

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 15
(SERIES OF 2018)

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING CERTAIN SECTIONS OF THE BUENA VISTA
MUNICIPAL CODE CONCERNING MINOR CORRECTIONS TO THE
CODE AS A RESULT OF THE ADOPTION OF THE UNIFIED
DEVELOPMENT CODE**

WHEREAS, the Town has adopted a new Unified Development Code (“UDC”) governing development, including zoning, with the Town;

WHEREAS, the UDC modified the names of several of the previous zoning districts within the Town;

WHEREAS, other parts of the Municipal Code contain specific references to zone district which now conflict with the UDC;

WHEREAS, the Town desires to clarify these references and eliminate any conflicts within the Municipal Code;

WHEREAS, the Town desires to make additional minor corrections to the UDC to clarify the language therein, based upon the review of the UDC by the Planning Commission and the Board of Trustees;

WHEREAS, the Board of Trustees held a public hearing on these amendments to the UDC on March 27, 2018; and

WHEREAS, the Board of Trustees finds that these minor corrections to the UDC are consistent with the Buena Vista Municipal Code and are consistent with the 2015 Comprehensive Plan.

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

Section 1. Sec. 6-52 of the Buena Vista Municipal Code is hereby amended to read as follows:

It shall be unlawful for any person to establish or operate a medical marijuana business in the Town without first having obtained a license for such business from the local licensing authority. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this Section. Medical marijuana businesses shall only be located in the applicable zone district as provided in Chapter 16 of this Code. Medical marijuana businesses shall only be located in the Town's MU-1, MU-2, MU-MS, H-C, I-1 and PUD zone districts.

Section 2. The following definition in Sec. 7-162 of the Buena Vista Municipal Code is hereby amended to read as follows:

Commercial district means the MU-1 “Mixed-Use One District”, MU-2 “Mixed-Use Two District”, MU-MS “Mixed-Use Main Street”, H-C “Highway Commercial District” and PUD “Planned Unit Development” zoned primarily for commercial purposes

Industrial district means I-1 "Light Industrial District."

Section 3. Sec. 8-125 of the Buena Vista Municipal Code is hereby renamed as follows:

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

Section 4. Sec. 16.03.3.2.1.E. of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection 3 to read as follows:

3. Number of Dwelling Units

In the HC and I-1 districts, a maximum of four dwelling units may be allowed as live-work accessory to the primary use of the subject property.

Section 5. Sec. 16.03.3.2.4.J.8.a of the Buena Vista Municipal Code is hereby amended by the replacement of the term “utility policies” with “utility poles”.

Section 6. Table 2.2 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the reduction of the building height in the R-3 zone from 40 feet to 35 feet.

Section 7. Table 2.3 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the increase of the building height for a primary structure in the MU-1 zone from 30 feet to 35 feet and the reduction of the building height for an accessory structure in the MU-1 zone from 35 feet to 30 feet.

Section 8. Table 2.5 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the front and rear setbacks for property located in the R-1 OT zone to read as follows:

- a. In the R-1 OT zone, the minimum front setback in feet shall be 15; 18 for garages on lots not abutting an alley.
- b. In the R-1 OT zone, the minimum rear setback in feet, accessory structure, with no alley present, shall be 5; 18 for garages.

Section 9. Table 2.6 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the front and rear setbacks for property located in the R-2 OT zone to read as follows:

- a. In the R-2 OT zone, the minimum front setback in feet shall be 10; 18 for garages on lots not abutting an alley.
- b. In the R-2 OT zone, the minimum rear setback in feet, accessory structure, with no alley present, shall be 5; 18 for garages.

Section 10. Table 2.7 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the front and rear setbacks for property located in the R-3 OT zone to read as follows:

- a. In the R-3 OT zone, the minimum front setback in feet shall be 5; 18 for garages on lots not abutting an alley.
- b. In the R-3 OT zone, the maximum front setback in feet shall be 15; 20 for garages.
- c. In the R-3 OT zone, the minimum rear setback in feet, accessory structure, with no alley present, shall be 5; 18 for garages.

Section 11. Table 2.8 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the front and rear setbacks for property located in the MU-1 zone to read as follows:

- a. In the MU-1 zone, the minimum front setback in feet shall be 0; 18 for garages on lots not abutting an alley.
- b. In the MU-1 zone, the maximum front setback in feet shall be 15; 20 for garages.
- c. In the MU-1 zone, the minimum rear setback in feet, accessory structure, with no alley present, shall be 0; 18 for garages on lots not abutting an alley.

Section 12. Table 2.9 in Article 16.02 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the front and rear setbacks for property located in the MU-2 zone to read as follows:

- a. In the MU-2 zone, the minimum front setback in feet shall be 0; 18 for garages on lots not abutting an alley.
- b. In the MU-2 zone, the maximum front setback in feet shall be 15; 20 for garages.
- c. In the MU-2 zone, the minimum rear setback in feet, accessory structure, with no alley present, shall be 0; 18 for garages on lots not abutting an alley.

Section 12. Table 2.15 of the Buena Vista Municipal Code is hereby amended by the addition of the following language to the height restrictions for chimneys, antennas, flag poles, bell towers, steeples, vents or other roof or building appurtenances from the surface of the roof:

...antennas shall be located 10 feet in from the edge of the building wall.

Section 13. Table 3.1 in Article 16.03 of the Buena Vista Municipal Code is hereby amended to recategorize “Dwelling, multifamily large” as requiring a special use permit in the MU-1 zone.

Section 14. Table 3.2 in Article 16.03 of the Buena Vista Municipal Code is hereby amended the following revision to the maximum height for building/roof-mounted antenna to read as follows:

Antenna: 10 feet above highest portion of roof; shall be located at least 10 feet in from the edge of the building wall.

Section 15. Table 4.5 in Article 16.04 of the Buena Vista Municipal Code is hereby amended by the deletion of the sign height limits for wall signs and the insertion of the following language: “Limited to the height of the subject wall.^[2]”

Section 16. Sec. 16.04.4.4.6.F of the Buena Vista Municipal Code is hereby amended by the addition of the following language:

Solid fences abutting the intersection of an alley and a public street shall be located a minimum of five feet from the intersection along both the street and alley property lines to allow for visibility of pedestrians from vehicles in the alley. Fences with an opacity of less than 50 percent are exempt from this requirement.

Section 17. Sec. 16.06.6.5.3.C.3.a of the Buena Vista Municipal Code is hereby amended to addition of new subsection iii to read as follows:

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

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 12th day of June, 2018.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Duff Lacy, Mayor

ATTEST:


Paula Barnett, Town Clerk

