

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 06
(SERIES OF 2022)**

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 16 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING LARGE MULTIFAMILY DWELLINGS IN HIGHWAY COMMERCIAL DISTRICT

WHEREAS, the Town desires to revise regulations related to large multifamily dwellings in the Highway Commercial Zone; and

WHEREAS, the Town also desires to provide incentives for certain types of uses within large multifamily dwellings in the Highway Commercial district to increase affordable housing; and

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

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

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

B. Dwelling, Multifamily Large.

1. Except as permitted herein, in the MU-MS and HC districts, large multifamily dwellings are only permitted as part of a vertically mixed-use structure.

2. Large multifamily dwellings, in the HC district, are not required to be part of a mixed-use structure if no more than thirty percent (30%) of the total units may be condominiumized for separate ownership of the units. Such restriction shall be a condition of the special use permit and be imposed as deed restriction on the entire property and any condominiumized units.

3. For large multifamily dwellings in the HC district, if the developer agrees to certain deed restrictions and conditions on the development, the developer will be eligible for certain density bonuses or other incentives as provided in this section.

a. A deed restriction requiring that all units to be affordable housing units, in perpetuity, whether rented or sold, to households earning not more than one hundred twenty percent (120%) percent of AMI, the developer is eligible for a thirty percent (30%) reduction in applicable parking requirements.

b. A deed restriction on the property requiring that all units to be affordable housing units, in perpetuity, whether rented or sold, to

households earning not more than one hundred twenty percent (120%) percent of AMI, allowing pets in all units and the development and maintenance of a pet common area, the developer is eligible for a 30% reduction in applicable parking requirements. The pet commons area must be labeled on the site plan and final plat and, be surrounded by a fence, and included in the covenants of the property to be maintained by the ownership entity.

4. All deed restrictions shall be in a form provided by the Town and contain such terms to ensure the designation of the units as affordable housing unit remain in perpetuity.

Section 2. Section 16.07.7.2 of the Buena Vista Municipal Code is hereby amended by the addition a new term and definition to read as follows:

AMI or adjusted median income. The median income for Chaffee County, adjusted for household size as calculated by CHFA.

Affordable housing units. Dwelling units for which the anticipated rent or purchase price is structured so that the eligible household pays no more than thirty (30) percent of their gross household income for rent, or mortgage payments, and utilities.

CHFA. Colorado Housing Finance Authority.

Eligible household. A household whose income and assets qualifies the household to purchase or rent affordable housing unit according to the standards in this Code.

Household. One (1) or more persons who intend to live together in the premises of a dwelling unit as a single housekeeping unit, but does not mean a group of five (5) or more persons unrelated by blood, adoption or marriage.

Pets. Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

Pet common area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of residents of the development with pets. Said area should be clearly labeled on the site plan and final plat, be surrounded by a fence, and included in the covenants of the property to be maintained by the ownership entity.

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.

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

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

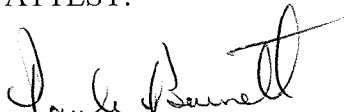
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 22nd day of February, 2022.

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

TOWN OF BUENA VISTA, COLORADO

By: 
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

