



The Buena Vista Planning & Zoning Commission
November 3, 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

6:00 REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – October 20, 2021**
- VI. Public Comment**
- VII. New Business – Public Hearings**
 1. Public Hearing – An Ordinance amending certain sections of Title 16 of the Buena Vista Municipal Code concerning single room occupancy.
 2. Public Hearing – An ordinance amending certain sections of Title 16 of the Buena Vista Municipal Code concerning multifamily dwellings in Highway Commercial district.
- VIII. Staff/Commission Interaction**
 1. My-BV.com
- IX. Adjournment**



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission October 20, 2021

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 6:00 pm, Wednesday, October 20, 2021 via Zoom video conferencing by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas, Craig Brown, and Blake Bennetts.

Staff Present: Planning Director Joseph Teipel, Principal Planner Mark Doering and Planning Technician Doug Tart.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Tart proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

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

APPROVAL OF MINUTES

Commissioner Bennetts motioned for approval of the October 6, 2021 minutes as amended. **Motion #2** was seconded by Commissioner Brown. Motion carried.

PUBLIC COMMENT

Public comments opened at 6:05 pm. With no comments, public comment was closed at 6:05 pm.

NEW BUSINESS

Doering brought back the proposed R-1.5 zone district conversation from the October 6, 2021 Planning & Zoning Commission meeting with the legal modifications from the Town attorney. This was a public hearing.

The R-1.5 zone district is designed to allow for the creation of smaller single-family residential lots than what currently exists within the existing residential zone district standards. The minimum size of lots in this zone district would be 3,500 square feet and 35.0' of street frontage. The rezoning of an area to accommodate these minimum lot sizes would be permitted if the developer includes alleys and off-street parking with alley access, park space is calculated from the number of lots dedicated to the town for affordable housing, and one of the following:

- a.) Dedicates a portion of the new lots to the Town and allows for the creation of long-term affordable housing **-OR-**
- b.) Other strategies, as approved by the Town Administrator, that result in at least 30% of the proposed lots are dedicated to the Town, or other agency as determined by the Town, for affordable housing and compatibility is maintained with adjoining residential developments.

This zone district would not be mapped but would be a potential zoning opportunity for developers under the guidelines outlined above. For applicants to pursue this rezoning opportunity, they will have to seek a rezoning application for any specific proposed development so that the Planning and Zoning Commission and Board of Trustees can review each proposal on its own merits and circumstances before such homes could be built on lots smaller than currently allowed outside of the Old Town Overlay districts.

The Commission suggested that the purpose statement for the R-1.5 zone district be edited to read as:

“The R-1.5 district is intended primarily for small lots with single-family dwellings with higher residential densities built on larger vacant or less-dense parcels of land where other multifamily uses may not be desired due to the density, setbacks, and building heights allowed within other zone districts. It is also intended to provide affordable, long-term ownership opportunities by dedication of a portion of the lots to Town.”

The Commission suggested that 2.3.3.B.2.a.iii.A be edited to read as:

“Thirty percent (30%) of the difference in maximum number of lots permitted pursuant to the R-1 zone district standards and the maximum number of lots permitted in the R-1.5 zone district with the minimum lot area of 3,500 square feet are dedicated to the Town, or other agency as determined by the Town *at a location at the Town’s discretion. Those lots shall be used by Town to achieve affordable housing goals.*”

Commissioner Doumas motioned to recommend the approval to the Board of Trustees of the Ordinance creating the R-1.5 district as amended by the Planning and Zoning Commission at the October 20, 2021 meeting. **Motion #3** was seconded by Chair Larimer. Motion carried.

STAFF / COMMISSION INTERACTION

Doering stated that a 3-mile plan discussion will be coming at the 2nd meeting in November or the 1st meeting in December. Staff is currently trying to get the County Planning Commission involved in this discussion. Staff will bring forward a proposal for 3-mile plan with some potential slight changes.

Teipel brought up the preliminary final plat for Phase 2 of South Main with the hope to bring a recommendation for approval to the Planning and Zoning Commission at the December 1, 2021 meeting. The public notice for the December 14, 2021 Board of Trustees meeting will go out prior to the December 1, 2021 Planning and Zoning Commission meeting due to required public notice deadlines.

Commissioner Larimer motioned for a 7:00 p.m. year-round start time for all Planning and Zoning Commission meetings beginning in 2021. Motion seconded by Commissioner Schultz-Writsel. **Motion #4** unanimously approved.

Doering proposed to cancel the Planning and Zoning Commission meeting scheduled for the first Wednesday in January each year. Chair Larimer motioned for approval of the proposal, seconded by Commissioner Doumas. **Motion #5** unanimously approved.

ADJOURNMENT

There being no further business to come before the Commission, Commissioner Bennetts motioned to adjourn the meeting at 8:21 p.m. Commissioner Brown seconded. **Motion #4** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Doug Tart, Planning Technician



DATE: November 3, 2021

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

RE: An Ordinance amending certain sections of Title 16 of the Buena Vista Municipal Code concerning single room occupancy

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.

In the October 6th hearing on this topic, Commissioners directed Staff to amend the table that would limit short-term rentals (STR) for the SRO use. A simplified table has been created along with resolution language for Commissioner recommendation to the Board of Trustees.

STR Limits for SRO use

# of SRO units	Allowed STRs
1	0
2 – 3	1
4 – 7	2
8+	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. "Group Living" in Table 3.1 in Section 16.03.3.1.4 of Buena Vista Municipal Code is hereby amended by the addition of the following language for single room occupancy:

Use Category	Use Type	R-1	R-2	R-3	MU-1	MU-2	MU-MS	H-C	I-1	O-S-R	A-P	Use-Specific Standards
	Single Room Occupancy	S	S	P	P	P	P	P				3.2.1.L

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 per Table 3.3 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.
6. Short-term rentals shall be limited based upon the total single room occupancy units as shown in Table 3.3.

Table 3.3: Limit on short-term rentals in single room occupancy	
Number of single room occupancy units	Allowed short-term rentals
1	0
2 to 3	1
4 to 7	2
8 or more	3

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 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:

Group living	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.
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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.

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

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 16 OF THE BUENA VISTA MUNICIPAL CODE CONCERNING SINGLE ROOM OCCUPANCY

WHEREAS, the Board of Trustees of the Town of Buena Vista desire to create a new use, single room occupancy;

WHEREAS, the purpose of this new use is to allow for more communal living where certain facilities within a structure are shared by the residents; 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. “Group Living” in Table 3.1 in Section 16.03.3.1.4 of Buena Vista Municipal Code is hereby amended by the addition of the following language for single room occupancy:

Use Category	Use Type	R-1	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
	Single Room Occupancy	S	S	P	P	P	P	P				3.2.1.L

Section 2. Section 16.03.3.2 of the Buena Vista Municipal Code is amended by the addition of new subsection L to read as follows:

- 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.
 - 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.
6. Short-term rentals shall be limited based upon the total single room occupancy units as shown in Table 3.3.

Table 3.3: Limit on short-term rentals in single room occupancy	
Number of single room occupancy units	Allowed short-term rentals
1	0
2 to 3	1
4 to 7	2
8 or more	3

Section 3. Section 16.04.4.3.4.A of the Buena Vista Municipal Code is hereby amended to read as follows:

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 in this area.

Section 4. “Group Living” in Table 4.1, Minimum Number of Off-Street Parking Spaces Required, in Section 16.04.4.3.4.B of the Buena Vista Municipal Code is hereby amended by the addition of the following language:

Group Living	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.
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Section 5. 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:

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

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2021.

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

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)



DATE: November 3, 2021

TO: Planning Commission

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

RE: An ordinance amending certain sections of Title 16 of the Buena Vista Municipal Code concerning multifamily dwellings in Highway Commercial district

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.

It is important to note that in the HC District **short term rentals is not an allowed use at all**. Because of this already-existing restriction, Staff has taken out STRs from the proposed text change.

Text changes to 16.3.2.1.B and C. as included in the meeting packet on July 21st, 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. 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 density bonus to increase the height of the structure by one additional story or 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 density bonus to increase the height of the structure by one additional story and 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.
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.

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 no subdivision of the units or creation of condominiums is permitted for dwelling units permitted under this subsection.

Additionally, several new definitions need to be created to support the proposed changes and will be included in Section 16.07.7.2 of the Buena Vista Municipal Code. They are:

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.

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.

CHFA. Colorado Housing Finance Authority.

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.

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 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, including affordable rental units. 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 Highway-Commercial 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.

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

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

WHEREAS, the Town desires to revise regulations related to 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 density bonus to increase the height of the structure by one additional story or 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 density bonus to increase the height of the structure by one additional story and 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 16.03.3.2.1.C of the Buena Vista Municipal Code is hereby amended to read as follows:

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 structure.
3. In the HC district, subject to the approval a special use permit, small multifamily dwellings may be permitted independent of a mixed-use structure if no subdivision of the units or creation of condominiums is permitted for dwelling units permitted under this subsection.

Section 3. Section 16.07.7.2 of the Buena Vista Municipal Code is hereby amended by the addition new terms and definitions 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.

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.

CHFA. Colorado Housing Finance Authority.

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.

Section 4. 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 5. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this _____ day of _____, 2021.

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

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk

(SEAL)