to provide legal direction on the proposed changes and are included in the draft ordinance with the **proposed amended text shown in red text**. Planning staff will provide additional context for the more complex changes at the meeting. The Town 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) and any other proposed associated changes to other chapters of the Municipal Code to create the appropriate language for the proposed R-1.5 Small Lot Single-Family zone district.

If the proposed changes are approved by the Board of Trustees, the town will have another single-family zone district that can provide other housing options in the town.

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 Attachment D.

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 create the R-1.5 (Small Lot Single-Family Residential) zone district.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. ____
(SERIES OF 2021)

AN ORDINANCE AMENDING SECTIONS 7-162 AND 8-125 AND TITLE 16 CONCERNING THE CREATION OF A NEW ZONE DISTRICT, R-1.5, SMALL LOT SINGLE-FAMILY RESIDENTIAL DISTRICT AND ASSOCIATED REGULATIONS

WHEREAS, the Town desires to create a new residential zone district to promote smaller more affordable housing developed pursuant to other residential district standards; and

WHEREAS, the Board of Trustees finds that these amendments are in the best interests of the Town and its citizens.

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

Section 1. The following definition in Section 7-162 of the Buena Vista Municipal Code is hereby amended to read as follows;

Residential district means any parcel of land zoned as R-1, **R-1.5**, R-2, R-3 or a PUD zoned primarily for residential purposes.

Section 2. The title of Section 8-125 of the Buena Vista Municipal Code is hereby amended to read as follows:

Sec. 8-125. - Parking of oversize commercial vehicles unlawful in Zones R-1, **R-1.5, R-2, R-3 and OSR; limited to two (2) hours on streets.**

Section 3. Residential Districts in Table 2.1 in Section 16.02.2.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

Residential Districts	
R-1	Low-Density Residential District
R-1.5	Small Lot Single-Family Residential District
R-2	General Residential District
R-3	High-Density Residential District

Section 4. Table 2.2 in Section 16.02.2.2.1 of the Buena Vista Municipal Code is here amended to read as follows:

Table 2.2: Summary of Residential District Dimensional Standards							
	R-1	R-1 Old Town Overlay	R-1.5	R-2	R-2 Old Town Overlay	R-3	R-3 Old Town Overlay
Project and Site Requirements							

Lot area, min. (square feet)	6,500	0	5,500, 3,500*	5,000	0	2,500	0
Lot area, min. (square feet), single-family attached dwellings	Not applicable	Not applicable	5,500, 3,500 ^[5]	5,000	2,500	1,500	1,500
Lot area, min. (square feet), two-family dwellings	13,000 if two units on one lot, 6,500 if each unit is on a separate lot	2,500	Not Applicable	10,000 if two units on one lot, 5,000 if each unit is on a separate lot	2,500	1,500	1,500
Lot width, min. (feet)	65	25	55, 35 ^[5]	50	25	25	25
Lot width, min. (feet), single-family attached	Not applicable	Not applicable	55, 35 ^[5]	50	25	15	15
Lot width, min. (feet), two-family dwellings	100 if two units on one lot, 65 if each unit is on a separate lot	25	Not applicable	75 if two units on one lot, 50 if each unit is on a separate lot	25	15	15
Lot width, max. (feet) ^[1]	No maximum	100	70*	No Maximum	100	No maximum	100
Yard Requirements							
Front setback, min. (feet)	25	15; 18 feet for garages on lots not abutting an alley	10; 18 feet for garages on lots not abutting an alley	12	10; 18 feet for garages on lots not abutting an alley	5	5; 18 feet for garages on lots not abutting an alley
Front setback, max. (feet)	None	25	20	None	20	None	15; 20 feet for garages
Side setback, min. (feet)	5	3	5	5	3	5	3

Side setback, min. (feet) between internal dwelling units for single-family attached	Not applicable	Not applicable	0	0	0	0	0
Side setback, min. (feet) between internal dwelling units for two-family dwellings	0	0	Not applicable	0	0	0	0
Rear setback, min. (feet)	15	5 ^[2]	0 for lots abutting an alley 15 for lots abutting other residential properties	10	5 ^[2]	5	5 ^[2]
Rear setback, accessory structures, with alley present, min. (feet)	0	0	0	0	0	0	0
Rear setback, accessory structures, with no alley present, min. (feet)	5	5	5	5	5	5	5
Building coverage, max.	20%, 40% ^[3]	60%	50%	27.5%, 55% ^[4]	70%	75%	80%
Required landscaping, min.	25%	25%	20%	20%	20%	15%	15%
Building Requirements							

Primary building height, max. (feet)	30	30	30	35	35	35	35
Accessory building height, max. (feet)	25	25	25	30	30	30	30
Notes:							
<p>^[1] A single-family dwelling shall not occupy more than two historic Old Town lots; a two-family dwelling shall not occupy more than three historic Old Town lots.</p> <p>^[2] If alley present, then the minimum rear setback is zero.</p> <p>^[3] The maximum building coverage for properties one-half acre or larger is 20%. The maximum building coverage for lots/parcels less than one-half acre is 40%.</p> <p>^[4] The maximum building coverage for properties one-half acre or larger is 27.5%. The maximum building coverage for lots/parcels less than one-half acre is 55%.</p> <p>^[5] See Sec. 16.02.2.3.3.B.</p>							

Section 5. Table 2.6 of Section 16.02.2.3.3 of the Buena Vista Municipal Code is hereby renumbered to Table 2.7 and Table 2.7 of Section 16.02.2.3.4 is hereby renumbered to Table 2.8.

Section 6. Sections 16.02.2.3.3 and 16.02.2.3.4 of the Buena Vista Municipal Code are hereby renumbered to Section 16.02.2.3.4. and 16.02.3.5, respectively, to reorganize Section 16.02.2.3 to allow for a new Section 16.02.2.3.3.

Section 7. Section 16.02.2.3.3 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection as follows:

2.3.3. Small Lot Single-Family Residential District (R-1.5)

A. Purpose. The R-1.5 district is intended primarily for small lots with single-family detached dwellings to increase affordability with higher residential densities built on larger vacant or less dense parcels of land where other multifamily uses may not be desired due to the densities, setbacks, and building heights allowed within other zone districts. It is also intended to provide affordable long-term affordable ownership opportunities by dedication of a portion of lots to the Town. The R-1.5 district should have connected streets, active front yards without garages, except where absolutely necessary, and should concentrate parking to the rear of lots abutting alleys and also provide accessibility to public uses such as parks, open spaces, and schools. New development shall match the overall development pattern of surrounding existing single-family subdivisions (predominately without alleys) by matching lot configurations and setbacks at the exterior boundary of the subdivision.

B. Availability of Zone and Adjustments in Dimensional Standards

1. Zoning. The R-1.5 District zone is only available for parcels which are a minimum of 5 acres in size and have not previously been subdivided. The OT Overlay zone is not permitted for parcels zoned as part of the R-1.5 District zone.

2. Adjustment of Dimensional Standards.

a. The minimum lot area may be reduced to 3,500 square feet and the minimum lot width may be reduced to 35 feet, if at the time of subdivision of the parcel, the following conditions are satisfied:

i. Alleys and off street parking. Alleys shall require a minimum of 20 feet of dedicated right of way with a minimum of a 16 foot constructed surface. Alley shall be the primary vehicular access to a minimum of 90% of the lots. Off street parking shall be located at the rear of lots abutting an alley;

ii. Parks. The area calculated for required park space shall be calculated from the number of lots not dedicated to the Town for affordable housing pursuant to subsection iii below. Parks shall be constructed by the subdivider, including landscaping and amenities, as part of the overall plans for the subdivision; and

iii. One of the following:

A. Thirty percent (30%) of the difference in maximum number of lots permitted pursuant to the R-1 zone district standards and the maximum number of lots permitted in the R-1.5 zone district with the minimum lot area of 3,500 square feet are dedicated to the Town, or other agency as determined by the Town, for affordable housing. For illustration purposes, if 100 lots are permitted pursuant to the R-1 zone district standards and 179 lots are permitted pursuant to R-1.5, a minimum of 24 lots ($79 \times 30\% = 23.7$) must be dedicated to Town; or

B. Other strategies, as approved by the Town Administrator, that result in at least 30% of the proposed lots are dedicated to the Town, or other agency as determined by the Town, for affordable housing and compatibility is maintained with adjoining residential developments.

C. R-1.5 District Dimensional Standards.

Table 2.6: R-1.5 District Dimensional Standards	
	R-1.5
Lot area, min. (square feet)	5,500, 3,500 ^[1]

Lot width, min. (feet)	55, 35 ^[1]
Lot width, max. (feet) ^[1]	70 ^[3]
Front setback, min. (feet)	10, 18 for garages
Front setback, max. (feet)	15 for residences, Not applicable to garages
Side setback, min. (feet)	5
Side setback, min. (feet) between internal dwelling units for two-family dwellings	0
Rear setback, min. (feet)	15 abutting other residential lots, 0 abutting an alley
Rear setback, accessory structures, with alley present, min. (feet)	0
Rear setback, accessory structures, with no alley present, min. (feet)	5
Building coverage, max.	50%
Required landscaping, min.	20%
Primary building height, max. (feet)	30
Accessory building height, max. (feet)	25
Notes: ^[1] See Sec. 16.02.2.3.3.B.	

Section 8. Section 16.02.2.8.2.D.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

Zero Setbacks. In the R-1, R-1.5, R-2, R-3, MU-1, MU-2, and MU-MS districts, there shall be no setback between internal dwelling units for single-family attached and two-family dwellings, if allowed as a permitted use or special use. Side setbacks shall still apply to the end dwelling units on the side of the building not attached to another dwelling unit.

Section 9. Table 3.1 in Section 16.03.3.1.4 of Buena Vista Municipal Code is hereby amended to read as follows:

Table 3.1: Table of Allowed Uses													
P = permitted by right S= special use permit A= accessory use T = temporary use													
Use Category	Use Type	R-1	R-1.5	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards

Residential Uses													
Household living	Dwelling, single-family detached	P	P	P	P	P	P						
	Dwelling, single-family attached		P	S	P	P	P						3.2.1.A
	Dwelling, two-family	S		P	P	P	P						3.2.1.K.
	Dwelling, multifamily large			S	P	S	P	P	S				3.2.1.B
	Dwelling, multifamily small	S		S	P	S	P	P	S				3.2.1.C
	Co-housing	S	S	P	P	P	P						3.2.1.D
	Live-work				S	P	P	P	P	P			3.2.1.E
Group living	Assisted living facility			P	P	P	P	P					3.2.1.F
	Continuum of care or nursing home				S	P	P	P					3.2.1.G
	Day care home	P	P	P	S	P	P						3.2.1.H
	Group home	P	P	P	P								3.2.1.I
Public, Institutional, and Civic Uses													
Community and cultural facilities	Assembly hall					P	P	P	P	P	P		
	Cemetery	S	S	S									
	Church or place of worship	P	P	P	P	P	P	P	P				
	Civic organization, club, or lodge					P	P	P	P				
	Community center	S	S	S	S	P	P	P	P		P		
	Fire or police station	S	S	S	S	P	P	P	P	P	P	P	
	Library			S	S	P	P	P	P		P		
	Museum					P	P	P	P	P	P		
	Golf course	S	S	S	S						P		

Recreation and entertainment	Indoor recreation or entertainment					P	P	P	P	P	P		
	Motor sports facility									S	S		
	Outdoor entertainment facility								S	S	P		
	Outdoor recreation facility								S	S	P		
	Park and playground	P	P	P	P	P	P	P	P		P		
	Shooting range										P	P	
Education facilities	College or university					S	S	S	S	S			
	Elementary or secondary school	P	P	P	P	P	P	P	P				
	Trade or vocational school					S	S	S	S	P			
Healthcare facilities	Medical or dental clinic, office, or laboratory	S	S	S	S	P	P	P	P	P		P	
	Hospital					S	S	S	P	P			
Commercial Uses													
Agricultural or Animal-related services	Community garden	P	P	P	P	P	P	P	P	P	P		3.2.3.A
	Kennel									P	P		3.2.3.B
	Veterinary hospital or clinic					S	S	S	P	P			3.2.3.C
Offices and professional services	Office					P	P	P	P	P		P	
	Personal service					P	P	P	P	P			3.2.3.D
Retail	Retail, general				S	P	P	P	P	P			3.2.3.E

	Building materials sales and storage								P	P			
	Equipment sales								P	P			3.2.3.F
	Flea market or auction house					S	S	S	P	S			
	Greenhouse, nursery, or garden supply store					P	P	P	P	P			
	Recreational vehicle and large equipment sales									P			3.2.3.G
Retail and medical marijuana stores and dual operations									P	P	P		
Lodging facilities	Bed and breakfast	S	S	S	P	P	P	P					3.2.3.H
	Dormitories				S	S	S	S	S	S			
	Hotels, motels, and other forms of public lodging and boarding				S	S	S	S	P				
	Short-term rentals	P	P	P	P	P	P	S					3.2.3.I
Food and beverage services	Bar or tavern					S	P	P	P	S			3.2.3.J
	Microbrewery, distillery, or winery					P	P	P	P	P		P	3.2.3.K
	Restaurant					P	P	P	P	S			3.2.3.L
Vehicular and transportation	Automobile leasing or sales								P	S		P	3.2.3.M
	Automobile service, major								P	P			3.2.3.N
	Automobile service, minor					S	S		P	P			3.2.3.O

	Fueling station								P	P		P	3.2.3.P
	Parking lot or structure					P	P	P	P	P	P	P	
	Railroad transshipment facility									P			3.2.3.Q
	Transit facility					S	S	S	P	P	P	P	
Sexually Oriented Businesses	Sexually oriented business									P			3.2.3.R
Industrial Uses													
Storage and Warehousing	Above-ground bulk storage tank					S	S		S	S		P	3.2.4.A
	Wholesale distribution or warehouse									P		P	
	Mini-warehouse								S	P		P	3.2.4.B
Manufacturing	Manufacturing, light					P	P	P	P	P		S	3.2.4.D
	Manufacturing, medium or heavy									P			3.2.4.E
Energy and utilities	Geothermal facility, small	P	P	P	P	P	P	P	P	P	P	P	3.2.4.F
	Geothermal facility, large								S	S	S		3.2.4.G
	Public utility distribution or transmission facility	S	P	S	S	P	P	P	P	P			3.2.4.H
	Radio and television transmitting station and studio								S	S			3.2.4.I
	Solar energy facility, small	P	P	P	P	P	P	P	P	P	P	S	
	Solar energy facility, large									S	S		

	Wind energy facility, small	P	P	P	P				P	P	P		
	Wind energy facility, large								S	S	S		
	Wireless service facility, building/roof-mounted	P	P	P	P	P	P	P	P	P	P		3.2.4.J
	Wireless service facility, free-standing tower								P	P	P		3.2.4.J
	Accessory Uses												
	Accessory dwelling unit	P	P	P	P	P	P						3.3.4.A
	Enclosed storage	P	P	P	P	P	P	P	P	P	P	P	2.8.2.D.5 and Section 3.3
	Home occupation	P	P	P	P	P	P	P					3.3.4.B
	Retail display				S	P	P	P	P	P			3.3.4.C
	Screened storage					S	S	S	S	P			3.3.4.D
Temporary Uses													
	Short-term parking of recreational/camping vehicles	P	P	P	P					P			8-44
	Long-term storage of recreational/camping vehicles	P	P	P	P					P			8-44
	Special events	T	T	T	T	T	T	T	T	T	T	T	3.4.4.A
	Temporary seasonal camping		T							T			3.2.4.C
	Temporary office, contractor's quarters,	T	T	T	T	T	T	T	T	T	T		3.4.4.B

	and equipment storage												
	Temporary vendors	T	T	T	T	T	T	T	T	T	T	T	3.4.4.C

Section 10. Section 16.03.3.2.1.A.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

In the R-1.5 and R-2 districts, each single-family attached building shall exhibit the characteristics of a series of single-family detached dwellings that are arranged in an attached side-by-side fashion and shall be designed to protect the character of single-family detached residences.

Section 11. Section 16.03.3.2.4.F.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

In the R-1, R-1.5, R-2, and R-3 districts, geothermal facilities shall be located entirely within the subject property.

Section 12. Section 16.03.3.2.4.H.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

In the R-1, R-1.5, R-2, and R-3 Districts:

* * *

Section 13. Section 16.03.3.2.4.J.5.a.iii of the Buena Vista Municipal Code is hereby amended to read as follows:

In the R-1, R-1.5, R-2, and R-3 districts, building and/or roof-mounted wireless service facilities shall only be permitted if they are concealed within nonresidential structures using stealth design techniques such as within a church steeple, ball field lighting, water towers, etc.

Section 14. Sections 16.03.3.3.B.2.a, b, and c of the Buena Vista Municipal Code are hereby amended to read as follows:

a. For lots/parcels less than one-half (1/2) acre in size in the R-1, R-1.5, or R-2 zone districts, the maximum size of any accessory structure shall be one thousand (1,000) square feet; provided, however, that the maximum total area of all accessory structures on a lot/parcel shall not be greater than one thousand (1,000) square feet, unless otherwise provided in the UDC. Greenhouses shall be exempt from these size limitations.

b. For lots/parcels one-half (1/2) acre or larger in size in the R-1, R-1.5, or R-2 zone districts, the maximum size of any accessory structure shall be limited by the maximum

building coverage applicable to the lot/parcel. On these lots/parcels, the accessory structure may be larger than the primary structure.

c. For accessory structures in any zone district other than the R-1, R-1.5, or R-2 zone districts, the maximum size of the accessory structure shall be less than the footprint of the primary structure on the property. For any accessory structure over one hundred twenty (120) square feet, a site plan shall be required to demonstrate compliance with the appropriate zone district's regulations.

Section 15. Section 16.04.4.4.6.G.3.c of the Buena Vista Municipal Code is hereby amended to read as follows:

Screening shall be provided when multifamily, mixed-use, commercial, or other nonresidential development abuts the R-1, R-1.5, or R-2 zoning districts.

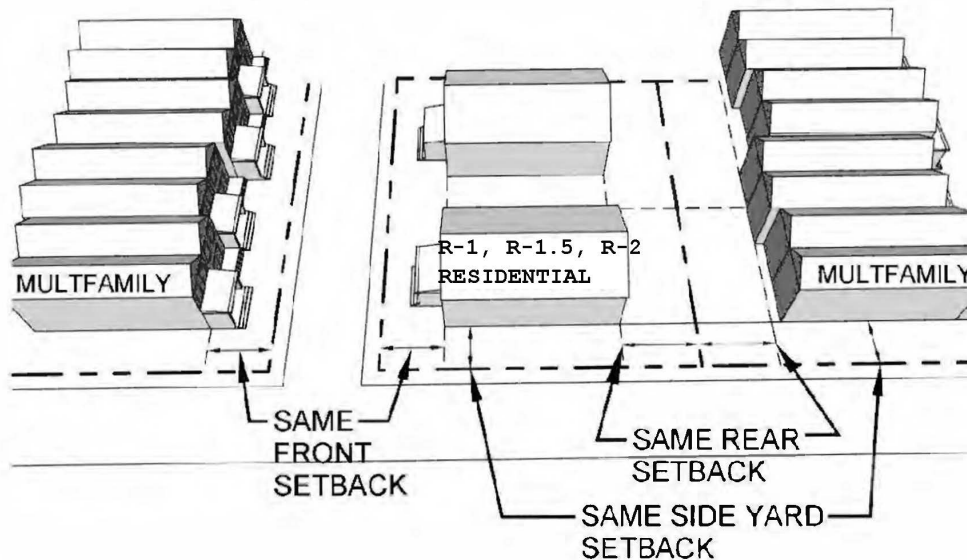
Section 16. Section 16.04.4.5.2.B of the Buena Vista Municipal Code is hereby amended to read as follows:

Transitional Setbacks and Height. For multifamily residential developments adjacent to or within one hundred (100) feet, as measured from lot line to lot line, from residential uses in the R-1, R-1.5, or R-2 districts. See Figure 4.D below.

* * *

Section 17. Figure 4-D, Transitional Setbacks in Section 16.04.4.5.2 of the Buena Vista Municipal Code is hereby amended as follows:

Figure 4.D: Transitional Setbacks

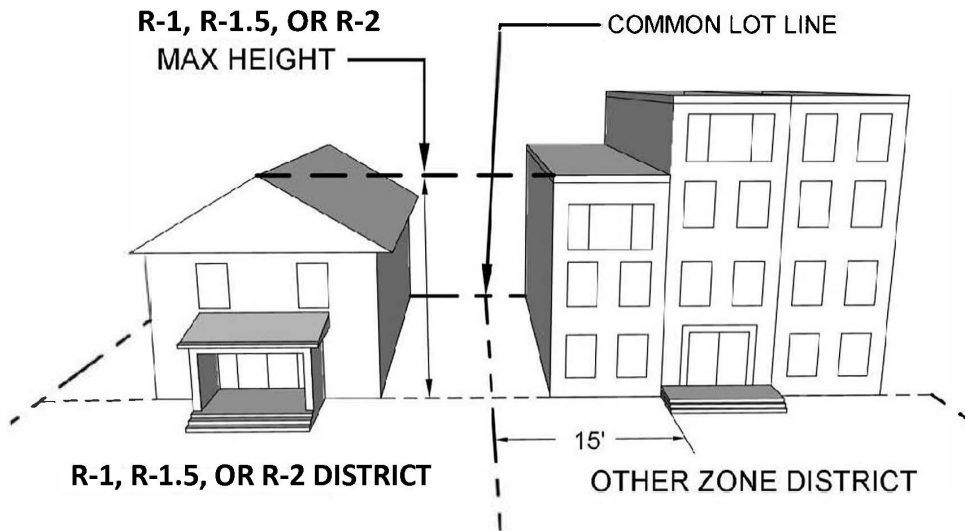


Section 18. Section 16.04.4.5.2.B.3 of the Buena Vista Municipal Code is hereby amended to read as follows:

Building height shall not exceed the adjacent R-1, R-1.5, or R-2 maximum height requirement (as applicable) within 15 feet of a common lot line.

Section 19. Figure 4.E, Transition Heights, in Section 16.04.4.5.2 of the Buena Vista Municipal Code is hereby amended as follows:

Figure 4.E: Transitional Heights



Section 20. Section 16.04.4.6.3.A of the Buena Vista Municipal Code is hereby amended to read as follows:

Except in the R-1, R-1.5, and R-2 districts, sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff shielded and downcast fixtures no more than sixteen (16) feet tall and providing consistent illumination of at least one (1) footcandle on the walking surface.

Section 21. Section 16.04.4.4.6.G.3.c. of the Buena Vista Municipal Code is hereby amended to read as follows:

Screening shall be provided when multifamily, mixed-use, commercial, or other nonresidential development abuts the R-1, R-1.5, or R-2 zoning districts.

Section 22. Section 16.05.5.2.3.B of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection to read follows:

3. In the R-1.5 district.

a. New blocks shall be oriented to match the existing lot pattern in adjacent subdivisions. Rear yards of new lots shall abut rear yards and alleys, side yards of new lots shall abut existing side yards along street connections, and front yards shall abut existing streets with existing front yards of homes across the street.

b. Alleys should be provided between the proposed lots and existing homes where feasible, at the Town Administrator’s determination.

Section 23. Section 16.06.6.5.3.C.3.a.iii of the Buena Vista Municipal Code is hereby amended to read as follows:

Temporary vendors not located within the R-1, **R-1.5**, R-2, and R-3 zones shall be exempt from the posting requirements of this section. Temporary vendors seeking to locate in the R-1, **R-1.5**, R-2, and R-3 zones shall follow the posting requirements of this section.

Section 24. 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 25. 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 _____, 2021.

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

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)