



City of Buena Vista Planning Commission

Agenda for September 11th 2018

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

Public Hearing

1. Zoning Map Amendment to rezone 2638 and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-46-3 and 28-3-5—2, from R2 Residential to INST Institutional for the purpose of using the house at 2638 Chestnut Avenue for offices.
2. Zoning Text Amendment to update definitions and regulations pertaining to dwelling units.

Regular Meeting

Call to Order by Chairman

Roll Call

Public Comment

Review and Adoption of Minutes

Minutes of July 19th Joint Public Hearing and August 14th 2018 Regular Meeting

Report of Secretary

Report of Standing Committees

Report of Special Committees

New Business

None

Old Business

1. Zoning Map Amendment to rezone 2638 and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-46-3 and 28-3-5—2, from R2 Residential to INST Institutional for the purpose of using the house at 2638 Chestnut Avenue for offices.
2. Zoning Text Amendment to update definitions and regulations pertaining to dwelling units.

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 & Community Development
2039 Sycamore Avenue
Buena Vista VA 24416

STAFF REPORT

DATE: 5 September 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	
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	
Tentative Timeline	Preliminary Commission Discussion	August 14 th 2018
	Planning Commission Public Hearing	September 11th 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

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.

Background on Institutional Zone

The INST zone was created in January 2003. Originally, it was two unconnected sections: and eastern section covering the core campus on Seminary Hill from Beech Avenue to Chestnut Avenue; and a western section encompassing the forest where the Fields athletic complex is today. The portion between Chestnut and Maple Avenues remained R2. Through several rezoning actions over the last 15 years, the zone has expanded to encompass more of the historic residential neighborhood on Seminary Hill. At the same time, SVU has built multiple new buildings, including the Lofts and the Walnut Apartments.

The 2600 block of Chestnut Avenue, as well as Walnut Avenue, were proposed for inclusion in the INST district when the 2700 block of Chestnut, Walnut, and Maple Avenues were rezoned to INST in 2011. This rezoning was in part intended to bring nonconforming SVU facilities into zoning conformance. However, when City Council was considering the rezoning, they agreed to exclude the 2600 blocks based on concerns voiced from neighborhood residents.

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. Should SVU wish to change the existing buildings or construct new buildings on this site, they would be bound by the Seminary Hill Historic District need to obtain a Certificate of Appropriateness. This requirement would provide a level of discretionary review of the compatibility of any construction with the surrounding neighborhood.

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

Although this proposed rezoning is small, it must be acknowledged as part of a progression of growth of SVU. The university is larger than it has ever been and growing, and its relationship to the immediate neighborhood should be considered.

Pedestrian Infrastructure

The east side of Chestnut Avenue should have curb, gutter, and sidewalk to manage stormwater runoff and pedestrian traffic related to these two buildings. However, as discussed at the August 14th 2018 Planning Commission, infrastructure improvements near campus need to be designed and built comprehensively and not piecemeal.

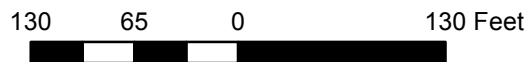
Recommendation

Staff recommends approval of rezoning 2638 and 2656 Chestnut Avenue from R2 Residential to INST Institutional with SHHD Seminary Hill Historic District overlay.

SVU and the City are discussing the status of infrastructure improvement plans, to include stormwater management and sidewalks, that would affect these properties.



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.



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			

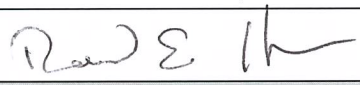
PROPERTY OWNER INFORMATION

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: 30 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
2. Reinforce intent language for R2, R3, and R4 zones
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. Accessory Dwelling Unit (ADU) are **no longer recommended**
6. Eliminate the minimum square footage requirements for dwelling units
7. Change manufactured housing from a by-right use to conditional use in R4
8. Define car ports as accessory building

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 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. Also, each unit can house up to four unrelated persons, significantly increasing density. 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.

Because of the lot size requirements, allowing triplexes and quadplexes does not actually increase neighborhood residential density significantly. However, it does impact the form of development significantly, concentrating units in one large structure. These larger buildings, with parking lots of 6-8 spaces, would look significantly different than single-family homes. Duplexes are a better option for achieving the same number of units while appearing and functioning more like a single-family neighborhood. For example, 3 vacant lots could fit one quadplex or two duplexes, and the duplexes would blend into a single-family neighborhood more smoothly.

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. The Planning Commission recommends changing three- and four-family dwellings from by-right to conditional uses in R3.

5. Accessory Dwelling Units (ADUs)

As initially presented, ADUs were a centerpiece of the dwelling unit code updates, and envisioned as a way to compromise or find middle ground between preserving single-family neighborhood character and allowing limited rental units for a single person or couple. However, further analysis has revealed that ADUs are not a necessary or helpful addition to the code, and the same result can be accomplished more easily under existing code.

Two defining characteristics of proposed ADUs were that they were limited to 2 occupants and that either primary dwelling unit or the ADU had to be owner-occupied. The typical ADU scenario would be a family of mom, dad, and two kids in the primary unit; and a married couple in the ADU. However, this combination of occupants meets the current definition of a family that can occupy a single-family dwelling by right. Single-family dwellings may feature two kitchens, and multiple exterior entrances, without being separate dwelling units.

A clear distinction between a single-family home and a duplex will be simpler to implement for the City and residents, and will aid in tracking and enforcement of regulations.

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 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 “efficiency” apartments would be retained (these are permitted in R4 but not R1, R2, or R3). Square footage of duplex, triplex, and quadplex units would be governed by conditional use permits.

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, and single-lot manufactured housing is not compatible with this use. Staff propose changing manufactured housing to a conditional use in R4 to focus the R4 zone on higher-density multifamily housing.

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.

In 2003, the City attempted to limit the construction of manufactured housing by defining the term and restricting it to the Conservation and R4 zoning districts. In 2008, manufactured housing was removed as a use in the Conservation district. The City is not allowed to entirely “zone out” manufactured housing; there must be some areas of the City where it is permitted.

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.



**CITY OF
BUENA VISTA**
Planning and Zoning
troberts@bvcity.org
(540) 261-8607

Proposed Text Revisions

Dwelling Unit Regulation Amendments

5 September 2018

Definitions

302.03-? *Carport*. Also *car port*. A roofed structure enclosed by walls on no more than two 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](#).

603.03 *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](#).

604.03 *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.~~

605.03 *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.

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.



**City of Buena Vista
Planning Commission – City Council
Minutes of July 19th 2018
Joint Public Hearing**

**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 6:00 p.m. on July 19th 2018 along with members of the Buena Vista City Council. A quorum of both bodies was established.

Planning Commission Members Present:

Dennis Hawes, Chairman
Sandy Burke
Lucy Ferrebee
Melvin Henson, City Council
Guy Holstein
Preston Manuel
Bradyn Tuttle

City Council Members Present

Bill Fitzgerald, Mayor
Tyson Cooper, Vice Mayor
Steve Baldrige
Stanley Cooper
Melvin Henson
Daniel Staton

Planning Commission Members Absent:

Michael Ohleger, Vice-Chairman
Jay Scudder, Ex Officio member

City Council Members Absent

Lisa Clark

Staff Present:

Tom Roberts, Director of Planning & Community Development
Jay Scudder, City Manager
Brian Kearney, City Attorney
Dawn Wheeler, Clerk of Council

Public Hearing

Comprehensive Plan text amendment to designate an Urban Development Area (UDA) within the City of Buena Vista for the purpose of advancing transportation planning. The entire City would be designated as a single UDA, which will make the City eligible for planning grants as well as Smartscale construction funding through VDOT.

Chairman Dennis Hawes of the Planning Commission opened the Public Hearing by saying they want to amend the Comprehensive Plan to designate an Urban Development Area with the City of Buena Vista. This amendment will make us eligible for funds but it does not obligate us to use the funds. The only thing that will have to be done is putting the amendment into the Comprehensive Plan.

Mr. Tom Roberts, Director of Planning and Zoning, explained that this amendment is just a planning tool. The designation will help us become eligible for grants. The reason for the joint Public Hearing is the deadline for the designation snuck up on them. The Urban Development area is a concept of identifying an area of a locality to make transportation and walkability improvements.

There was no public comment, and Chairman Hawes closed the Public Hearing.

Commission Discussion

Following the hearing, the Planning Commission recessed to the General District courtroom to discuss and vote. Mrs. Burke made a motion to approve the comprehensive plan amendment as presented, Mr. Manuel seconded, and the motion passed 4-0. Mr. Henson abstained because he remained in the Council meeting. Mr. Scudder abstained because he remained in the Council meeting.

Approval

Chairman

Date



**City of Buena Vista
Planning Commission
Minutes of August 14th 2018
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 August 14th 2018. Roll was called and a quorum was established.

Members Present:

Dennis Hawes, Chairman
Sandy Burke
Lucy Ferrebee
Melvin Henson, City Council Representative
Preston Manuel
Jay Scudder, Ex Officio member*

Members Absent:

Michael Ohleger, Vice-Chairman
Guy Holstein
Bradyn Tuttle

Staff Present:

Tom Roberts, Director of Planning & Community Development

**Mr. Scudder arrived after the meeting began and sat in the audience, but rose to address the Commission and comment on several matters on the agenda.*

Public Comment

None.

Mr. Hawes asked to rearrange the agenda so that the New Business item of the SVU rezoning proposal could be heard first.

New Business

Zoning Map Amendment for SVU, 2638 & 2656 Chestnut Avenue

Mr. Hawes began by clarifying that this was not a public hearing and that no vote would be taken tonight. Mr. Roberts gave a brief summary of the proposal.

Mr. Bill Braddy rose to speak on behalf of SVU for this proposal. He explained that some years back when SVU pursued rezoning of much of Seminary Hill to Institutional, these properties were considered but it was not felt that they needed to be INST and at the time they were residential in use. Now, however, SVU wants to use 2638 for offices.

Mr. Braddy continued that the college had reached out to Mr. Lewis Graybill, who owns the house immediately south of 2638 Chestnut, about the proposed rezoning and that Mr. Graybill is very supportive of the rezoning.

Mr. Braddy addressed the staff recommendation of some type of curb/gutter/sidewalk construction as a condition of approval. The staff report stated that staff had begun discussion of this idea with SVU but had not finalized anything. Mr. Braddy explained that several years back SVU had studied all the infrastructure on campus, including storm water conveyance, and had developed conceptual plans. He is concerned that requiring a short section of curb/gutter/sidewalk here would be piecemeal and may have to be demolished if larger-scale infrastructure improvements are made later. Additionally, he is concerned that channelizing the flow of stormwater in a gutter here may create a worse problem than the ponding that currently occurs in these two front yards. Also, there are mature trees along this side of Chestnut that would likely be damaged by curb/gutter/sidewalk construction. He stated that he would like to talk more with Mr. Roberts separately to see how they can fit this into the overall infrastructure plan for campus. Finally, Mr. Braddy suggested that to alleviate some of the concerns of pedestrian access and safety, on street parking on the east side of Chestnut could be limited or prohibited.

There was no further discussion of the rezoning proposal.

Mr. Hawes took the opportunity with Mr. Braddy present to ask some questions about student housing, beginning with how many students lived on campus. Mr. Braddy responded that a little over 600 lived on campus [note: Mr. Braddy first stated around 800, but later in the meeting corrected that number after communicating with other SVU staff]. About 12% of the student body is married, and married students are encouraged to live off campus. Some upperclassmen live off campus as well.

Mr. Braddy continued on student housing. The new building proposed next to the existing library will include academic, student life, and housing spaces for about 200 students. It is expected to come online in fall of 2020, but given the school's rapid growth will barely be able to offset new demand for on campus housing. The area west of the library and Main Hall was chosen instead of the site at the corner of Chestnut and 27th Street because the infrastructure development needed at Chestnut and 27th Street would have been more expensive.

Mr. Braddy continued on married student housing. SVU has no plans for on-campus married student housing; this is expected to be provided by private developers off campus. The target price range for most married student couples is between \$600-700 per month. \$750 or \$850 is more than most can afford.

Review and Adoption of Minutes

The Commission looked at the minutes for the June and July meetings. Mr. Hawes asked for a motion to approve the minutes of the June 13th meeting. Mrs. Burke made the motion and Mr. Manuel seconded, and all approved. Mr. Hawes asked for a motion to approve the minutes of the July 10th meeting. Mr. Manuel made the motion and Mrs. Ferrebee seconded, and all approved except for Mrs. Burke, who abstained because she had not had a chance to read the minutes yet.

Report of Secretary

Mr. Roberts reported on several items.

- The Chapman's CUP application for 2354 Chestnut Avenue was denied by City Council
- Mr. Crookston's rezoning application for 212 Park Avenue was withdrawn prior to this Thursday's (8/16/2018) City Council Public Hearing.
- Mr. Roberts is much closer to inventorying and mapping all of the dwelling units in the City including duplexes/triplexes/quadplexes.

Committee Updates

Mr. Roberts noted that he has sent the transportation chapter of the comprehensive plan update to the Planning District Commission for review.

Old Business

Zoning Text Amendments – Dwelling Unit Regulations

Mr. Henson brought up the issue of too many cars parked on the street where there are apartments in houses, saying that we need to make sure there is off-street parking required. He also noted that sometimes people park too close to intersections.

Mrs. Burke jumped to the issue of manufactured homes. She asked to clarify that if we remove it as a permitted use in R4, if there will be anywhere in the City where they are permitted. Mr. Roberts said no, because though R5 is designed for mobile homes and mobile home parks, there is nowhere in the City zoned R5. Mr. Hawes interjected that he thinks they are permitted in the Conservation district. Mr. Roberts stated that he would research the issue more and determine if there is a requirement that mobile homes be permitted somewhere in the City.

Mr. Jay Scudder rose and explained to the Commission that although he had not been very involved with land use issues since he began in Buena Vista, given the gravity of issues being discussed right now, he wanted to get more involved and come to more meetings.

Mr. Keenan Reesor, 1045 E 17th Street, rose to speak on the issue of dwelling unit regulation. His points:

- His house has a basement apartment that was previously rented out
- He was aware when he bought house that unit is not legal and is not renting it out, and is not at the meeting to ask for a special exception or anything
- Strongly supports the ADU proposal
- Thinks his house is a good example of why the ADU proposal would be good. The apartment is very nice, is about 910 sq ft with 1 bedroom, was rented for about 7 years with no complaints from neighbors.
- Is concerned with minimum lot size requirement in R2 of 2.5 lots because his house has only 2 lots and he does not think that it makes a difference to neighborhood character
- Thinks that the occupancy limit for an ADU is more important than the square footage requirement
- Occupancy limit should be given flexibility for young couple who has a baby while living in unit.

Mr. Hawes stated that he supports the ADU proposal as drafted as a by right use, and sees them as very different from duplexes.

Mrs. Burke stated that she supports the ADU proposal, but agrees with Mr. Reesor that the occupancy limit and the square footage limit are duplicative. She is concerned that with the very specific limitations of square footage, occupancy, etc. many houses will not qualify, and that the benefit to allowing ADUs will be partially negated. She supports ADUs because they address the key concerns that have come before the Commission recently related to apartments in houses, such as parking.

Mr. Roberts raised the question of procedure and why he offered several options for permitting procedure. He said that he was leaving it open to the Commission's input because it could go either way and depended on how easy the Commission wants to make it for people to get an ADU. When asked specifically what procedure they supported, Mr. Hawes and Mrs. Burke stated that they support allowing by right creation of ADUs, and the rest of the Commission present nodded in agreement and did not state disagreement.

Mr. Scudder rose and pointed out that this is really about the character of the community. Sometimes the character of a community changes, but the character of the neighborhoods in Buena Vista is single family. He does not think that we should allow garage apartments or accessory dwelling units or similar dwelling units because they will be detrimental to the character.

Mr. Scudder continued that the issue of regulating dwelling units like this is complicated and important, and that we should slow down and not rush addressing it. He noted the connection of this issue to the comprehensive plan.

Mrs. Burke responded that she felt that the ADU proposal specifically addressed the neighborhood character concerns with the owner occupancy requirement and the occupancy limitation.

Mr. Scudder responded that the more complex the regulations are, and the more conditional use permits are issued, the harder it is for staff to track and enforce the regulations.

Mrs. Burke countered that if the City did not allow accessory apartments at all and made it difficult to have a duplex, then more people would create the units illegally and they would be harder to track.

The Commission briefly discussed the issue of carports and all supported the proposed language to define and apply setbacks to carports.

Mrs. Burke asked for clarification on the B2 Planned Business zone that she had noticed on the dimensional regulation table, as well as asking where the dimensional regulations for other zones were. Mr. Roberts explained the B2 zone and that dimensional regulations for MU, MB, INST, and the two Hilltop districts are within each zone's section.

Mr. Roberts returned to the issue of ADUs and explained the quandary he has with houses such as Mr. Reesor's at 1045 E 17th. Under the new definition of family, a "mom, dad, and two kids" family can live in the upstairs and have up to two unrelated boarders in their home, and they are within the occupancy limitations for a single family home. Is it OK if those boarders live in the basement bedroom, and there happens to be a second kitchen in the basement? Does it constitute a second unit or not? It depends on the Zoning Administrator's interpretation and determination. Mr. Roberts asked for the Commission's input on whether they wanted to be strict or more permissive about allowing rental arrangements such as this. There was not a clear answer from the Commission.

Mr. Scudder rose to comment, noting that interpretation of the code is an administrative function determined by staff, and that the Zoning Administrator's interpretation should be decided, written down, and then followed. However, it is still the Administrator's prerogative to look at what the situation really is and what is really going on in a house and make a decision.

Mr. Scudder also took the question back to enforcement, noting that enforcement is complaint-driven. If people notice there are a lot more people coming and going in a house, they will complain and the City will investigate.

Finally, Mr. Roberts raised the question of minimum lot size requirements, particularly in R2. He noted that this has come up frequently, particularly with existing homes with apartments that may be otherwise legal but they do not have sufficient lot size. He asked if the lot size of 2.5 lots for a duplex in R2 was too much. Mr. Hawes stated he saw the lot size requirement as a key difference between a duplex and an ADU, and wanted to keep the lot size requirements.

Adjournment

Mr. Hawes adjourned the meeting at 8:40 PM.

Approval

Chairman

Date