



**The Buena Vista Planning & Zoning Commission  
October 6<sup>th</sup>, 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/94545062179>**

**Listen via phone at 1-720-707-2699 Meeting ID: 945 4506 2179 Passcode: BuenaVista**

## **AGENDA**

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### **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 – September 22<sup>nd</sup>, 2021**

**VI. Public Comment**

**VII. New Business – Public Hearings**

1. Proposed Highway-Commercial Zone District text change
2. Proposed new Single-Room Occupancy (SRO) use
3. Proposed code change to small multi-family site plan requirements
4. Discussion of new Residential Zone District R-1.5 (Small Lot Residential) concept

**VIII. Staff/Commission Interaction**

1. Carbonate Street lots discussion
2. Beldan Street Parcel discussion
3. Other items – Estes Banks?

**IX. Adjournment**



## Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission September 22, 2021

### CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 7:00 pm, Wednesday, September 22, 2021 **via Zoom** by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Estes Banks, Thomas Doumas, Craig Brown, and Blake Bennetts.

Staff Present: Principal Planner Mark Doering and Planning Technician Doug Tart.

### PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

### ROLL CALL

Doering 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 Banks. Motion carried.

### APPROVAL OF MINUTES

Commissioner Larimer motioned for approval of the September 1, 2021 minutes as amended. **Motion #2** was seconded by Commissioner Doumas. Motion carried.

### PUBLIC COMMENT

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

### NEW BUSINESS

No new business.

### STAFF / COMMISSION INTERACTION

Doering and Commissioners Schultz-Writsel and Doumas discussed their takeaways from the American Planning Association Conference in Keystone September 8-10.

Commissioner Doumas had the following takeaways from the conference:

- The importance of community involvement in the vision of growth policies and Comprehensive Plan development. The Comprehensive Plan should evolve with the community vision of the town.
- Importance of establishing the right zones and land use codes to reflect the town's needs.
- How can the Commission gain a better understanding of the financial resources available for developers to incentivize affordable housing?
- [www.cohousingaffordabilityproject.org](http://www.cohousingaffordabilityproject.org) - a good educational resource for affordable housing funding opportunities.
- Use of IEBC (International Existing Building Code) for the renovating of existing buildings to simplify and make the renovation process less expensive from a building code standpoint. Doering stated that the County does use the IEBC when applicable.

Commissioner Schultz-Writsel had the following takeaways from the conference:

- Commissioner Bennetts asked about annexation- the community should focus on their messaging and what the community wants or needs from an annexation.

- Public comment – letters tend to be one sided and negative. An alternative option would be to have an online forum for comments, which can lead to a better balance of comments. Typically, comments are as follows: 1/3 against, 1/3 for, 1/3 have no opinion on the matter. The Town typically hears the “against”, as was the case regarding Short-Term Rentals. How can we hear from all sides?
- With a good Comprehensive Plan, we can “focus on community instead of the crisis.”

Doering touched on a discussion he had regarding the potential to improve the planning process. The concept of an “expedited review” is frequently brought up outside of the planning community. He quoted the City of Westminster as having the best approach to this concept – “nothing needs to be expedited because they are working on things really fast anyways.” It’s about improving the process and making it more efficient, which can be difficult in a small town due to the time it takes to receive comments from the necessary agencies, such as CDOT. There is a potential to use some web-based applications to improve communication and efficiency throughout the planning and development process.

Commissioner Banks asked about water discussions at the Conference. Doering mentioned a presentation by a Cherry Creek condo HOA that worked to cut water usage in their community by approximately 10 million gallons per year through smart landscaping. This will likely be a topic to be discussed down the road to determine how landscaping should be done within Town to be increasingly water efficient.

Larimer stated that we need to look into the future for our Comprehensive Plan, when it needs to be updated, etc. Doering mentioned that we probably need to start looking at Comp plan update in the next year or two.

The next meeting will be October 6<sup>th</sup> at 6:00 pm to discuss single-room occupancy, multifamily in the Highway-Commercial district, and potential affordable housing incentives.

**ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Banks motioned to adjourn the meeting at 9:35 p.m. Chair Schultz-Writsel seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

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Preston Larimer, Chair

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Doug Tart, Planning Technician



**DATE:** October 4, 2021

**TO:** Planning Commission

**FROM:** Joseph Teipel, Planning Director & Mark Doering, Principal Planner

**RE:** Proposed text change to Highway-Commercial Zone District for Large Multi-family Housing

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### Background

Town staff has identified several alterations to the UDC that potentially can result in the creation of more multi-tenant properties in Buena Vista. Staff approached the Planning Commission on June 16, 2021, for guidance on drafting proposed code recommendations that may allow for the creation of more multi-tenant developments within Town that can be easily achieved by making a small change to the current UDC requirements for multi-family development projects.

At that meeting several specific items were discussed, and the Planning and Zoning Commission directed staff to draft proposed amendments that would support the development of apartment units in Town. Staff has proposed changes to section 16.3.2.B and C. of the UDC that would make it possible for stand-alone apartment buildings to be built in the Highway-Commercial zone district. **New text is shown in blue** while **red strikethrough text is staff's proposed deletions**. Staff has reviewed the 2015 Comprehensive Plan (specifically the Housing Chapter) and the current multifamily uses within Town and that information is included for the Planning and Zoning Commission's review.

### Staff Recommendation

Staff is recommending that the Planning and Zoning Commission consider amending the UDC to change portions of the code that relate to the creation of a new multi-family dwelling units. Staff is providing proposed changes for the Planning and Zoning Commission to consider, based upon the direction the Planning and Zoning Commission provided when staff previously brought those items for discussion.

The criteria that would be used for analysis of each proposed code change are listed after the summary of issues for the Planning and Zoning Commission's consideration for a recommendation to the Board of Trustees on a final decision of the proposed amendments.

### 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 – Comprehensive draft ordinance regarding allowing stand-alone apartments in the H-C zone district, the proposed Single Room Occupancy use, and changes to allowing small multi-family dwellings without the need for a site plan.

## I. Summary of Requests

Staff is proposing an amendment to the UDC that, should developers/owners meet conditions as proposed, would allow for stand-alone apartment buildings in the H-C district – waiving the requirement that multi-family units be a part of a vertically mixed-use building.

The intent of this text change is to increase the availability of long-term, workforce rental housing units that serve the year-round residents and employees of local businesses.

Text change to 16.3.2.1.B and C. as included in the meeting packet on July 21<sup>st</sup>, 2021:

### B. Dwelling, Multifamily Large.

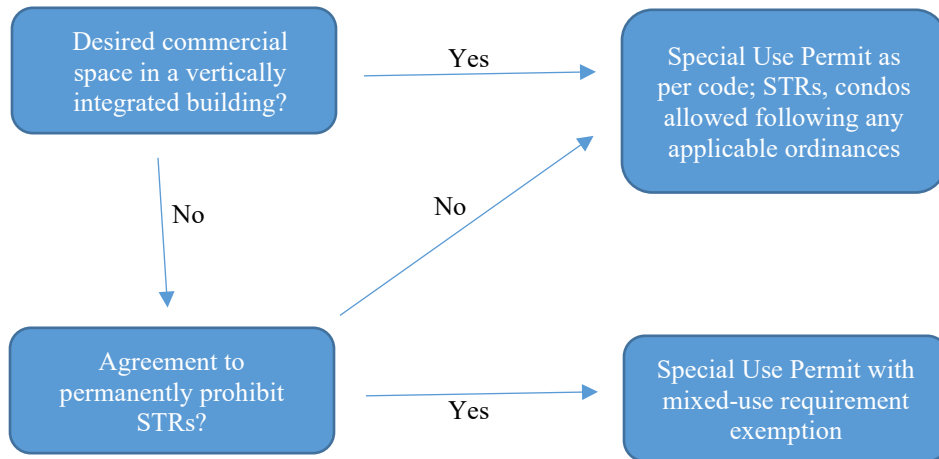
1. ~~In the MU-MS and HC districts, large multifamily dwellings are only permitted as part of a vertically mixed-use building.~~ Except as permitted herein, in the MU-MS and HC districts, large multifamily dwellings are only permitted as part of a vertically mixed-use building.
2. In the HC district, subject to the approval a special use permit, large multifamily may be permitted independent of a mixed-use building if short term rental of all dwelling units is prohibited.
3. If pets are allowed in individual units and in a common pet area on the property as established in the site plan review, required parking may be reduced to 70.0% of the minimum parking requirements allowed in Section 16.04.4.3. Those sites restricting pets from individual units shall be required to meet the minimum parking in Section 16.04.4.3.

### C. Dwelling, Multifamily Small.

1. In the R-1 district, small multifamily dwellings are only permitted in the Old Town Overlay east of Highway 24.
2. ~~In the MU-MS and HC districts, small multifamily dwellings are only permitted as part of a vertically mixed-use building.~~ In the MU-MS district, small multifamily dwellings are only permitted as part of a vertically mixed-use building.
3. In the HC district, subject to the approval a special use permit, small multifamily dwellings may be permitted independent of a mixed-use building if short term rental of all dwelling units is prohibited. No subdivision of the units or creation of condominiums is permitted for dwelling units permitted under this subsection.

This memo seeks to provide discussion points that could provide staff direction to rewrite or replace number B.3 as shown above in order to incentivize property owners and developers to provide increased affordability of the multi-family dwelling units. Below is a basic decision tree which seeks to capture B.1 and B.2 as shown above, then to provide options for extra incentives which could be added to final language to promote increased affordability in applicable projects.

**Sample Decision Tree for Property Owners in Highway-Commercial District:**



**Possible additional (optional) incentives:**

Owner/Developer Goals	Options to Incentivize Community Benefit
Reduce parking requirement by 30%	Option A: Rental agreements must allow for at least one pet.  Option B: Require no more than 50% of the developed units could be allowed to be platted as condominiums (deed restriction/permanent)
Density bonus – allow a fourth story or max height of 45’	Option C: Require that no more than 30% of developed units would be allowed to be platted as condominiums (deed restriction/permanent)  Option D: Require that 50% of rental units be maintained at or below 100% AMI (deed restriction/permanent)
Both density bonus AND reduced parking	Option E: 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)

**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:

- 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.
- Policy: Buena Vista will promote new housing on underdeveloped and vacant parcels within the downtown core and provide for mixed-uses. Improve development standards with an emphasis on building design, location, massing, and form.
- 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. Develop parking standards that will support new development and ensure neighborhood compatibility.
- Policy: Housing opportunities, and particularly affordable housing, should not be displaced by tourist rentals.

**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 still allows owners to pursue any time of multi-family housing as a part of a vertically mixed-use building.

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

The proposed changes are intended to address a need for some long-term rental housing stock in multifamily uses. The town has less than 10% of its housing stock in multifamily uses and a good portion of those multifamily uses have been created or changed to condominium ownership of individual units. There is very little long-term rental housing stock in town. The

proposed change creates incentives for large multi-family development in our existing H-C zone district.

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

The proposed changes proposed for Large multifamily projects are intended to encourage the development of that use in the H-C district, thereby increasing the amount of relatively affordable rental stock.

**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.**

Staff is proposing changes that are in line with the purpose and intent of the Highway-Commercial zone district.

**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 is presenting the items listed above to the Commission to get direction for any proposed changes. 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.

If the proposed changes are approved by the Board of Trustees, those alterations will be implemented to provide better guidance for staff and applicants using the code.

**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 listed in Attachment D. If the Planning and Zoning Commission does not accept the recommendations and conclusions for certain proposed amendments, the Commission should alter or delete those amendments as part of its recommendation to the Board of Trustees.





**DATE:** October 4, 2021

**TO:** Planning Commission

**FROM:** Joseph Teipel, Planning Director & Mark Doering, Principal Planner

**RE:** Attachment D – Comprehensive draft ordinance regarding allowing stand-alone apartments in the H-C zone district, the proposed Single Room Occupancy use, and changes to allowing small multi-family dwellings without the need for a site plan.

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Staff is presenting these together, in order, to provide context for commissioners considering these proposed amendments. This Attachment D seeks to present the proposed changes for:

1. allowing stand-alone apartments in the H-C zone district,
2. creation of a new residential use, defined as Single Room Occupancy,
3. creation of an exemption from the requirement for a minor site plan for small multi-family units.

## 1. Proposed changes to Multifamily Dwellings in the H-C zone district (new text is blue, red is deleting existing text)

### Sec. 3.2. Use-specific standards.

#### 3.2.1. Residential Uses.

##### A. Dwelling, Single-Family Attached.

1. In the R-2 district, 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.
2. Dwellings fronting a street, except ADUs, shall be located on lots in such a way that each individual dwelling unit has a minimum of fifteen (15) feet of street frontage.

##### B. Dwelling, Multifamily Large.

1. In the MU-MS ~~and HC~~ districts, large multifamily dwellings are only permitted as part of a vertically mixed-use building.
2. In the HC district, subject to the approval a special use permit, large multifamily dwellings may be permitted independent of a mixed-use building if short term rental of all dwelling units is prohibited.  
  
\*\*[3. If pets are allowed in individual units and in a common pet area on the property as established in the Site Plan review, required parking may be reduced to 70.0% of the minimum parking requirements allowed in Section 4.3. Those sites restricting pets from individual units shall be required to meet the minimum parking in Section 4.3.]\*\*

##### C. Dwelling, Multifamily Small.

1. In the R-1 district, small multifamily dwellings are only permitted in the Old Town Overlay east of Highway 24.
2. In the MU-MS ~~and HC~~ districts, small multifamily dwellings are only permitted as part of a vertically mixed-use building.

## 2. Proposed creation of Single Room Occupancy use.

### 3.1.4. Table of Allowed Uses.

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-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
<b>Residential Uses</b>												
<b>Household living</b>	Dwelling, single-family detached	P	P	P	P	P						
	Dwelling, single-family attached		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	P	P	P	P						3.2.1.D
	Live-work			S	P	P	P	P	P			
<b>Group living</b>	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	S	P	P						3.2.1.H
	Group home	P	P	P								3.2.1.I
	<b>Single Room Occupancy</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>				3.2.1.
<b>Public, Institutional, and Civic Uses</b>												
<b>Community and cultural facilities</b>	Assembly hall				P	P	P	P	P	P		
	Cemetery	S	S									
	Church or place of worship	P	P	P	P	P	P	P				
	Civic organization, club, or lodge				P	P	P	P				
	Community center	S	S	S	P	P	P	P		P		
	Fire or police station	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		

## Sec. 3.2. Use-specific standards.

### 3.2.1. Residential Uses.

- A. **Dwelling, Single-Family Attached.**
- B. **Dwelling, Multifamily Large.**
- C. **Dwelling, Multifamily Small.**
- D. **Co-Housing**
- E. **Live-Work**
- F. **Assisted Living Facility**
- G. **Continuum of care or nursing home**
- H. **Day care home**
- I. **Group Home.** Group homes shall meet all certification and licensing requirements of the State of Colorado.
- J. **Placement of Manufactured Homes.** Nothing in this UDC shall be construed to prevent the placement of a manufactured home anywhere within the Town; provided, however, that such placement shall be made in accordance with and subject to the applicable provisions of the Municipal Code.
- K. **Dwelling, two-family.**
  - 1. Two-family dwellings shall be designed in a manner so that the façade is uniform and consistent as to appear as one (1) larger structure, not two (2) different units.
  - 2. Driveways off a street to each unit shall be separated and no wider than two (2) parking spaces.
  - 3. Utilities to each unit must be installed separately.
- L. **Single Room Occupancy**
  - 1. The structure shall be under the ownership of a single owner and may not be subdivided or condominiumized to create individual units for separate ownership. Short term rentals shall be limited to no more than \_\_\_\_\_ [percentage/number] of the total proposed SRO units.
  - 2. All rooms shall meet the applicable building code requirements. Rooms without required egress shall not be used for bedrooms.
  - 3. A change of use shall for the appropriate building occupancy shall be issued to the property prior to occupation of the structure as a single room occupancy, as determined by the building official.
  - 4. Parking shall be provided per Section 16.04.4.3.
  - 5. The structure shall be residential in its design and compatible with the architecture of the existing structure in terms of colors and materials of the existing structure, if any, on the property and/or compatible in mass and scale of the surrounding neighborhood it is proposed to be located.

### **Sec. 4.3. Off-street parking and loading.**

**4.3.1. Purpose.** This section is intended to ensure off-street parking and loading facilities are provided in rough proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

- A. Avoiding and mitigating traffic congestion;
- B. Encouraging multi-modal transportation options and enhanced pedestrian safety;
- C. Reducing stormwater runoff and the heat island effect of large paved parking areas; and
- D. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

**4.3.2. Applicability and Exemptions.**

- A. **Applicability.** This section applies to all new development and changes in use after the effective date of this UDC, unless exempted by paragraph B below.
- B. **Exemptions.** This section shall not apply to the following:
  - 1. Properties in the MU-MS district with payment of a fee-in-lieu as determined appropriate by resolution of the Board of Trustees.
  - 2. Properties in the MU-1 and MU-2 districts without an alley, provided required bicycle parking is installed pursuant to Section 4.3.5.C with Town Administrator approval. The Town Administrator's decision shall be based upon the size of the property, intensity and density of the use.
  - 3. Expansions or remodels that increase the square footage of an existing structure by less than twenty percent (20%) provided that existing off-street parking remains unaltered.
  - 4. Changes in use of a structure that do not expand the square footage of the structure provided that the existing off-street parking remains unaltered.

**4.3.3. Computation of Parking and Loading Requirements.**

- A. **Area Measurements.** All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.
- B. **Fractions.** When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded to the nearest whole number. For example, if a computation results in a parking requirement of three and forty-nine-hundredths (3.49) spaces, that shall be rounded down to three (3) spaces. If a computation results in a parking requirement of three and one-half (3.5) spaces, that shall be rounded up to four (4) spaces.

**4.3.4. Required Off-Street Parking.**

- A. **Minimum Required Off-Street Parking Spaces Downtown.** The area generally located east of Highway 24 and within the Original Town of Buena Vista subdivision plat and not abutting the highway shall be subject to a minimum off-street parking requirement of one and one-half parking spaces per 25 linear feet of street frontage. For example, a lot that is 25 feet wide shall require two parking spaces one and one-half (1.5) spaces rounded up to the next whole number). Two (2) lots that total fifty (50) linear feet of street frontage require three (3) parking spaces. No additional parking is required for ADUs or [Single Room Occupancy uses](#) in this area.
- B. **Minimum Required Off-Street Parking Spaces for All Other Areas.** Unless otherwise provided in this Section 4.2, the number of off-street parking spaces shall be provided in accordance with Table 4.1 below.

Table 4.1: Minimum Number of Off-Street Parking Spaces Required		
Use Category	Use Type	Minimum Parking Requirement
<b>All Use Categories</b>		
	All uses with drive-through lanes	3 stacking spaces per drive-through lane
<b>Residential Uses</b>		
<b>Household living</b>	Dwelling, single-family detached	2 spaces per unit
	Accessory dwelling unit	1 space per unit
	Dwelling, single-family attached	1.5 space per unit
	Dwelling, two-family	
	Dwelling, multifamily large	
	Dwelling, multifamily small	

	Co-housing	1 space per unit
	Live-work	
<b>Group living</b>	Assisted living facility	1 space per 400 sf
	Continuum of care or nursing home	
	Day care home	1 space per 250 sf
	Group home	1 space per 400 sf
	Single Room Occupancy	1 space per two bedrooms not a part of any primary residence plus 1 bicycle parking space per two bedrooms. If there is a primary residence on the property for a manager/owner, they shall be subject to that for a single-family residence.
<b>Public, Institutional, and Civic Uses</b>		
<b>Community and cultural facilities</b>	Assembly hall	1 space per 250 sf
	Cemetery	No requirement
	Church or place of worship	1 space per every 6 seats in worship area
	Civic organization, club, or lodge	1 space per 500 sf
	Community center	
	Fire or police station	
	Library	
	Museum	

**Addition of the Single Room Occupancy Definition to Sec. 7.2. - Definitions.:**

**Single Room Occupancy.** A residential structure characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common cooking and eating area for residents, but individual bedrooms for different individuals are separate lease areas. This use differs from a dormitory in that they may be located in residential structures not associated with an educational facility. This use differs from a single-family dwelling in that more than one kitchen is allowed per structure for use by the residents.

**3. Proposed changes to allow small multifamily uses to be exempt from site plans.**

**Sec. 6.5. Site plan and development permits.**

**6.5.1. Site Plan Review.**

- A. **Purpose.** The site plan review procedure provides a process to evaluate proposed development for compliance with the development and design standards of this UDC. The site plan review procedure ensures that the Town has the opportunity to mitigate potential impacts of proposed developments prior to issuance of a building permit.

**B. Applicability.**

1. **Exemptions.** The following development is exempt from the site plan review procedure:
  - a. A change in use that does not involve or require other development (such as additional parking or landscaping);
  - b. Tenant improvements or interior remodels that do not increase gross floor area or building height, increase the density or intensity of the use, or affect development standards (such as parking or landscaping requirements); ~~and~~
  - c. Construction of single-family detached dwellings or two-family dwellings, additions to such dwellings, and structures accessory to such dwellings, ~~and~~
  - d. [Small Multifamily dwellings that do not require installation of new public improvements other than alleys and sidewalks, if applicable. Those requiring other public improvements will require a Site Plan and/or dedication of public improvements.](#)
  
2. **Thresholds for Site Plan Review Type.** Table 6.3: Site Plan Review Thresholds, describes the applicable site plan review type (administrative and major).

<b>Table 6.3: Site Plan Review Thresholds</b>			
<b>Type of Development</b>	<b>Administrative Site Plan (Town Administrator)</b>	<b>Administrative Site Plan where Vested Rights are Sought (Board of Trustees)</b>	<b>Major Site Plan Review (Planning and Zoning Commission)</b>
<b>Residential</b>	10 or fewer dwelling units	Site plans meeting the threshold for an administrative site plan, but where vested rights are sought, shall require approval by the Board of Trustees pursuant to Section 6.7.3	More than 10 dwelling units
<b>Nonresidential</b>	Less than 10,000 square feet gross floor area		10,000 or more square feet gross floor area

## Dwelling Unit Definitions – for Reference

**Assisted living facility.** A state-licensed facility regulated as a personal care boarding home defined by state statute. Such facilities do not offer diagnosed medical or psychological treatment under professional medical supervision, but may offer physical therapy, occasional medical or nursing care to address non-chronic and non-recurring conditions such as colds, flu, or household injuries, and assistance with routine living activities not aimed at recovery from a specific diagnosed condition.

**Co-housing.** A residential development that combines small individually-owned units on a single lot with common open space and sometimes including larger community kitchen and dining room intended for communal use on a regular basis.

**Dormitories.** A building oftentimes associated with an educational facility, providing housing for a number of unrelated persons utilizing common entrances and hallways, single or group sleeping accommodations and shared bath and toilet facilities.

**Dwelling or dwelling unit.** A building, or a portion of a building, designed and intended to be used by a person or family for private residential purposes and which has its own separate entrance and is equipped with facilities for sleeping, bathing, and cooking and has permanent plumbing.

**Dwelling, multifamily large.** A building (or group of buildings) designed and constructed to contain five (5) or more dwelling units, on one (1) lot or parcel under single ownership, and does not meet the definition of "dwelling, single-family attached."

**Dwelling, multifamily small.** A building designed and constructed to contain three (3) or four (4) dwelling units, on one (1) lot or parcel under single legal ownership, and does not meet the definition of "dwelling, single-family attached."

**Dwelling, single-family.** A dwelling unit to be used by one (1) person or group of persons acting as one (1) household unit.

**Dwelling, single-family attached.** A building designed and constructed to contain three (3) or more single-family dwelling units in a side-by-side configuration in which each unit is in separate legal ownership. Includes townhomes and rowhouses separated by a fire-resistant common wall.

**Dwelling, single-family detached.** A detached building containing only one (1) dwelling unit.

**Dwelling, two-family (duplex).** A building designed and constructed to contain two (2) dwelling units, on one (1) or two (2) lots or parcels, separated by a fire-resistant common wall in a side-by-side, front-to-back, or a stacked configuration, each with its own separate exterior entrance.

**Group home.** An owner-occupied or nonprofit residential facility operated or licensed by the state to provide housing and services for up to eight (8) developmentally disabled or mentally ill persons, or up to eight (8) persons sixty (60) years of age or older, along with one (1) or more resident professional staff persons; but excluding halfway houses or other facilities for persons transitioning from a jail or prison back into the community, and excluding facilities for sex offenders.

**Live-work.** An integrated dwelling unit and working space occupied and used by a single household in either a single-family dwelling or multifamily dwelling that has been designed or structurally modified to accommodate joint residential occupancy and work activity. A live-work space shall include a complete kitchen space and sanitary facilities, and working space reserved for and regularly used by one (1) or more occupants of the unit.

**Household living.** Uses characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than thirty (30) days is classified under the "lodging facilities" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.

**Single Room Occupancy.** A residential structure characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common cooking and eating area for residents, but individual bedrooms for different individuals are separate lease areas. This use differs from a dormitory in that they may be located in residential structures not associated with an educational facility. This use differs from a single-family dwelling in that more than one kitchen is allowed per structure for use by the residents.



**DATE:** October 4, 2021

**TO:** Planning and Zoning Commission

**FROM:** Mark N. Doering, Principal Planner

**RE:** Proposed Amendments to the Unified Development Code (UDC) regarding the creation of a Single Room Occupancy Use

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### **Background**

Town staff has identified several alterations to the UDC that potentially can result in the creation of more multi-tenant properties in Buena Vista. Staff approached the Planning Commission on June 16, 2021, for guidance on drafting proposed code recommendations that may allow for the creation of multi-tenant units within Town that can be easily achieved by making small changes to the current UDC, as well as the creation of a new use, called Single Room Occupancy, that would allow for multiple households to locate in a single residential structure with a common kitchen for those households.

At that meeting several specific items were discussed, and the Planning and Zoning Commission directed staff to draft proposed amendments that would support the development of single room occupancy uses in Town. Staff has proposed minor changes ([shown in blue text](#)) to allow for the creation of single room occupancy uses. Staff has reviewed the 2015 Comprehensive Plan (specifically the Housing Chapter) and that information is included for the Planning and Zoning Commission's review.

### **Staff Recommendation**

Staff is recommending that the Planning and Zoning Commission consider amending the UDC to change portions of the code that relate to the creation of a new use (Single Room Occupancy) that was not considered at the time of its adoption. Staff is providing proposed changes for the Planning and Zoning Commission to consider, based upon the direction the Planning and Zoning Commission provided when staff previously brought those items for discussion.

The criteria that would be used for analysis of each proposed code change are listed after the summary of issues for the Planning and Zoning Commission's consideration for a recommendation to the Board of Trustees on a final decision of the proposed amendments.

Commissioners need to specifically discuss and provide direction to staff relating to how to appropriately limit short-term rentals (STR) for the SRO use. Two options have been drafted here to guide discussion:



Option A: Base STR limits on a percentage of total SRO units, rounding down to a whole number but not less than 1. For example, if a project is proposing 6 SRO units, and STRs are limited to 30% of SRO units,  $6 \cdot .3 = 1.8$  rounded down to 1 STR allowed. If a project proposes 7 SRO units,  $7 \cdot .3 = 2.1$  rounded down to 2 STRs allowed.

Option B: Base STR limits on a whole number as offered in this example:

# of SRO units	Allowed STRs
1 – 2	0
3 – 4	1
5 – 10	2
11+	3

## 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 – Comprehensive draft ordinance regarding allowing stand-alone apartments in the H-C zone district, the proposed Single Room Occupancy use, and changes to allowing small multi-family dwellings without the need for a site plan.

## I. Summary of Request

Staff is proposing a new Single Room Occupancy (SRO) use that would allow for someone to have a single residential structure that also allows for multiple households to have the ability to locate in that structure on a long-term (monthly) basis. The proposed use would limit would short-term rentals (less than 30 days) to a certain percentage or number cap of the proposed SROs. SROs would share common cooking facilities instead of each unit having its own kitchen for every unit (or what is commonly called an apartment). Staff is proposing a new definition for Single Room Occupancy, shown below in blue text.

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.

This proposed use would be allowed with approval of a Special Use Permit in the R-1 and R-2 zone districts (and the R-1.5 if created), while they would be allowed as a permitted use in the MU-1, MU-2, MU-MS, and HC zone districts, if they demonstrate compliance with the proposed use-standards for the use. Those proposed use-standards for all SROs uses would be:

## L. Single Room Occupancy

1. The structure shall be under the ownership of a single owner and may not be subdivided or condominiumized to create individual units for separate ownership. Short term rentals shall be limited to no more than \_\_\_\_\_ [percentage/number] of the total proposed SRO units.

2. All rooms shall meet the applicable building code requirements. Rooms without required egress shall not be used for bedrooms.
3. A change of use shall for the appropriate building occupancy shall be issued to the property prior to occupation of the structure as a single room occupancy, as determined by the building official.
4. Parking shall be provided per Section 16.04.4.3.
5. The structure shall be residential in its design and compatible with the architecture of the existing structure in terms of colors and materials of the existing structure, if any, on the property and/or compatible in mass and scale of the surrounding neighborhood it is proposed to be located.

The proposed minimum parking requirements for a Single Room Occupancy would be:

- a. Minimum Required Off-Street Parking Spaces Downtown. The area generally located east of Highway 24 and within the Original Town of Buena Vista subdivision plat and not abutting the highway shall be subject to a minimum off-street parking requirement of one and one-half parking spaces per 25 linear feet of street frontage. For example, a lot that is 25 feet wide shall require two parking spaces one and one-half (1.5) spaces rounded up to the next whole number). Two (2) lots that total fifty (50) linear feet of street frontage require three (3) parking spaces. No additional parking is required for ADUs or Single Room Occupancy uses in this area.
- b. Minimum Required Off-Street Parking Spaces for All Other Areas. Unless otherwise provided in this Section 4.2, the number of off-street parking spaces shall be provided in accordance with Table 4.1. Table 4.1 is proposed to be altered by the addition of the following text:

<b>Group living</b>	Single Room Occupancy	1 space per two bedrooms not a part of any primary residence plus 1 bicycle parking space per two bedrooms used for the single room occupancy. If there is a primary residence on the property for a manager/owner, they shall be subject to that for a single-family residence.
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**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:

- 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.
- Policy: Buena Vista will promote new housing on underdeveloped and vacant parcels within the downtown core and provide for mixed-uses. Improve development standards with an emphasis on building design, location, massing, and form.
- 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. Develop parking standards that will support new development and ensure neighborhood compatibility.
- Policy: Housing opportunities, and particularly affordable housing, should not be displaced by tourist rentals.

**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 single room occupancy use allows for multiple long-term tenants on a property that is maintained by one property owner. It allows for parking to match the parking requirements of downtown and allows for a slight increase of the minimum parking and bicycle parking in other residential areas of town but at a lower rate than multifamily uses.

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

The proposed change is intended to address a need for long-term rental housing stock. The town has less than 10% of its housing stock in multifamily uses and a good portion of those multifamily uses have been created or changed to condominium ownership of

individual units. There is very little long-term rental housing stock in town. The proposed regulations create allowance to add to that rental stock in the form of SROs in our existing zone districts.

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

The proposed SRO change reflects a creative and ‘low-hanging fruit’ response to two challenges. First, there are various buildings in town which already allow SRO living and are therefore a non-conforming use. Second, SRO units provide an affordable and community-focused living situation which, with limitations in place on short-term rentals, can directly address lack of affordable rental options for Buena Vista’s workforce.

**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.**

Staff is proposing changes that will help address the purpose and intent of the Residential and Mixed-Use districts by allowing those uses to have more structure on where they can be located within each district. Creating a SRO use would ensure orderly development by bringing current and future SRO uses into conformance with defined standards.

**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 is presenting the items listed above to the Commission to get direction for any proposed changes. 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.

If the proposed changes are approved by the Board of Trustees, those alterations will be implemented to provide better guidance for staff and applicants using the code.

### **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 listed in Attachment D. If the Planning and Zoning Commission does not accept the recommendations and conclusions for certain proposed amendments, the Commission should alter or delete those amendments as part of its recommendation to the Board of Trustees.



**DATE:** October 4, 2021

**TO:** Planning and Zoning Commission

**FROM:** Mark N. Doering, Principal Planner

**RE:** Proposed Amendments to the Unified Development Code (UDC) regarding a limited exemption for Site Plan review requirements for small multifamily developments.

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### **Background**

Town staff has identified several alterations to the UDC that potentially can result in the creation of more multi-tenant properties in Buena Vista. Staff approached the Planning Commission on June 16, 2021, for guidance on drafting proposed code recommendations that may allow for the creation of more multi-tenant developments within Town that can be easily achieved by making a small change to the current UDC requirements for small (four units or less) multi-family development projects.

At that meeting several specific items were discussed, and the Planning and Zoning Commission directed staff to draft proposed amendments that would support the development of apartment units in Town. Staff has proposed minor changes to section 16.3.2.C of the UDC that would make it easier for small multi-family projects to be built on lots where infrastructure like water and sewer are already in place. Staff has reviewed the 2015 Comprehensive Plan (specifically the Housing Chapter) and the current multifamily uses within Town and that information is included for the Planning and Zoning Commission's review.

### **Staff Recommendation**

Staff is recommending that the Planning and Zoning Commission consider amending the UDC to change portions of the code that relate to the creation of a new small multi-family dwelling units. Staff is providing proposed changes for the Planning and Zoning Commission to consider, based upon the direction the Planning and Zoning Commission provided when staff previously brought those items for discussion.

The criteria that would be used for analysis of each proposed code change are listed after the summary of issues for the Planning and Zoning Commission's consideration for a recommendation to the Board of Trustees on a final decision of the proposed amendments.

### **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 – Comprehensive draft ordinance regarding allowing stand-alone apartments in the H-C zone district, the proposed Single Room Occupancy use, and changes to allowing small multi-family dwellings without the need for a site plan.

## **I. Summary of Request**

Staff is proposing an amendment to the UDC that may facilitate the development Small Multifamily Dwellings (4 or less) within existing areas within town limits. The proposed amendment is to text in Section 6.5.1., below, which deals with applicability of a site plan. [Staff's proposed changes are shown in blue text.](#)

### **6.5.1. Site Plan Review.**

*A. **Purpose.** The site plan review procedure provides a process to evaluate proposed development for compliance with the development and design standards of this UDC. The site plan review procedure ensures that the Town has the opportunity to mitigate potential impacts of proposed developments prior to issuance of a building permit.*

#### **B. Applicability.**

*1. **Exemptions.** The following development is exempt from the site plan review procedure:*

*a. A change in use that does not involve or require other development (such as additional parking or landscaping);*

*b. Tenant improvements or interior remodels that do not increase gross floor area or building height, increase the density or intensity of the use, or affect development standards (such as parking or landscaping requirements); and*

*c. Construction of single-family detached dwellings or two-family dwellings, additions to such dwellings, and structures accessory to such dwellings.*

*d. [Small multifamily dwellings that do not require installation of new public improvements other than alleys and sidewalks, if applicable. Those requiring other public improvements will require a site plan and/or dedication of public improvements.](#)*

This proposed change would modify the exemptions from a minor site plan review for small multifamily dwelling units (4 or less) if there is no need for new public improvements other than those needed for sidewalk and alley improvements that are typically installed for other residential projects when conditions warrant them. This change removes the site plan process and gets that review done by the Planning Department at the time of building permit submittal. Those projects that require additional public improvements to be built over the sidewalks and alleys would require approval of a site plan as well as the review of new streets and/or water lines to be reviewed and accepted by the Board of Trustees prior to their construction as would be done with any new public improvements anywhere else in town.

## **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 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:

- 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.
- Policy: Buena Vista will promote new housing on underdeveloped and vacant parcels within the downtown core and provide for mixed-uses. Improve development standards with an emphasis on building design, location, massing, and form.
- 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. Develop parking standards that will support new development and ensure neighborhood compatibility.
- Policy: Housing opportunities, and particularly affordable housing, should not be displaced by tourist rentals.

**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 multifamily changes still allow for review of a small multifamily use by staff, but during the building



permit submittal as opposed to a Site Plan review prior to a building permit, saving some time, developer cost, and thereby encouraging these types of projects.

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

The proposed changes are intended to address a need for some long-term rental housing stock in multifamily uses. The town has less than 10% of its housing stock in multifamily uses and a good portion of those multifamily uses have been created or changed to condominium ownership of individual units. There is very little long-term rental housing stock in town. The proposed regulations create some incentives for their development in our existing zone districts.

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

The proposed changes proposed for small multifamily dwellings are intended to encourage the development of those uses in our existing zoning districts, thereby increasing the amount of relatively affordable rental stock.

**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.**

Staff is proposing changes that will help address the purpose and intent of the Residential and Mixed-Use districts by streamlining the approval process for small multi-family dwelling projects.

**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 is presenting the items listed above to the Commission to get direction for any proposed changes. 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.

If the proposed changes are approved by the Board of Trustees, those alterations will be implemented to provide better guidance for staff and applicants using the code.

### **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 listed in Attachment D. If the Planning and Zoning Commission does not accept the recommendations and conclusions for certain proposed amendments, the Commission should alter or delete those amendments as part of its recommendation to the Board of Trustees.



**DATE:** October 4, 2021

**TO:** Planning and Zoning Commission

**FROM:** Mark N. Doering, Principal Planner

**RE:** Introduction to a proposed new small lot single family zone district

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### **Introduction**

Town regulations currently allow for the development of residential lots in a variety of densities and allowed uses, but those districts limit the uses and size of lots particularly when it comes to the development of new single-family residential properties.

If one seeks to develop single family lots in either the R-1 or R-2 zone district, the minimum lot sizes are a minimum of 6,500 square feet and 65 feet wide and 5,000 square feet and 50 feet wide, respectively. If they are in the Old Town overlay (those in the original town plat or in Crossman's Addition) in either of those districts they need to be only 25 feet wide with no minimum lot sizes. If someone seeks to build on smaller lots under the current code outside of the downtown area, they either need to rezone to the R-3 zone district or to create a PUD zone district. The R-3 zone district allows for multifamily uses as well and the proposed zoning of property can lead to the development of taller and more dense development than what is allowed in the R-1 zone district, which makes up most of the residential properties in town. That means that if smaller lots are proposed but never built, another product could be placed in that zone district that would not necessarily be compatible with the existing homes in the area. PUD zone districts are complex and take time to negotiate all aspects of a development and compatibility is less certain than those other residential zone districts.

Staff is seeking to create a new residential zone district that limits the height and setbacks to match existing single-family zone districts and allows for more lots to be placed on undeveloped land in Town limits, which is limited. It also allows for less water consumption from smaller landscaped yards and allows for a greater return on investment by getting more lots along the proposed infrastructure meaning that lots can be cheaper to produce in a given area of a subdivision.

### **Background**

Staff is aware of the limited amounts of larger properties in town limits that would be potentially seeking a new zone district or that could be zoned at the time of annexation of properties outside of town. It has been receiving requests to develop some of those properties that may meet the intent of the current residential zone districts, but do not help Buena Vista achieve its goals of providing more housing, more affordable housing, and reducing the amount

of water that is consumed with irrigation of yards. Staff has even fielded proposals that well exceed the minimum lot sizes to allow for the development of bigger homes on bigger lots, meaning we consume more land for less new housing units that do not meet the character of town development but in fact start to emulate the development in the County in unincorporated areas. Staff is trying to emulate the motto that the new County Comprehensive Plan states, “Keep the County, county, and keep the Town, town.

Staff has included a chart of the residential zone districts and their requirements with a proposed new zone district, R-1.5, that would allow for the development of single family uses only but on reduced lot sizes that would share some of the requirements of the R-1 zone district such as maximum building heights and minimum setbacks to have the resulting development be more compatible with the existing R-1 zone district developments. Staff is also seeking to incentivize that development by allowing more lots to be developed, if a percentage of those lots are dedicated to the Town to allow for the development of affordable housing and reductions in the amount of required open space for those new developments.

Staff will present its approach for the Commission’s review to see if alterations need to be made before it brings a formal proposed new zone district that could be sought by the development community. Staff is not seeking to map this R-1.5 zone district at this time. Staff is seeking feedback on the approach to the problem and to the proposed framework and details of the new district. It is staff’s intent that anyone seeking to build new developments in town using the R-1.5 zone district would be able to request a zone change to R-1.5 using the rezoning process identified in the UDC and that review would be done by the Planning and Zoning Commission and the Board of Trustees on a case-by-case basis. It is also not staff’s intent that individual residential lots within an existing developed subdivision zoned either R-1 or R-2 would be supported for rezoning to R-1.5.

### **Attachments**

Attachment 1 – Link to the [Zoning Map](#)

Attachment 2 – Link to the entire [Unified Development Code](#)

Attachment 3 – Link to the entire [Comprehensive Plan](#)

Attachment 4 – Attachment 4 - Proposed new R-1.5 zone district intent, district requirements, and proposed use table



**DATE:** October 4, 2021

**TO:** Planning and Zoning Commission

**FROM:** Mark N. Doering, Principal Planner

**RE:** Introduction to a proposed new small lot single family zone district

---

### **Introduction**

Town regulations currently allow for the development of residential lots in a variety of densities and allowed uses, but those districts limit the uses and size of lots particularly when it comes to the development of new single-family residential properties.

If one seeks to develop single family lots in either the R-1 or R-2 zone district, the minimum lot sizes are a minimum of 6,500 square feet and 65 feet wide and 5,000 square feet and 50 feet wide, respectively. If they are in the Old Town overlay (those in the original town plat or in Crossman's Addition) in either of those districts they need to be only 25 feet wide with no minimum lot sizes. If someone seeks to build on smaller lots under the current code outside of the downtown area, they either need to rezone to the R-3 zone district or to create a PUD zone district. The R-3 zone district allows for multifamily uses as well and the proposed zoning of property can lead to the development of taller and more dense development than what is allowed in the R-1 zone district, which makes up most of the residential properties in town. That means that if smaller lots are proposed but never built, another product could be placed in that zone district that would not necessarily be compatible with the existing homes in the area. PUD zone districts are complex and take time to negotiate all aspects of a development and compatibility is less certain than those other residential zone districts.

Staff is seeking to create a new residential zone district that limits the height and setbacks to match existing single-family zone districts and allows for more lots to be placed on undeveloped land in Town limits, which is limited. It also allows for less water consumption from smaller landscaped yards and allows for a greater return on investment by getting more lots along the proposed infrastructure meaning that lots can be cheaper to produce in a given area of a subdivision.

### **Background**

Staff is aware of the limited amounts of larger properties in town limits that would be potentially seeking a new zone district or that could be zoned at the time of annexation of properties outside of town. It has been receiving requests to develop some of those properties that may meet the intent of the current residential zone districts, but do not help Buena Vista achieve its goals of providing more housing, more affordable housing, and reducing the amount

of water that is consumed with irrigation of yards. Staff has even fielded proposals that well exceed the minimum lot sizes to allow for the development of bigger homes on bigger lots, meaning we consume more land for less new housing units that do not meet the character of town development but in fact start to emulate the development in the County in unincorporated areas. Staff is trying to emulate the motto that the new County Comprehensive Plan states, “Keep the County, county, and keep the Town, town.

Staff has included a chart of the residential zone districts and their requirements with a proposed new zone district, R-1.5, that would allow for the development of single family uses only but on reduced lot sizes that would share some of the requirements of the R-1 zone district such as maximum building heights and minimum setbacks to have the resulting development be more compatible with the existing R-1 zone district developments. Staff is also seeking to incentivize that development by allowing more lots to be developed, if a percentage of those lots are dedicated to the Town to allow for the development of affordable housing and reductions in the amount of required open space for those new developments.

Staff will present its approach for the Commission’s review to see if alterations need to be made before it brings a formal proposed new zone district that could be sought by the development community. Staff is not seeking to map this R-1.5 zone district at this time. Staff is seeking feedback on the approach to the problem and to the proposed framework and details of the new district. It is staff’s intent that anyone seeking to build new developments in town using the R-1.5 zone district would be able to request a zone change to R-1.5 using the rezoning process identified in the UDC and that review would be done by the Planning and Zoning Commission and the Board of Trustees on a case-by-case basis. It is also not staff’s intent that individual residential lots within an existing developed subdivision zoned either R-1 or R-2 would be supported for rezoning to R-1.5.

### **Attachments**

Attachment 1 – Link to the [Zoning Map](#)

Attachment 2 – Link to the entire [Unified Development Code](#)

Attachment 3 – Link to the entire [Comprehensive Plan](#)

Attachment 4 – Attachment 4 - Proposed new R-1.5 zone district intent, district requirements, and proposed use table

**Attachment 4 - Proposed new R-1.5 zone district intent, district requirements, and proposed use table**

**ARTICLE 16.02 Zoning Districts**

**Sec. 2.1. Districts established.**

Zoning districts are established as shown in Table 2.1. They are organized into the following categories:

**2.1.1. Base Zoning Districts.** Base zoning districts are established by the Town's adoption of the Official Zoning Map and subsequently by approval of a rezoning pursuant to Section 6.4.1. Approval of initial zoning or a rezoning authorizes the full range of development allowed by the standards applicable to the base zoning district.

**2.1.2. Overlay Districts.**

- A. Overlay zoning districts are established initially by the Town's adoption of the Official Zoning Map and subsequently by approval of a rezoning pursuant to Section 6.4.1. They are superimposed over one (1) or more underlying base or planned development zoning districts.
- B. Section 2.6, Overlay Districts, identifies the overlay zoning districts and sets forth each district's purpose and the standards that modify those of underlying districts.
- C. If the standards for an overlay district conflict with those for an underlying base zoning district, planned unit development district, or another applicable overlay district, the more restrictive standards shall apply.

<b>Table 2.1: Zoning Districts Established</b>	
<b>Residential Districts</b>	
R-1	Low-Density Residential District
<b>R-1.5</b>	<b>Small Lot Single-Family Residential District</b>
R-2	General Residential District
R-3	High-Density Residential District
<b>Mixed-Use and Commercial Districts</b>	
MU-1	Mixed-Use One District
MU-2	Mixed-Use Two District
MU-MS	Mixed-Use Main Street District
HC	Highway Commercial District
<b>Other Nonresidential Districts</b>	
I-1	Light Industrial District
OSR	Open Space/Recreation District
AP	Airport District
<b>Overlay Districts</b>	
OT	Old Town Overlay District
APO	Airport Protection Overlay District
<b>Planned Unit Development District</b>	
PUD	Planned Unit Development District

- D. If the standards in a PUD located within the APO district conflict with the APO district standard, the APO standards shall apply.



2.2.1. Residential Districts.

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
<b>Project and Site Requirements</b>							
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*	5,000	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*	50	25	25	25
Lot width, min. (feet), single-family attached	Not applicable	Not applicable	55, 35*	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) <sup>[1]</sup>	No maximum	100	70*	No Maximum	100	No maximum	100
<b>Yard Requirements</b>							
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 <sup>[2]</sup>	0 for lots abutting an alley 15 for lots abutting other residential properties	10	5 <sup>[2]</sup>	5	5 <sup>[2]</sup>
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% <sup>[3]</sup>	60%	50%	27.5%, 55% <sup>[4]</sup>	70%	75%	80%
Required landscaping, min.	25%	25%	20%	20%	20%	15%	15%
<b>Building Requirements</b>							
Primary building height, max. (feet)	30	30	30	35	35	35	35
Accessory building height, max. (feet)	25	25	25	30	30	30	30

## **Sec. 2.3. Residential districts.**

**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.

**2.3.2. Low-Density Residential District (R-1).**

A. **Purpose.** The R-1 district is intended primarily for low-density single-family detached dwellings. The R-1 district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools.

B. **R-1 District Dimensional Standards.**

<b>Table 2.5: R-1 District Dimensional Standards</b>		
	<b>R-1</b>	<b>Old Town Overlay</b>
<b>Project and Site Requirements</b>		
Lot area, min. (square feet)	6,500, 13,000 <sup>[4]</sup>	0, 2,500 <sup>[6]</sup>
Lot width, min. (feet)	65, 100 <sup>[5]</sup>	25
Lot width, max. (feet) <sup>[1]</sup>	No Maximum	100
<b>Yard Requirements</b>		
Front setback, min. (feet)	25	15; 18 feet for garages on lots not abutting an alley
Front setback, max. (feet)	None	25
Side setback, min. (feet)	5	3
Side setback, min. (feet) between internal dwelling units for two-family dwellings	0	0
Rear setback, min. (feet)	15	5 <sup>[2]</sup>
Rear setback, accessory structures, with alley present, min. (feet)	0	0
Rear setback, accessory structures, with no alley present, min. (feet)	5	5
Building coverage, max.	20%, 40% <sup>[3]</sup>	60%
Required landscaping, min.	25%	25%
<b>Building Requirements</b>		
Primary building height, max. (feet)	30	30
Accessory building height, max. (feet)	25	25
<b>Notes:</b>		
[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.		
[2] If alley present, then the minimum rear setback is zero.		
[3] The maximum building coverage for lots/parcels one-half acre or larger is 20%. The maximum building coverage for lots/parcels less than one-half acre is 40%.		
[4] Minimum lot area for single family dwellings and two-family dwellings with each unit on a separate lot is 6,500 square feet. Minimum lot area for two-family dwelling on a single lot is 13,000 square feet.		
[5] Minimum lot width for single-family dwellings and for two-family dwellings with each unit on a separate lot is 65 feet. Minimum lot width for two-family dwellings with each unit on a separate lot is 100 feet.		
[6] There is no minimum lot area for single-family dwellings in the Old Town Overlay. Minimum lot area for two-family dwellings is 2,500 feet.		

### **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 along the same infrastructure needed for wider single-family lots. The intent of this district is to match the setbacks and building heights for new single-family homes with existing surrounding single-family subdivisions. 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. It should 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 the lot configurations and setbacks at the exterior boundary of the subdivision with abutting residential developments. For example: Rear yards of new lots should match and abut an alley next to the rear lots of existing residences and side yards should match and abut side yards of existing residences along street connections between the existing and new subdivision. Lots should front onto existing streets to match the development across the street, if applicable, but also still provide for alley access to the majority of the subdivision.

The intent of this zone district is to provide for smaller lots for new single-family homes 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 not the intent of this district to recreate the land use patterns of the downtown area, with those narrower lots and taller homes on those lots, and as such, the R-1.5 district does not have the ability to have further reductions with the Old Town Overlay. Subdivisions using this district are also intended to integrate the lots set aside to the Town for permanent affordable housing ownership opportunities that are intermingled into the subdivision instead of concentrated in any particular area(s) in a new subdivision.

**B. R-1.5 District Dimensional Standards.**

<b>Table 2.56: R-1.5 District Dimensional Standards</b>	
	<b>R-1.5</b>
Lot area, min. (square feet)	<b>5,500, 3,500<sup>[1]</sup></b>
Lot width, min. (feet)	<b>55, 35<sup>[2]</sup></b>
Lot width, max. (feet) <sup>[1]</sup>	<b>70<sup>[3]</sup></b>
Front setback, min. (feet)	<b>10, 18 for garages</b>
Front setback, max. (feet)	<b>15 for residences, Not applicable to garages</b>
Side setback, min. (feet)	<b>5</b>
Side setback, min. (feet) between internal dwelling units for two-family dwellings	<b>0</b>
Rear setback, min. (feet)	<b>15 abutting other residential lots, 0 abutting an alley</b>
Rear setback, accessory structures, with alley present, min. (feet)	<b>0</b>
Rear setback, accessory structures, with no alley present, min. (feet)	<b>5</b>
Building coverage, max.	<b>50%</b>
Required landscaping, min.	<b>20%</b>
Primary building height, max. (feet)	<b>30</b>
Accessory building height, max. (feet)	<b>25</b>
<p><b>Notes:</b></p> <p><b>[1] The minimum area for a single lot is 5,500 square feet. If all the following strategies are demonstrated as part of a subdivision for its initial creation, the minimum lot width can be reduced to a minimum of 3,500 square feet if the first three strategies are incorporated in the creation of subdivision, or using the fourth strategy in conjunction with a minimum of two other strategies:</b></p> <ul style="list-style-type: none"> <li><b>a. Alleys. A minimum of 16-foot-wide alleys in 20-foot rights-of-way are constructed as primary vehicular access to a minimum of 90% of all lots. Parking shall be located at the rear of lots abutting an alley.</b></li> <li><b>b. The difference in allowed lots using the reduced lot width and size and the allowed lots in the R-1 zone district on the same area is calculated during the review and a minimum of</b></li> </ul>	

**30.0% of the difference of those smaller lots are dedicated to the Town after recording the plat for providing permanent affordable housing. For example, if 100 lots can be created using R-1 and 179 lots can be created using R-1.5, a minimum of 24 lots ( $79 \times 30\% = 23.7$ ) are dedicated to Town to allow for the developer to build on 155 lots.**

- c. Parks. Parks are constructed by the subdivider, including landscaping and amenities, as part of the overall plans for the subdivision. The area calculated for park space shall be based upon only the amount of lots to be used by the developer. For example, in the scenario in item b. above, the minimum area for parks shall be based upon 155 homes not 179.**
- d. Other strategies, as approved by the Town Administrator, that help achieve affordable small lot development for permanent year-round long-term residents that maintain compatibility with adjoining residential developments.**

**[2] The minimum lot width is 55 feet. That minimum shall be reduced to 35 feet if the strategies above for lot size are used.**

**[3] The maximum lot width is 70 feet. If additional subdivision of those lots to smaller lots is done, additional fees for parks and schools will be required at that time for the creation of those additional units.**

**2.3.34. General Residential District (R-2).**

- A. **Purpose.** The R-2 district is intended primarily for single-family detached dwellings, two-family dwellings, and other medium-density residential uses. The district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools. The district may also serve as a transition between higher-density neighborhoods and lower-density neighborhoods, or between low-density mixed-use developments and residential neighborhoods.
- B. **R-2 District Dimensional Standards.**

<b>Table 2.67: R-2 District Dimensional Standards</b>		
	<b>R-2</b>	<b>Old Town Overlay</b>
<b>Project and Site Requirements</b>		
Lot area, min. (square feet)	5,000	0
Lot area, min. (square feet), single-family attached dwellings	5,000, 10,000 <sup>[4]</sup>	0, 2,500 <sup>[6]</sup>
Lot area, min. (square feet), single-family attached dwellings	5,000, 10,000 <sup>[4]</sup>	0, 2,500 <sup>[6]</sup>
Lot width, min. (feet)	50, 75 <sup>[5]</sup>	25
Lot width, max. (feet) <sup>[1]</sup>	No Maximum	100
<b>Yard Requirements</b>		
Front setback, min. (feet)	12	10; 18 feet for garages on lots not abutting an alley
Front setback, max. (feet)	None	20
Side setback, min. (feet)	5	3
Side setback, min. (feet) between internal dwelling units for single-family attached and two-family dwellings	0	0
Rear setback, min. (feet)	10	5 <sup>[2]</sup>
Rear setback, accessory structures, with alley present, min. (feet)	0	0
Rear setback, accessory structures, with no alley present, min. (feet)	5	5
Building coverage, max.	27.5%, 55% <sup>[3]</sup>	70%
Required landscaping, min.	20%	20%
<b>Building Requirements</b>		
Primary building height, max. (feet)	35	35
Accessory building height, max. (feet)	30	30
<b>Notes:</b>		
[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.		
[2] If alley present, then the minimum rear setback is zero.		
[3] The maximum building coverage for lots/parcels one-half acre or larger is 27.5%. The maximum building coverage for lots/parcels less than one-half acre is 55%.		
[4] Minimum lot area for single-family dwellings and two-family dwellings with each unit on a separate lot is 5,000 square feet. Minimum lot area for two-family dwellings with two units on one lot is 10,000 square feet.		
[5] Minimum lot width for single-family dwellings and two-family dwellings with each unit on a separate lot is 50 feet. Minimum lot width for two-family dwellings with two units on one lot is 75 feet.		
[6] There is no minimum lot area for single-family dwellings in the Old Town Overlay. Minimum lot area for two-family dwellings is 2,500 feet.		

**2.3.4.2.3.5. High-Density Residential District (R-3).**

- A. **Purpose.** The R-3 district is intended for a broad range of residential use types, including single-family and multifamily residential development at medium- and/or high-densities. The district is intended for locations close to commercial and mixed-use areas, near downtown, and may serve as a transition between lower-density residential districts and commercial or other nonresidential areas. The district should have connected streets, and accessibility to public uses such as parks, open spaces, and schools.
- B. **R-3 District Dimensional Standards.**

<b>Table 2.78: R-3 District Dimensional Standards</b>		
	<b>R-3</b>	<b>Old Town Overlay</b>
<b>Project and Site Requirements</b>		
Lot area, min. (square feet)	2,500	0
Lot area, min. (square feet), single-family attached dwellings with zero side setbacks (excluding end units)	1,500	1,500
Lot width, min. (feet)	25	25
Lot width, min. (feet), single-family attached and two-family dwellings	15	15
Lot width, max. (feet) <sup>[1]</sup>	No Maximum	100
<b>Yard Requirements</b>		
Front setback, min. (feet)	5	5; 18 feet for garages on lots not abutting an alley
Front setback, max. (feet)	None	15; 20 feet for garages
Side setback, min. (feet)	5	3
Side setback, min. (feet) between internal dwelling units for single-family attached and two-family dwellings	0	0
Rear setback, min. (feet)	5	5 <sup>[2]</sup>
Rear setback, accessory structures, with alley present, min. (feet)	0	0
Rear setback, accessory structures, with no alley present, min. (feet)	5	5
Building coverage, max.	75%	80%
Required landscaping, min.	15%	15%
<b>Building Requirements</b>		
Primary building height, max. (feet)	35	35
Accessory building height, max. (feet)	30	30
<b>Notes:</b>		
[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.		
[2] If alley present, then the minimum rear setback is zero.		



**Sec. 3.1. Table of allowed uses.**

Table 3.1 below lists the uses allowed within all base zoning districts. All uses are defined in Article 16.07: Rules of Construction and Definitions. Development or use of a property for any other use not specifically allowed in Table 3.1, and without appropriate approval, is prohibited. Where there is conflict between Table 3.1 and any other standard in this UDC, Table 3.1 shall apply.

**3.1.1. Table Abbreviations.**

- A. **Permitted By-Right Uses (P).** A "P" in a cell indicates that the use is permitted by-right in the respective zoning district.
- B. **Special Uses (S).** An "S" in a cell indicates that the use is permitted only with an approved special use permit in accordance with the procedures in Section 6.5.2.
- C. **Accessory Uses (A).** An "A" in a cell indicates that the use is permitted only as accessory to a primary use in the respective zoning district.
- D. **Temporary Uses (T).** A "T" in a cell indicates that the use is permitted only with an approved temporary use permit in accordance with the procedures in Section 6.5.3.
- E. **Prohibited Uses (blank).** A blank cell indicates that the use is prohibited in the respective zoning district.

**3.1.2. Table Organization.** The land uses and activities in Table 3.1 are classified first by general "use categories," then by specific "use type" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and typical site conditions. This system provides a basis for assigning present and future land uses into appropriate zoning districts. The use categories are merely an indexing tool and are not regulatory. The far right-hand column, "use-specific standards," cross-references to additional requirements that shall be met for that specific use type.

**3.1.3. Classification of New and Unlisted Uses.** New types of uses will be proposed that are not anticipated by this UDC. When such application for a use category or use type is not specifically listed in Table 3.1, the Town Administrator shall make a determination as to the appropriate classification of such use category or use type as follows:

- A. The Town Administrator shall provide an interpretation as to the zoning classification into which such uses should be placed. In making such interpretation, the Town Administrator shall consider the nature of the use, the intensity of the use, and the general requirements for public utilities for such use.
- B. Standards for new and unlisted uses may be interpreted as those of a similar use.
- C. Appeal of the Town Administrator's decision shall be made to the Board of Adjustment following procedures under Section 6.7.4.

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**3.1.4. Table of Allowed Uses.**

<b>Table 3.1: Table of Allowed Uses</b>													
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
<b>Residential Uses</b>													
<b>Household living</b>	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
<b>Group living</b>	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
<b>Public, Institutional, and Civic Uses</b>													
<b>Community and cultural facilities</b>	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		
<b>Recreation and entertainment</b>	Golf course	S	S	S							P		
	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		3.2.2.A
College or university					S	S	S	S	S				

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<b>Education facilities</b>	Elementary or secondary school	P	P	P	P	P	P	P	P	P			
	Trade or vocational school					S	S	S	S	P			

<b>Table 3.1: Table of Allowed Uses</b>													
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
<b>Healthcare facilities</b>	Medical or dental clinic, office, or laboratory	S	S	S	S	P	P	P	P	P		P	
	Hospital					S	S	S	P	P			
<b>Commercial Uses</b>													
<b>Agricultural or Animal-related services</b>	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
<b>Offices and professional services</b>	Office					P	P	P	P	P		P	
	Personal service					P	P	P	P	P			3.2.3.D
<b>Retail</b>	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			
<b>Lodging facilities</b>	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
	Bar or tavern					S	P	P	P	S			3.2.3.J

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<b>Food and beverage services</b>	Microbrewery, distillery, or winery					P	P	P	P	P		P	3.2.3.K
	Restaurant					P	P	P	P	S			3.2.3.L
<b>Vehicular and transportation</b>	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	
<b>Sexually Oriented Businesses</b>	Sexually oriented business									P			3.2.3.R
<b>Industrial Uses</b>													
<b>Storage and Warehousing</b>	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
<b>Manufacturing</b>	Manufacturing, light					P	P	P	P	P		S	3.2.4.D
	Manufacturing, medium or heavy									P			3.2.4.E
<b>Energy and utilities</b>	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	S	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		

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	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
<b>Accessory Uses</b>													
	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
<b>Temporary Uses</b>													
	Short-term parking of recreational/camping vehicles	P	P	P						P			8-44
	Long-term storage of recreational/camping vehicles	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			3.2.4.C
	Temporary office, contractor's quarters, and equipment storage	T	T	T	T	T	T	T	T	T	T		3.4.4.B
	Temporary vendors	T	T	T	T	T	T	T	T	T	T	T	3.4.4.C

(Ord. 21 §4, 2018; Ord. 1 , § 2, 4, 2020; Ord. 16 § 2, 2020)