



City of Buena Vista Planning Commission

Agenda for August 14th 2018

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
Buena Vista VA 24416

Regular Meeting

Call to Order by Chairman

Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of June 13th 2018

Minutes of July 10th 2018

Report of Secretary

Report of Standing Committees

Report of Special Committees

New Business

1. Zoning Map Amendment for SVU, 2638 & 2656 Chestnut Avenue – first discussion

Old Business

1. Zoning Text Amendments – Dwelling Unit Regulation

Adjournment

Members and Term Expirations:

Dennis Hawes, Chairman, *7/31/2020*
Mike Ohleger, Vice-Chairman, *6/30/2018*
Sandy Burke, *8/31/2021*
Lucy Ferreebee, *9/30/2019*
Melvin Henson, City Council
Representative, *9/30/2019*

Guy Holstein, *6/30/2020*
Preston Manuel, *12/31/2020*
Jay Scudder, Ex Officio member
Bradyn Tuttle, *12/31/2020*

Staff:

Tom Roberts, Director of Planning & Community Development, Secretary

Meetings:

Members of the Buena Vista Planning Commission meet in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on the 2nd Tuesday of each month, unless otherwise announced. Meetings may be held and business conducted without a quorum, but no votes may be taken unless a quorum is present. A majority of members constitutes a quorum. A motion passes with a majority vote; a tie constitutes defeat of the motion.

Please go to our website www.bvcity.org for more information on this and other issues and information about the City of Buena Vista including the Comprehensive Plan and Land Use Regulations. The Office of Planning and Zoning is open Monday through Friday, 9:00 AM to 5:00 PM and Tom Roberts can be reached at (540) 261-8607 or troberts@bvcity.org. Please call ahead to ensure availability.

Public Comments Or Suggestions

Name, Address, and Signature:



**City of Buena Vista
Planning Commission
Minutes of June 13th 2018
Public Hearing and Regular Meeting**

**CITY OF
BUENA VISTA**
Planning and Zoning
2039 Sycamore Avenue
Buena Vista VA 24416
troberts@bvcity.org
(540) 261-8607

Members of the Buena Vista Planning Commission met in Council Chambers, 2039 Sycamore Avenue, at 7:00 p.m. on June 13th 2018. A quorum was established.

Members Present:

Dennis Hawes, Chairman
Michael Ohleger, Vice-Chairman
Sandy Burke
Lucy Ferrebee
Guy Holstein
Preston Manuel
Bradyn Tuttle

Members Absent:

Melvin Henson, City Council Representative
Jay Scudder, Ex Officio member

Staff Present:

Tom Roberts, Director of Planning & Community Development

Cornerstone Bank

Several members of the board and staff of Cornerstone Bank were in attendance, and they spoke briefly to say they are excited to open a new branch in Buena Vista following the announcement by Union Bank of its branch closure.

Mr. Ohleger made a motion to state a resolution of support of Cornerstone Bank's new branch opening. The motion was approved unanimously.

Public Hearing

Mr. Hawes opened the public hearing and explained that the Commission would take a vote on each item after it is discussed in the hearing, unless there was a need for additional discussion.

Conditional Use Permit for home used as rental property pursuant to Section 711 of the Land Development Regulations, John Chapman, 2354 Chestnut Avenue

Mrs. Kathryn Chapman, wife of the applicant, spoke first about their proposal. Her points:

- Currently they have 11 people in their family, they propose 9 people
- They have spent money adding gravel to the alley

Mr. Ohleger asked how many cars they have parked in the back; she replied 1 and reviewed the site plan showing demolition of the chicken coop and spaces for 8 cars. Mr. Holstein asked about location of the car port.

Mrs. Chapman noted that the staff report noted two of the spaces would be difficult to back out of; she responded that those spaces are directly opposite a neighbor's driveway.

She also noted that another option is to loop a driveway through the back yard around the barn.

Mr. Hawes asked if they were only going to rent to students; she said they were going to advertise to students, and that they were going to go through the rental inspection process so they could advertise on SVU's page. At this point, they have five members of the tennis team lined up to live in the house.

Mr. Holstein asked about fair housing laws, and Mr. Hawes said it may not be legal to advertise just for students. Mrs. Chapman said she is open to renting to others who want to share housing students.

Mr. Tuttle asked about dealing with traffic on Chestnut, and visitors to the house. She responded that they have 4 cars and three are usually parked on the street. Since they have lived there, they have only had two occasions when they couldn't get a spot in front of their house. Also, most students don't drive to other people's houses if they this close to campus. She also noted available parking on the side streets.

Mrs. Chapman said they are asking for this CUP because they want to earn more money off of the house. They don't want to upset anyone or make waves. They attended SVU shortly after it became Southern Virginia.

Mrs. Chapman noted that the comprehensive plan calls alleys "secondary access" routes for properties, and with 8 spaces off the alley that puts a lot of traffic on the alley and makes it primary not secondary. She is concerned about traffic on the alley, Chestnut, and the side streets. There followed discussion of alley use, maintenance, dealing with oncoming traffic in a one-way alley.

Mrs. Chapman stated that with several children approaching college age, they expect to have Chapmans living in the house for many years to come. Part of those children's responsibility will be to maintain the property.

Mr. Roberts spoke next. His points:

- Chapmans are applying under Section 711 which requires a CUP for 5 or more unrelated individuals paying rent
- They have 2.6 lots, so they could have up to a 4-family dwelling by right, so the maximum permitted density of this site is 4 units/16 people.
- Alleyways – in many other cities, alleys are used more heavily for vehicular access to residences because it allows you to put (unattractive) garages at the back of a property out of sight; but in Buena Vista this is less common and there are significant maintenance concerns with the City keeping up so many gravel alleys. There are two perspectives on alley use.
- Condition of alley behind this property is fair but it is hard to say whether there will be too much traffic or not.

Mr. Roberts then read, almost word-for-word, to the Commission and public the supplemental staff report he prepared for the meeting that was not included in the packet.

Mr. Hawes then invited the public to provide their comments.

Mrs. Terry Wheeler, neighbor:

- Did not receive letter/copy of proposed plan, heard about from neighbor
- Fair housing law, concerned that they can't limit residents
- Like the fact that other student rentals in the neighborhood are limited to 4 people
- Responsibility of reporting issues would fall to neighborhood and getting permit revoked would be difficult
- Alley wouldn't support this much traffic
- Don't mind as a rental but not for 9 people
- Safety of electrical capacity and plumbing capacity of house

Mr. Casey Crookston, 546 E 19th Street

- There are a lot of people renting homes to more than 4 people, he applauds the Chapmans for the proper application
- Precedent of granting this permit – just because the Commission allows this house doesn't mean they would have to allow it for the next house on the street, could be a first-come-first-served thing
- If this application were denied then others would think twice before taking the legal route and applying for a CUP

Mrs. Marie Shiraki, 2070 Forest Avenue

- They are in a similar situation living in a large older home
- Sad to see when big older houses are divided into apartments—bad for neighborhood character, decreases value in mind of the community
- Takes a lot of money to preserve an old, large home so that is why they need rental revenue
- Wants the City to look for ways to encourage preservation of old homes

Mr. Kirk Wheeler, neighbor:

- What if someone else on the block wants to do this conversion down the road, will they be denied because the Chapmans got there first and are using the alley?
- What happens to the alley and sewer if all the houses on the block are converted to higher occupancy?

Mr. Manuel then asked Mr. Wheeler if he thought that his property value would be diminished by the CUP, and Mr. Wheeler replied yes.

Mr. Chris Pendleton, 1045 E 17th Street:

- Just bought house in December, love Buena Vista
- This is a bigger issue than just the one application – what kind of town do we want? What are ramifications of this?
- His house is 3,000 sq ft; if this goes through, why wouldn't he do this to his house and generate a lot of income?

- It took him a long time to find a house to buy in Buena Vista because so many of the larger homes have been divided
- What does this do to businesses who want to come in and build apartments?

Mrs. Susanne Garcia, 125 S. Woodland Avenue

- Agrees with many of Mr. Pendleton's points
- Putting more than code in a house shoots us in the foot
- Shortage of 2500+ sq ft homes in Buena Vista – SVU faculty end up living in Lexington because they can't find something here
- When you can rent to so many it makes it too lucrative to live in your house
- Want the City to enforce existing code

Mr. Bill Braddy, 2748 Walnut Avenue

- Previously a Planning Commissioner
- Agree with Mrs. Shiraki's comments about not wanting to chop up old houses
- Agree with Mrs. Garcia that Buena Vista is losing people to other places because there aren't houses available
- Concerned about pedestrian and vehicular traffic on Chestnut
- He believes property values would decrease
- Passing this CUP would make it harder to deny the next application
- Recommends tabling proposal and researching issue
- No real benefit to neighbors, no real benefit to community, no real benefit to students living there, only benefits property owners
- Concerned about sewer
- Don't think this proposal is consistent with single-family residential
- Thinks that conversion of existing homes should be treated differently than vacant lot infill

Mr. Cameron Crowther

- Own property at corner of 21st and Magnolia Avenue
- Concerned about precedent: his downtown redevelopment has only been feasible because there is demand for residential apartments
- Allowing rentals within homes in residential neighborhoods decreases demand for apartments downtown

Mrs. Deidre Dryden, 2512 Chestnut Avenue:

- Applaud Chapmans for legal application
- Lives next to a student rental that has a lot of cars in front and is not maintained well
- Don't want houses chopped up
- Agree with others that it is hard to find large houses in Buena Vista
- Wants to see zoning rules enforced

Mrs. Shiraki again spoke and encouraged the Commission to consider alternatives to 9 people, such as 6 people or fewer parking spaces in the rear.

Mr. Braddy spoke again.

- Intention of these properties is to be owner-occupied
- \$1400 per month (\$350/person) is enough to cover a \$200,000 mortgage
- There is a way to rent and protect community values

Mr. Brett Garcia, 125 S. Woodland Avenue

- Is also Executive Vice President at SVU and has discussed these issues with President Wilcox
- Not specifically commenting on the Chapman application
- Concern is protecting community and students
- SVU has found high correlation between student behavior problems and the density of student housing
- “Our desire for the community is that single-family residential homes stay single-family residential homes.”
- Echoed concern that SVU faculty and staff can’t find homes in the City
- No incentive for builders to build areas that are zoned for apartments
- Want the City to enforce rules

Mr. Tyson Cooper

- Points out that two former Planning Commissioners came to speak
- Noted that the Commission discussed some changes to dwelling unit regulations last summer but did not take any action
- SVU is radically changing the nature of our community; Southern Seminary intentionally stayed up on the hill and did not come into the town. In the coming years, SVU will come down off the hill more and more and be more involved not just in housing but also in activities.
- Need to set policies in place now
- Encourages Commission to look hard at changes to R2 and R3 uses
- 40%+ of City’s housing stock is rental
- He lives next to students, and affirms that they come and go at all hours of the day and there is a lot of traffic even though not all of them have cars
 - 9 students will feel like 42 moved next door
- Encourages Commission to come up with ideas to help preserve old homes
- Highlights need to enforce existing codes

Mr. Hawes jumped in to note that the City used to have a code enforcement official and highlighted importance of enforcing what we have on the books before changing the rules.

Mr. Cooper encouraged the Commission to bring a proposal to Council for a code enforcement official. He and the mayor value the input of the Commission. He hopes that Council does not have to consider this application.

Mrs. Hawes asked about the electric service at the house. Mrs. Chapman replied that Phil Pence replaced much of the wiring when the Pences owned it. Also, she said that the sewer has had no issues with the sewer even with 8 daughters with a lot of hair going down drain.

Mrs. Chapman continued:

- Really wanted to come back to Buena Vista but struggled to find a house big enough for them.
- Jobs at SVU are not high-paying.
- They are moving to another house because they cannot make it living in this house—lots of maintenance
- \$1400-\$1600 per month may cover mortgage but would not maintain the house or generate a profit
- Have to supplement her husband's income somehow – need to do what they need to do
- Have looked into subdividing the property or creating a duplex, and probably will do this if they can't get the CUP even though it will be more disruptive to the neighborhood.
- Regarding concerns about electricity, there are already two refrigerators and two ovens in the house
- Next door are students living in addition to a house; she presumes it is a duplex, but they are good neighbors—she has never had problems with them and one time a student came over and offered to rake leaves—they are good people.
- She recognizes this is precedent-setting

Mr. Hawes closed the public hearing.

Discussion of Conditional Use Permit application from

Mr. Hawes discussed the background of Section 711, saying that the intent had been to avoid the problems seen in Lexington with student rentals. However, it has not been enforced. He commended the Chapmans for going through the appropriate process.

Mr. Hawes is concerned about property values, and pointed to neighborhoods in Lexington with lots of student rentals that are poorly maintained.

Mr. Ohleger spoke:

- He is concerned about traffic on Chestnut vehicular and pedestrian
- Some bad apples at SVU like anywhere else
- Commends Chapmans for asking for permission rather than forgiveness
- He knows of 4 places with non-compliant rentals
- Issue will get worse unless we enforce rules
- 9 is too many; he doesn't support application
- Property values will be negatively impacted.
- Old homes shouldn't be chopped up

Mrs. Burke spoke brought up the question of how rental to multiple people impacts the character of the neighborhood and the number of homes already being used for rental, and the intent of the R3 district.

Mr. Hawes asked the Commission if they wanted to table or vote on this. Mr. Holstein stated that he feels like the public has spoken and he has enough information to make a decision tonight.

Mrs. Chapman asked if the Commission would consider a smaller number of people. The Commission declined to make such a change. Mr. Ohleger made a motion to recommend denial of the application; Mr. Holstein seconded; and all voted yes.

Second Public Hearing: Zoning text amendment to amend Mixed Use district regulations

Mr. Roberts reviewed the proposal, beginning by noting the MU corridor is from about 9th Street to about Park Avenue. He then highlighted that the most important change is to change apartments on the upper floors of buildings from conditional to by-right uses.

Mr. Roberts pointed out to the Planning Commission that he made some small changes to be more specific about multifamily to make single-use multifamily buildings a conditional use.

Mr. Roberts also highlighted that the amendment would clarify that there are no setbacks and buildings may take 100% of the lot.

Mr. Hawes asked if anyone wished to comment.

Mr. Chris Pendleton, 1045 E 17th Street

- He supports these revisions and is glad the Commission is looking at zoning issues

Mr. Bill Braddy, 2748 Walnut Avenue

- He supports the revision to facilitate Ed Walker's development
- Who is controlling the design of buildings in the downtown? Staff or Planning Commission? He supports an architectural review committee for downtown to protect the neighborhoods.
- Many eyes make good decisions

Mr. Hawes closed the Public Hearing.

Planning Commission Discussion

Mr. Ohleger asked about portable food stands, and Mr. Roberts clarified that they don't belong in the zoning regulations.

Mrs. Burke asked about catering kitchens and whether they would be allowed, given the 50% retail sales requirement for manufacturing uses. Mr. Roberts explained that catering kitchens would be a by-right use and the manufacturing/retail percentages would not apply.

Mr. Tuttle made a motion to recommend approval of the zoning text amendment as presented; Mrs. Burke seconded; all voted yes.

Regular Meeting

Public Comment

None.

Review and Adoption of Minutes

Mr. Holstein noted that he was listed as both absent and in attendance on the minutes. He was absent. Mr. Hawes called a vote to approve the minutes of the April 10th regular meeting. Mr. Ohleger moved first, Mrs. Burke seconded, and the motion passed unanimously. Mr. Holstein abstained.

Report of Secretary

None

Committee Updates

Mr. Roberts stated that work on the Comprehensive Plan has stalled but the Planning District Commission is assisting.

New Business - none

Old Business – none

The Commission reflected on the earlier discussion and public hearing and the issues raised by it. Mr. Hawes asked Mr. Roberts to work on some text amendments for dwelling unit regulations because it was very clear those are needed. Mr. Holstein agreed. There was discussion of some other prior efforts to update regulations, such as signage and Central Business District zone, and the need to clear up old contradictory provisions in the zoning code.

Mr. Holstein suggested Planning Commission work sessions to discuss zoning changes.

Mr. Holstein discussed concerns with code enforcement, and whether the Commission can make a recommendation for a staff person. He noted that someone is going to die in an incident and then we will see the importance of enforcement.

Mr. Hawes asked about the Ramsey rezoning between Catalpa and Rockbridge Avenue that went to Council. Mr. Roberts reported that the rezoning had passed. He also relayed that Council had adopted 3 of the 5 text amendments. Council tabled voting on the definition of “basement” and the definition of “family” amendments.

The Commission returned to discuss zoning enforcement. Mrs. Burke asked what happens when there is a zoning violation, and Mr. Roberts explained it comes to him. Mr. Roberts stated that he receives few actual specific complaints. He investigates then sends a letter with a notice of violation, after which the person has 30 days to correct or appeal. He will work with people to develop a plan to bring it into compliance. If the person still has not complied, they can be charged with a misdemeanor.

Mr. Holstein stated questions and concerns with the sheriff’s department and how many deputies we have, and why the sheriff’s department is not helping with code enforcement. Mr. Roberts clarified that the sheriff’s department does help with code enforcement and is responsible for the inoperable motor vehicle enforcement, which has been very successful. There is some difficulty with having multiple people in different departments on different schedules and with different backgrounds providing consistent code enforcement.

Adjournment

Mr. Hawes adjourned the meeting at 9:25 PM.

Approval

Chairman

Date



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 8 August 2018
TYPE: Zoning Map Amendment
SUBJ: 2638 and 2656 Chestnut Avenue

Synopsis

Applicant Southern Virginia University (SVU) requests rezoning of two houses from R2 Residential to INST Institutional for the purpose of using one building for offices. No construction is proposed.

Site Information

Address/Tax Map:	2638 and 2656 Chestnut Avenue Tax maps 28-1-5-46-3 and 28-3-5--2	
Existing zoning:	R2 Residential and Seminary Hill Historic District (SHHD)	
Existing land use:	Single-family residential	
Proposed zoning:	INST Institutional and SHHD Seminary Hill Historic District	
Proposed land use:	Single-family residential and office	
Surrounding zoning and land use		
North: Parking lot for SVU East: Single- and Two-family residential South: Single- and Two-family residential West: SVU Main Hall		
Size:	6 standard lots or 37,500 sq ft or 0.86 acres	
Staff Recommendation:	Approve with one condition	
Tentative Timeline	Preliminary Commission Discussion	August 14th 2018
	Planning Commission Public Hearing	September 11 th 2018
	City Council Public Hearing	October 4 th 2018
	City Council Adoption	October 20 th 2018

Overview

Purpose

SVU wishes to use one of the two buildings for faculty and staff offices, which is not a permitted use in the R2 zone. 2656 Chestnut Ave is the President's house.

Environmental Characteristics

The site is flat. There are no storm water management or environmental concerns except at the street edge, discussed

Surrounding Land Uses

These two properties are at the "corner" of R2 zoning and INST. They are adjacent to privately-owned single and two-family residential properties on the east and south, and directly across Chestnut Avenue from SVU's Main Hall. The adjacent block of 27th Street (between Chestnut and Walnut) operates as a public road but was vacated by the City and is owned by SVU.

There are additional properties on the east side of Chestnut Avenue in the 2500 and 2600 blocks owned by SVU that are not included in this rezoning proposal.

Infrastructure and Access

Water & Sewer: Professional offices generate limited water usage and sewage, and no construction is proposed, so existing water and sewer infrastructure is adequate.

Pedestrian access: The east side of Chestnut does not have sidewalk or curb and gutter. There are paved walkways leading to the front door of each building.

Vehicular access: 2656 Chestnut has several off-street parking spaces accessed by an asphalt driveway loop from Chestnut to 27th Street. There is also on-street parking in front of the site. However, within 100-200 feet of the site are two parking lots used for staff and for students.

Analysis

Purpose of rezoning and background

Some years back, SVU used 2638 Chestnut Ave as faculty/staff offices, before converting it back to student housing for several years. It is not clear whether this use as an office was a preexisting nonconforming use or an unintentional deviation from zoning, but offices are not a permitted use in R2. Schools are a permitted use, but non-instructional space that is exclusively for office or support use would not be considered a "school," especially because the INST district is explicitly intended for the breadth and diversity of higher education facilities. SVU wishes to use the space again for offices and to come into full conformity with zoning.

Comprehensive Plan Conformance

This site is not mentioned specifically in the Comprehensive Plan, and the Future Land Use Map shows this area remaining as R2 Residential. However, the current Plan does not address physical growth of SVU at all. The Plan does provide the following guidelines for institutional land uses:

- Accessibility should be along a major street system.
- They should be conveniently located for the population to be served.

- They should have adequate off-street parking designed in a manner that is suitable to the areas in which they are located.
- They should be located so that they do not stress the capacity of roads or other infrastructure.
- They should be of a scale and design that is suitable to the neighborhood or area in which they are located.
- Accessibility for pedestrians is required.

The properties and buildings in this proposal meet those guidelines.

Impact of rezoning

The impact of this rezoning is expected to be minimal. Pedestrian and vehicular traffic is expected to change only slightly, as there will be more occupants of and visitors to the office at 2538 Chestnut. However, there is already substantial pedestrian traffic at this location during the school year going to classes etc.

No construction is proposed, and 2638 was previously used as an office, so there is minimal impact expected to the character of the street or neighborhood. Further, 2656 Chestnut will remain residential in use.

Single-family residential is a by-right use in INST, as are other residential uses, so 2638 could revert to residential in the future.

Pedestrian Infrastructure

The east side of the road badly needs curb, gutter, and sidewalk to accommodate the higher volume of pedestrians and vehicles. There is no clear “edge” to the roadway for vehicles parallel parking, and there is no place for pedestrians except for the yard of the two buildings and the street. Curb and gutter will improve storm water management at the edge of these properties, and sidewalk will provide a safe place for pedestrians

Recommendation

Staff recommends approval of rezoning 2638 and 2656 Chestnut Avenue from R2 Residential to INST Institutional.

The applicant and the City are discussing the possibility of a condition to require curb, gutter, and sidewalk to be constructed.

Staff recommends no changes to the SHHD Seminary Hill Historic District.

The purpose of the August 14th Planning Commission preliminary discussion is to identify any major issues with the proposal and gauge community sentiment.



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.



130 65 0 130 Feet

2638 & 2656 Chestnut Avenue Proposed Rezoning

Planning & Zoning | 7/12/2018



2656 Chestnut Avenue



2638 Chestnut Avenue

APPLICANT/AGENT INFORMATION

Name:	Southern Virginia University			
Address:	One University Hill Drive			
City:	Buena Vista	State:	VA	Zip: 24416
Phone/ Email:	540-261-4098 bob.huch@svu.edu			

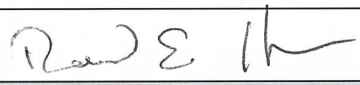
PROPERTY OWNER INFORMATION

Name:	Southern Virginia University			
Address:	One University Hill Drive			
City:	Buena Vista	State:	VA	Zip: 24416
Phone:	540-261-4098 bob.huch@svu.edu			

PROPOSED AREA TO BE REZONED

Address(es): 2638 Chestnut Avenue + 2656 Chestnut Avenue			
Describe location: House currently owned by SVU, formerly used as offices, currently as residence, directly across street from SVU's Chandler Hall. Next to university president's house.			
Tax Map Number(s): 28-1-5-46-3 28-3-5--2	<table border="1"> <tr> <td>Current Zoning: R2</td> <td>Proposed Zoning: Inst</td> </tr> </table>	Current Zoning: R2	Proposed Zoning: Inst
Current Zoning: R2	Proposed Zoning: Inst		

APPLICANT SIGNATURE

Printed Name:	Robert E. Huch	Title:	VP of Finance
Signature:		Date:	7/12/18
Zoning Administrator:		Date:	
Staff Comments:			



Tuesday, July 10, 2018

Tom Roberts
Director of Planning & Community Development
City of Buena Vista, Virginia

Mr. Roberts,

This letter is the requested rezoning proposal narrative to accompany the university's request to rezone the properties located at 2638 Chestnut Avenue and 2656 Chestnut Avenue. These two properties are currently zoned R2. The university is applying to have them rezoned to be Institutional.

Previous Uses

Southern Virginia University has owned these two properties for many years. The property at 2656 Chestnut is used as the home of the university president. The property at 2638 Chestnut has been used for different purposes over the years. In the past decade, this home has been used as administrative office space, housing our student life and housing offices, classroom space, and most recently as a residence for volunteer faculty and coaches.

To the west of these homes is the university's Chandler Hall and Chandler field (both Institutional). To the north is a university gravel parking lot and empty field (both institutional). To the south is a single-family residence (zoned R2). To the east are additional single-family homes (zoned R2).

Proposed Uses and Development

The proposed rezoning affects these two properties and would allow the university to use the spaces, as needs arise, as either administrative office space or single-family housing. It has been used successfully as both in the past, with no known adverse effect on surrounding properties. When used as office space it is estimated that approximately seven office spaces for professional staff and/or faculty would be available.

No additional buildings, additions, or development of either property is being proposed.

Impact on Character and Established Pattern of Development

No change to the character of the neighborhood or the pattern of development in the area is anticipated.

Vehicular Traffic and Pedestrian Circulation

There would be no additional vehicular traffic. Pedestrian circulation is already prevalent in this area. A rezoning would not change this.



**SOUTHERN
VIRGINIA
UNIVERSITY**

Office of the President

One University Hill Drive
Buena Vista, VA 24416

(540) 261-8400

Impact on Utility Infrastructure

We do not anticipate any negative impacts to the utility infrastructure. The utility use should not be affected.

Given that on two sides the properties are bordered by the Institutional district, that the properties are owned by the university, that the primary land uses of the Institutional district are intended to be "civic and institutional in nature" (Article 1901.00), and there are no anticipated adverse effects of rezoning these properties to be part of the Institutional district Southern Virginia University submits its rezoning application.

Sincerely,

Robert E. Huch
Vice President of Finance
Southern Virginia University



CITY OF BUENA VISTA
Planning & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 8 August 2018
TYPE: Zoning Text Amendment
SUBJ: Dwelling Unit Regulation Amendments

Synopsis

Amend multiple code sections pertaining to dwelling units to preserve and enhance neighborhood quality through better control of residential density.

Key Elements:

1. Update definitions of terms related to dwellings (*new*)
2. Reinforce intent language for R2, R3, and R4 zones (*new*)
3. Change two-family dwellings from by-right uses to conditional uses in R2 and R3
4. Eliminate 3 and 4-family dwellings as permitted use in R3
5. Create new dwelling unit type--Accessory Dwelling Unit (ADU)—as a conditional use in most zoning districts
6. Eliminate the minimum square footage requirements for dwelling units
7. Eliminate manufactured housing as a use in R4 (*new*)
8. Define car ports as accessory use (*new*)

Background

The basic zoning regulations in the City's residential districts (R1, R2, R3, R4) are essentially the same as they were when the current Land Development Regulations were adopted in 1985. Although certain zoning principles remain true, local development dynamics, real estate market conditions, and community sentiment demand a new approach. These amendments address the following concerns:

- Current definitions of key terms are vague or do not address key criteria, especially when applied to proposed regulations.
- Current intent statements that introduce each residential zone are vague, confusing, and don't match existing development.
- Many single-family homes have been converted to multi-unit rental residences. This has changed the character of neighborhoods and introduced additional traffic, as well as distorting the sales prices and rental rates for houses.
- Conversion of a single-family dwelling to a two-, three-, or four-family dwelling is by-right in most cases, and there are few requirements about how the conversion or construction is done.

- The minimum square footage requirement for two-, three-, and four-family dwellings creates a perverse incentive to build larger “apartments” than are appropriate for the neighborhood, the house, or the owner.
- The minimum square footage requirement for detached single family homes is an unnecessary regulation that limits housing diversity and affordability.

Elements

1. Definitions

Underpinning regulation of who can live in what type of space are the definitions of key terms. Some of the current definitions are vague or leave important criteria unaddressed.

“Dwelling”

Current text:

302.04-5 Dwelling means any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.

Staff proposes adding dormitories to the list of use types that are not considered “dwellings.” Institutionally-operated housing presents a very different set of regulatory needs from regular houses and apartments.

“Dormitory”

Dormitories are not currently defined in Buena Vista code. Staff proposes the following definition, copied from the City of Lexington zoning code:

A building, or portion thereof, specifically designed for a long-term stay by students of a college, university, or nonprofit organizations including religious institutions for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

“Dwelling Unit”

Current text:

302.04-9 Dwelling unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.

This text does not address relationship of a dwelling unit to other spaces in a building. Staff proposes using City of Lexington text:

A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

“Dwelling, Two-Family (Duplex)”

Current text:

302.04-8 Dwelling, two-family (duplex), means a building designed for, or occupied exclusively by, two families living independently of each other.

This text does not address the relationship of units to each other within the structure. Staff proposes using City of Lexington text:

Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.

2. Intent statements

The statements of intent that introduce sections in the zoning code are important because they direct the interpretation of the regulations. They lay out in very basic terms what that zone should look like. This also helps the reader understand differences between similar zones (e.g. difference between R2 and R3). The current intent statements are wordy, vague, and do not convey the salient differences between the zones.

3. Duplexes as Conditional Uses

Currently, building or converting to a duplex (two-family dwelling) is a by right use in R2, R3, and R4 zones. Few or no traditional duplexes have been built in recent years—such as side-by-side units with separate front doors that clearly look like duplexes or townhouses. Instead, almost all have been conversions of part of a single-family home, such as a basement or garage or attic. As a by-right use, the following elements—and no more—are required:

- Adequate lot size (1 ½ lots in R3, 2 ½ lots in R2)
- Adequate unit square footage (960 in R3, 1200 in R2)
- Units must be in same building
- 2 off-street parking spaces for each unit
- Each unit must have separate exterior entrance, and any doors between units must lock
- Units must have fire separation per building code
- Electric panels, water & gas shutoffs, etc. must be accessible by each unit
- Room sizes, ceiling heights, etc. must meet building code

While these address some basic safety and density concerns, they are a low standard, and if these items are met the permit must be issued. Conditional approval would allow staff, Planning Commission, and Council to consider additional factors such as

- overall neighborhood context and density
- property values of surrounding homes
- proposed landscaping/site design
- neighborhood traffic patterns
- location of vehicle access (street vs. alley)
- building configuration and where the each unit is located and accessed
- number of occupants in each unit

Duplexes are significant to neighborhood character because by definition, at least one of the units is a rental that is not owner-occupied. Current market dynamics are increasing the number of single family home conversions, and requiring a CUP will help the City get a handle on future conversions by setting a higher bar for permitting.

4. Three- and Four-Family Dwellings

Currently, building or converting to a three- or four-family dwelling (triplex or quadplex) is a by-right use in R3. The limited requirements listed above for duplexes also apply to triplexes and quadplexes, but site plan approval is also required. The site plan approval process provides some ability to require traffic control measures and landscaping/fencing/stormwater management measures, but is not a discretionary review—if those items are addressed, the plan must be approved.

Three- and four-family dwellings are more similar to apartment buildings than to single family homes, and could seriously disrupt neighborhood character. Because each unit must be at least 960 square feet, units are almost guaranteed to be 2, 3, or 4 bedroom and thus have higher total occupancy. As a result, with 2 ½ lots, a quadplex housing 16 unrelated adults could be built by right. The parking ratio for multifamily is 1 ½ spaces per unit.

In addition to potential density and character issues with triplexes and quadplexes in single-family neighborhoods, the City wishes to encourage development of multifamily units in other areas such as downtown (Mixed Use and Mixed Business zoning districts).

Staff recommends eliminating three- and four family dwellings entirely as a permitted use in R3. Existing multifamily buildings in R3 would remain as legal preexisting nonconforming uses.

5. Accessory Dwelling Units (ADUs)

Accessory Dwelling Units are small, separate dwelling units attached to a primary house. An ADU can be thought of as a special kind of duplex and the ADU regulations as a “template” for CUP duplex conditions. Allowing ADUs would acknowledge and provide a legal path for a common living arrangement, while maintaining rules that would protect neighborhood character and life safety.

Many other localities allow ADUs, such as Lexington, Blacksburg, Charlottesville, Harrisonburg, Herndon, Lynchburg, and Roanoke. Below are proposed regulations based on those of other localities that fit Buena Vista:

- 1 ½ lots required (9,375 sq ft), regardless of zoning district
- Maximum square footage 800 sq ft *or* 40% of the home’s square footage
- Either main house or ADU must be owner-occupied
- Maximum 2 occupants regardless of age or relationship
- Must be located within main house building and not in separate accessory building
- Must meet building code requirements for a two-family dwelling
- Only permitted for detached single-family homes—you can have either ADU or duplex but not both
- Off-street parking required: 1 space for ADU + 2 spaces for main house

There are several procedural options for permitting ADUs at increasing levels of scrutiny and burden.

- As a by-right use reviewed for compliance with regulations and approved by the Zoning Administrator.

- As a by-right use but specifying that a site plan must be submitted and reviewed by the Planning Commission as well as Zoning Administrator.
- As a Conditional Use requiring public hearings and City Council approval.

Some localities allow ADUs through an administrative zoning permit that is reviewed by staff but not by the Planning Commission. The CUP process is valuable for making public, thoughtful decisions on a case-by-case basis, but is costly, time consuming, and unpredictable for the property owner. Making ADU permitting “easier” may encourage more owners to be “legal” rather than fly under the radar, resulting in better tracking of units and compliance. Also, the requirements for ADUs would be written specifically enough to adequately address potential negative impacts without requiring additional site-specific conditions as in a CUP. However, the CUP process allows for the most public/neighborhood involvement.

ADUs are a middle ground between tightly protecting single-family, owner-occupied neighborhood character and accommodating small rental units throughout the City. There is clear demand for this type of 1-2 bedroom dwelling unit in the City, and ADUs are an affordable and widely-used means of providing this housing. Also, because ADUs are within existing buildings, they represent very low added infrastructure cost to the City (no new roads or water mains need to be built).

While some new ADUs will be created, I expect that many existing duplex apartments that do not meet current code could be brought into compliance as ADUs. This could “soften the blow” of new enforcement of existing regulations for units that have been quietly in use for 10-20 years but were never compliant, giving owners a path to get legal if they meet all requirements.

6. Minimum Dwelling Unit Square Footage

Current code sets minimum dwelling unit sizes for single, two-, three-, and four-family dwellings in R1 and R2 at 1,200 square feet and in R3 and R4 at 960 square feet. These minimums were set in the 1985 zoning code. Staff speculates that the purpose of the minimums was to encourage development of larger, more valuable homes. When applied to Buena Vista in conjunction with other rules, the results have been mixed, and no longer fit realities on the ground and today’s real estate market.

Detached single-family homes

For detached single-family dwellings, few contemporary owners seek to build a home less than 960 square feet, so the threshold is largely unnecessary. The market will determine the appropriate size of detached homes. Additionally, square footage requirements are a major factor in the increasingly prohibitive cost of home construction. Affordable housing is an important issue in the Rockbridge area and as Buena Vista grows this will be more pronounced.

Given the mix of sizes, styles, and ages of Buena Vista’s neighborhoods, a minimum square footage is not effective at fostering architectural compatibility the same way it would be in a new subdivision. The undeveloped areas of the City suitable for new housing subdivisions are zoned for Planned Unit Development, which provides additional architectural controls separate from these square footage minimums.

Impact on two-, three-, and four-family dwellings

Most new units in R2 and R3 are single-family homes converting to duplexes. In these cases, owners frequently wish to create much smaller units that are accessory apartments, but have no choice but to create “house-size” additional units. To cover the cost of construction or rent, a 960 or 1200 square foot unit must then be rented to 2, 3, or 4 individuals, increasing the overall occupancy of the property. Small, accessory apartments are not allowed at all.

Additionally, the high minimum can result in excessively large or awkward additions. Once the owner has invested in creating so large a space, it is unlikely he will convert back to a single-family residence.

Inclusion in code

Finally, establishing a minimum dwelling unit square footage is extremely unusual for zoning codes. In staff’s survey of 30 other Virginia localities, the only other zoning codes that included minimum unit square footages for single- and two-family dwellings are Bridgewater (only in a special overlay zone, not in base zoning) and Emporia (only when a single family home is converted to multifamily). Neither of these localities have strong codes that serve as good models. It is more common to have minimum square footage requirements for apartments in multifamily dwellings, which Buena Vista also has, and are separate and different from the 960/1200 thresholds.

The Virginia Uniform State Building Code includes minimum square footage requirements for dwellings based on room type and unit occupancy. While these add up to smaller minimum unit size, they protect the health and safety of occupants. The USBC minimums are summarized in this table:

SPACE	Minimum Area in Square Feet - USBC		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room	120	120	150
Dining room	No requirement	80	100
Bedrooms	Every bedroom shall contain a minimum of 70 square feet (6.5 m ²) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet (4.6 m ²) of floor area for each occupant thereof.		

Staff recommends eliminating all dwelling unit square footage minimums for single-, two-, three-, and four-family dwellings. Minimum square footages for apartments would be retained.

7. Manufactured Housing in R4

Currently, single-family manufactured housing on individual lots is a permitted use in R4 Medium Density Residential. The R4 zone is primarily used for suburban-type apartment buildings. Several existing apartment complexes are zoned R4 such as Vista Apartments and the Gayle Smith Apartments. Two blocks of undeveloped land between Rockbridge Avenue and Catalpa Avenue were recently rezoned to R4 to allow future development of apartments.

Manufactured housing, also known as mobile homes, is built to a US Department of Housing and Urban Development (HUD) standard rather than the Virginia Uniform Statewide Building Code. Manufactured housing is an important low-cost housing option.

Manufactured housing is not permitted in R1, R2, or R3 residential districts, or in the Mixed Use or Mixed Business districts that encompass the vast majority of existing neighborhoods. Manufactured housing (on individual lots and in mobile home parks) is permitted in the R5 residential district; however, currently no land in the City is zoned R5. The existing mobile home parks (Heavner's and the one up on Pine/Pine Needle/Pine Cone/Spruce Avenues) are zoned R3 and are classified as preexisting nonconforming uses.

Staff propose eliminating manufactured housing as a permitted use in R4 to focus the R4 zone on higher-density multifamily housing. Suburban apartment complexes are not very compatible with individual mobile homes or mobile home parks.

8. Carports

Under current code, carports are not defined or addressed, and it is not clear that they can be considered a building. Therefore, they do not require a zoning permit and do not have to meet setbacks. This has led to unfortunate placement of carports on some properties around town.

Staff propose defining the word "carport" and adding carports as an explicitly permitted accessory use in all residential districts. This makes it clear that they are accessory buildings that must meet setbacks for the respective zoning district for accessory buildings, as well as front setbacks for primary buildings.



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Proposed Text Revisions

Dwelling Unit Regulation Amendments

8 August 2018

Definitions

302.03-? *Carport*. Also *car port*. A roofed structure enclosed by walls on no more than sides, designed for use as a parking shelter for private motor vehicles. A carport may be an independent structure or attached to another structure.

302.04-? *Dormitory* A building, or portion thereof, specifically designed for a long-term stay by students of a college, university, or nonprofit organizations including religious institutions for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

302.04-5 *Dwelling* means any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, **dormitories**, and automobile trailers.

302.04-8 *Dwelling, two-family (duplex)*, ~~means a building designed for, or occupied exclusively by, two families living independently of each other.~~ Also referred to as a duplex; The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.

302.04-911 *Dwelling unit*. ~~One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one kitchen.~~ A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

Sec. 602.00 – Low Density Residential District R-1

602.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

[no other provisions of R1 to be changed]

Sec. 603.00. - Residential District R-2.

603.01 *Intent of Residential District*. ~~The intent of the R-2 [district] is to encourage residential neighborhoods and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses~~

likely to generate noises, crowds, and concentrations of traffic, lights, dust, odors, smokes or other obnoxious influences.

The R-2 district is established to encourage and protect neighborhoods of single-family detached homes on individual lots. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods.

603.02 [*Permitted uses.*] Within Residential District R-2 the following uses are permitted:

603.02-1 Single-family dwellings;

~~603.02-2 Two-family dwellings provided that the intent of this district is maintained in the design and use of two-family developments. Each living unit shall contain a minimum of 1,200 square feet;~~

603.02-3 Schools;

603.02-4 Churches and other places of worship with attendant, educational, and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;

603.02-5 Public parks, playgrounds recreational buildings, and grounds, tennis courts, swimming Pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot;

603.02-6 Bed and breakfast homestay in accordance with [article 14](#).

603.02-7 Accessory Dwelling Units (ADUs) in accordance with Section 7XX

603.03 *Conditional uses.* When, after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

603.03-1 Public utilities;

603.03-2 Public water and sewage facilities;

603.03-3 Child care centers and family day care homes. The main structure shall not be located closer than 50 feet from any residential lot;

603.03-4 Homes for adults;

603.03-5 Public service or storage buildings;

603.03-6 Commercial television receiving towers;

603.03-7 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of [article 13](#) are met;

603.03-8 Bed and breakfast inns in accordance with [article 14](#);

603.03-9 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

603.03-10 Two-family dwellings

603.04 *Accessory Uses*. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

603.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

603.04-2 Living quarters in the main structure of persons employed on the premises;

603.04-3 Travel trailers, which shall be stored within the minimum yard requirements and shall be prohibited from occupancy;

603.04-4 Temporary buildings for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work;

603.04-5 Signs as provided for in article 7;

603.04-6 Parking as provided for in article 7.

603.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of [article 13](#) are met.

603.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

(Ord. of 11-13-1997; Ord. of 7-12-2001; Ord. of 2-19-2009)

Sec. 604.00. - Residential Limited District R-3.

604.01 *Intent of Residential Limited District R-3*. ~~The intent of the R-3 residential district is to protect the residential character of established neighborhoods and communities. The regulations for this district tend to reflect and protect established neighborhoods which reflect on long standing character.~~

The R-3 district is established to encourage and protect neighborhoods that are a mix of single-family detached homes and two-family dwellings. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods.

604.02 *Permitted uses*. Within the Residential Limited District R-3 the following uses are permitted:

604.02-1 Single-family dwellings;

~~604.02-2 Two to four family dwellings provided that the intent of this district is maintained in the design and use of two to four family developments. Each living unit shall contain a minimum of 960 square feet;~~

604.02-3 Schools;

604.02-4 Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;

604.02-5 Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No

public swimming pool or structure shall be located closer than 100 feet from any residential lot;

604.02-6 Bed and breakfast homestay in accordance with [article 14](#).

604.02-7 Accessory Dwelling Units (ADUs) in accordance with Section 7XX

604.03 *Conditional uses*. When, after review of an application and hearing thereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

604.03-1 Child care centers and family day care homes. The main structure shall not be located closer than 50 feet from any residential lot;

604.03-2 Public utilities;

604.03-3 Public water and sewage facilities;

604.03-4 Public service or storage buildings;

604.03-4 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of [article 13](#) are met;

604.03-6 Bed and breakfast inns in accordance with [article 14](#);

604.03-7 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

603.03-8 Two-family, three-family, or four-family dwellings

604.04 *Accessory uses*. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

604.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

604.04-2 Living quarters in the main structure of persons employed on the premises;

604.04-3 Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy;

604.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

604.04-5 Signs as provided for in article 7;

604.04-6 Parking as provided for in article 7.

604.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio, television, and communication antennas provided the requirements of [article 13](#) are met.

604.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

(Ord. of 11-13-1997; Ord. of 7-12-2001; Ord. of 2-19-2009)

Sec. 605.00 Medium Density Residential District R-4

605.01 *Intent of Medium Density Residential District R-4.* ~~The intent of the Medium Density Residential District is to provide for a range of development densities in accordance with the Buena Vista comprehensive plan. The regulations for this district provide for development which is not completely residential as it includes public and semipublic, institutional and other related uses. However, it is basically residential in character, and as such, is protected against encroachment of heavy commercial, industrial, and other uses likely to generate noise, crowds, and large concentrations of traffic, light, dust, odors, smoke, and other obnoxious influences.~~

The R-4 District is established to accommodate a range of residential densities including multifamily buildings, as well as limited institutional, office, and commercial uses that support such residential development. R4 is primarily residential and is intended for lower intensity of pedestrian and vehicular use than the Mixed Use or Mixed Business districts.

605.02 *Permitted uses.* Within Medium Density Residential District R-4 the following uses are permitted:

- 605.02-1 Single-family dwellings;
- 605.02-2 Two-family dwellings;
- 605.02-3 Multifamily dwellings, apartments, townhouses, (as regulated in section 709 of this ordinance) and condominiums;
- 605.02-4 Schools;
- 605.02-5 Churches and other places of worship with attendant educational recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot;
- 605.02-6 Public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot;
- 605.02-7 Professional offices in structures similar in character with surrounding neighborhoods;
- 605.02-8 Tourist homes;
- 605.02-9 Public water and sewage facilities;
- 605.02-10 Public service or storage buildings;
- 605.02-11 Bed and breakfast homestay in accordance with article 14;
- 605.02-12 ~~Single family manufactured homes in individual lots.~~

605.02-13 Accessory Dwelling Units (ADUs) in accordance with Section 7XX

605.03 *Conditional uses.* When after review of an application and hearing hereon, in accordance with article 8 herein, the Buena Vista City Council finds as a fact that the proposed use is

compatible with surrounding uses, is consistent with the intent of this ordinance and of the comprehensive plan, is in the public interest, and will comply with all other provisions of law and ordinances of Buena Vista, the following uses may be permitted with appropriate conditions:

605.03-1 General hospitals;

605.03-2 Public utilities;

603.03-3 Commercial operations which will:

- (1) Not adversely affect the health or safety of persons residing in the neighborhood of the proposed use;
- (2) Not be detrimental to the public welfare or injurious to property or improvements;
- (3) Not be in conflict with the intent of this district; and
- (4) Comply with all other provisions regulating such uses;

605.03-4 Boardinghouses;

605.03-5 Family care homes, foster homes or group homes serving the mentally, retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met;

605.03-6 Clubs, fraternities, lodges and meeting places of other organizations, provided that the buildings in which such meetings are housed shall be located at least 50 feet from any other lot;

605.03-7 Commercial radio, television, and communication towers along with related buildings and equipment provided the requirements of article 13 are met;

605.03-8 [Bed and] breakfast inns in accordance with article 14;

605.03-9 Single-family homes used as rental property in accordance with section 711 of the Buena Vista Land Development Regulations.

605.04 *Accessory uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following uses are also applicable:

605.04-1 Home occupations provided that the requirements of article 7, section 705 are met;

605.04-2 Living quarters in main building of persons employed on the premises;

605.04-3 Travel trailers which may be stored within the minimum yard requirements, and occupancy therein shall be prohibited;

605.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

605.04-5 Signs as provided for in article 7;

605.04-6 Parking as provided for in article 7.

605.04-7 Existing structures to include towers, power towers, water tanks, telephone poles, commercial buildings and rooftops, may be used to affix commercial radio,

television, and communication antennas provided the requirements of article 13 are met.

605.04-8 Carports, which must meet the front setback for primary buildings and other setback requirements for accessory buildings.

Sec 714.00 Accessory Dwelling Units

714.01 *Intent.* An Accessory Dwelling Units (ADUs) is a certain type of two-family dwelling that is intended to allow a rental dwelling unit within a detached house while maintaining the single-family residential character of the neighborhood. Where other provisions of the Land Development Regulations pertaining to two-family dwellings conflict with this Section, this Section shall prevail in regulation of ADUs.

714.02 Where permitted, Accessory Dwelling Units must meet the following standards:

714.02-1 Only detached single-family dwellings may have an ADU.

714.02-2 Each primary dwelling unit may have only one ADU.

714.02-3 The minimum lot size for a detached single-family dwelling with an ADU is 9,375 square feet in all zoning districts where ADUs are permitted.

714.02-4 ADUs must be located within the same building as the primary dwelling unit and must be clearly subordinate to the primary dwelling unit.

714.02-5 Buildings containing two dwelling units must meet or exceed requirements of the Virginia Uniform State Building Code for two-family dwellings.

714.02-6 The maximum square footage of the accessory unit is 800 square feet.

714.02-7 Either the primary dwelling unit or the ADU on a property must be permanently occupied by the owner of the property for at least nine months in any calendar year.

714.02-8 The maximum occupancy of an ADU is two (2) persons, regardless of age or familial relationship.

714.02-9 A property with a single-family dwelling and an ADU must provide at least three (3) off-street parking spaces.

714.03 Procedure. ADUs may be permitted by right or by conditional use permit. The following provisions apply:

714.03-1 A zoning permit is required for creation of an ADU within an existing or new building.

714.03-2 The property owner must notify the Zoning Administrator if he or she ceases to occupy the property.

District	Permitted Use	Minimum Structure Requirement (see table below)	Minimum Lot Requirements				Minimum Yard Requirements				Accessory Buildings				Other Requirements
			Public Water and Sewer	Other	Setback (see table below)	Frontage at the Setback Line	One Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
C-1 Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-1 Low Density Residential	Single-family residential	1,200 sf single-family	12,500	21,780	35	100	15	30	35	35	10	5	5	35	N/A
R-2 Residential	Single-, two-family residential	1,200 sf single-family	9,375 sf	20,000	30	75	15	30	25	35	10	5	5	35	N/A
		2,400 sf two-family (1,200 each)	6,250 sf for each additional unit												
R-3 Residential Limited	Single-, two-and four-family residential (960 sf per unit)	960 sf single-family	6,250 sf	20,000	30	50	5	15	25	35	5	1	1	35	N/A
		960 sf per dwelling 2-4 family dwelling	3,125 sf for each additional unit												
R-4 Medium Density Residential	Single-family, multifamily	960 sf single-family	6,250 sf	20,000	30	50' for single- and two-family	10	20	25	35	20	10	10	35	Maximum density 15 units per acre

District	Permitted Use		Minimum Lot Requirements				Minimum Yard Requirements				Accessory Buildings				Other Requirements
		Minimum Structure Requirements (see k below)	Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	One Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
		1,920 sf two-family (960 sf per unit)	3,125 sf for each additional unit			75' for three-family and greater									
		(see j below for efficiencies)													
R-5 Residential	Mobile home parks and subdivision	N/A	See table 2												
R-6 Planned Unit Development	Residential	N/A	Detailed plan required (see f below)												
B-1 General Business	N/A except for res. structures which are as shown for R-4	None	g	N/A	N/A	h	h	N/A	35'	20'	20'	15'	35'	N/A	
B-2 Planned Business	Commercial development	See B-1	None	g	N/A	N/A	h	h	N/A	35'	20'	20'	15'	35'	Detailed pan required (see f below)

District	Permitted Use	Minimum Structure Requirements (see table below)	Minimum Lot Requirements				Minimum Yard Requirements				Accessory Buildings				Other Requirements
			Public Water and Sewer	Other	Setback (see table below)	Frontage at the Setback Line	One Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
LM Light Manufacturing	Light industrial	N/A	None	g	N/A	N/A	25'	50'	N/A	45'	40'	20'	20'	45'	N/A
GM General Manufacturing	Industrial	N/A	None	G	N/A	N/A	25'	50'	N/A	45'	40'	20'	20'	45'	N/A
REC Recreational	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- a. The height limit for dwellings may be increased by up to 45 feet and up to three stories provided each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.
- b. A public or semi-public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
- c. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above height of the building on which the walls rest.
- d. Accessory buildings over one story in height shall be at least ten feet from any lot line. All accessory buildings shall not exceed the main building in height.
- e. For buildings over 45 feet in height, approval shall be obtained from the administration. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- f. Densities and use variations are approvable based upon the plan submitted for the proposed development.
- g. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require greater area as considered necessary by the health official.

- h. Property located in a business district, which adjoins any residential district, or is separated from any residential district only by a public street or way, shall have a ten-foot side yard on the side or sides adjoining or adjacent to the residential district.
- i. Add 15 feet for corner lots. Minimum setback requirements of this ordinance, for yards facing streets, shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.
- j. Multifamily efficiencies: 1-bedroom—320 square feet; 2-bedroom—390 square feet; 3-bedroom—460 square feet.
- k. Heated living area, excludes garages, basements, patios, porches, etc.