



RESIDENTIAL RENTAL LAND USE REGULATION CITY OF BUENA VISTA

July 2018

The City strives to ensure fair, safe, decent housing at affordable rates through our policies and regulations, and to take a long-term view to protect and enhance the character of our neighborhoods and property values. This guide highlights City of Buena Vista land use regulations applicable to long-term residential rental and short-term guest accommodation. It makes reference to sections of the City of Buena Vista Code of Ordinances, which can be found online (see link at end). Readers should also familiarize themselves with state and federal regulations such as tenant rights and fair housing.

1. Zoning, Minimum Unit Square Footage, and Minimum Lot Size

Residential dwelling units are permitted in all zoning districts except for industrial and conservation districts. However, the number and type of dwelling units allowed in a given zoning district vary. The [residential districts](#) (R1, R2, R3, and R4) go from low density (1 unit allowed in R1) to multifamily (R4). Multifamily apartment buildings are also allowed in the mixed use (MU and MB) and institutional (INST) districts. “Accessory apartments” are not allowed in any district; each dwelling unit is considered a separate, equal, independent unit. See the tables below.

The permitted number of dwelling units in R1, R2, and R3 is governed by lot size (sq ft). A standard lot is 50’ x 125’.

Zone	1 Unit	2 Units	3 Units	4 Units
R1	12500 sf (2 lots)	Not Permitted	Not Permitted	Not Permitted
R2	9375 sf (1-1/2 lots)	15625 sf (2-1/2 lots)	Not Permitted	Not Permitted
R3	6250 sf (1 lot)	9375 sf (1-1/2 lots)	12500 sf (2 lots) + site plan	15625 sf (2-1/2 lots) + site plan
R4	6250 sf (1 lot)	9375 sf (1-1/2 lots)	*site plan process	*site plan process

Zone	Minimum Unit Size
R1 and R2: all units	1200 square feet
R3: all units	960 square feet
All other zones: single family or two-family units	960 square feet
All other zones: multifamily “efficiency” units (where multifamily is permitted use)	Studio/1 bedroom – 320 square feet 2 bedroom – 390 square feet 3 bedroom – 460 square feet

Unless a unit is an apartment that is part of a permitted multifamily development, the minimum size is 960 square feet, or 1200 square feet in the R1 or R2 districts. See [§2011](#). Also, the unit size specified only includes heated and/or habitable spaces; it does not include garages, unfinished basements, unfinished attics, or unenclosed porches.

2. Structural Requirements for Multiple Units

New construction of two or more units, or creation of additional units within an existing building, must comply with all current building codes as well as zoning. Below are some key requirements for two-, three-, and four-family dwellings. *Note that this is not a complete list; consult an experienced contractor or the Building Inspector.*

- All dwelling units on a property must be in the same building; accessory buildings may not be used for sleeping or separate dwelling units ([§ 302.04-8](#), [§ 302.02-5](#)). To be considered “attached” or connected for the purposes of determination of dwelling units, the connecting space must be a fully-enclosed, functional living space associated with one or both of the units. A space that is solely a hallway or breezeway does not constitute attachment for this purpose.
- Each unit must have its own exterior door that does not require walking through another unit
- Each unit must have its own electrical service (or sub-panel) accessible from within the unit
- There must be approved fire-resistant drywall/insulation between units

3. Basements

Bedrooms may be in a basement, but per building code ([IRC R310.01](#)) each bedroom must have an emergency exit that is large enough to climb in and out of—specifically, it must be at least a 5.7 square foot opening, at least 24” high and 20” wide, with a sill no more than 44” above the floor. A separate dwelling unit may be in a basement, but minimum unit square footages still apply, and it must have its own separate exterior door.

4. Maximum Occupants and Conditional Use Permits

A dwelling unit may only be occupied by a family. A family is defined as one of the following:

- (1) An individual; or
- (2) Two (2) or more persons related by blood, marriage, adoption, or guardianship; or
- (3) Two (2) or more persons related by blood, marriage, adoption, or guardianship and not more than two (2) persons not related by blood, marriage, adoption, or guardianship; or
- (4) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship.

Any combination of occupants that does not meet that definition requires a conditional use permit under Section 711 Group Homes ([§711.00.1](#)). The conditional use permit process requires the submittal of detailed site plans and a hearing before the Planning Commission and City Council to consider potential impacts on the neighborhood. This applies to all zoning districts.

5. Rental Inspection Program

The City of Buena Vista operates a Rental Inspection Program to ensure that rental units meet basic building and life safety codes. It applies to units located within one of the three zones designated by City Council and shown on the map on Page 5. Outside of the three zones, participation is voluntary.

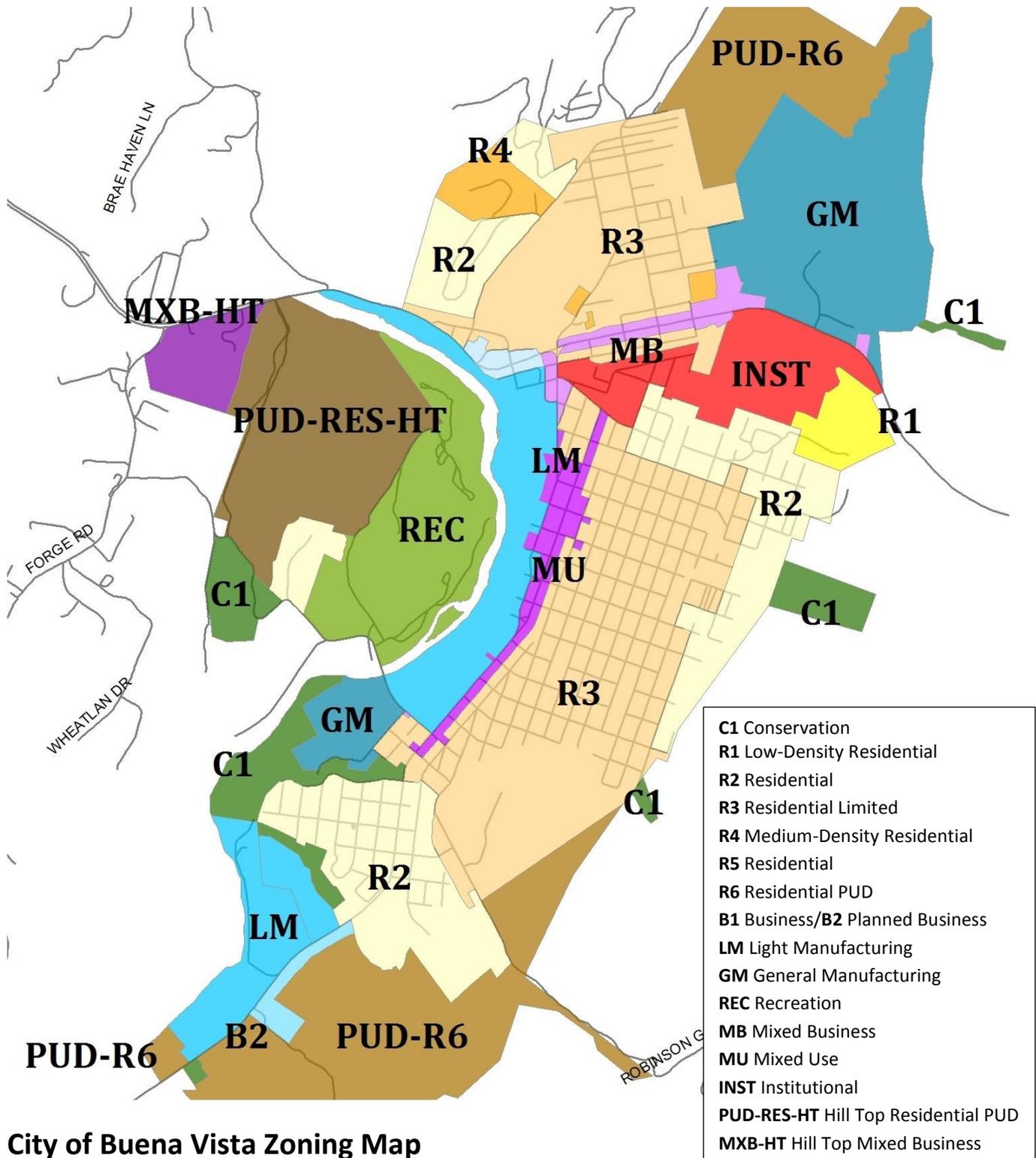
Key Points:

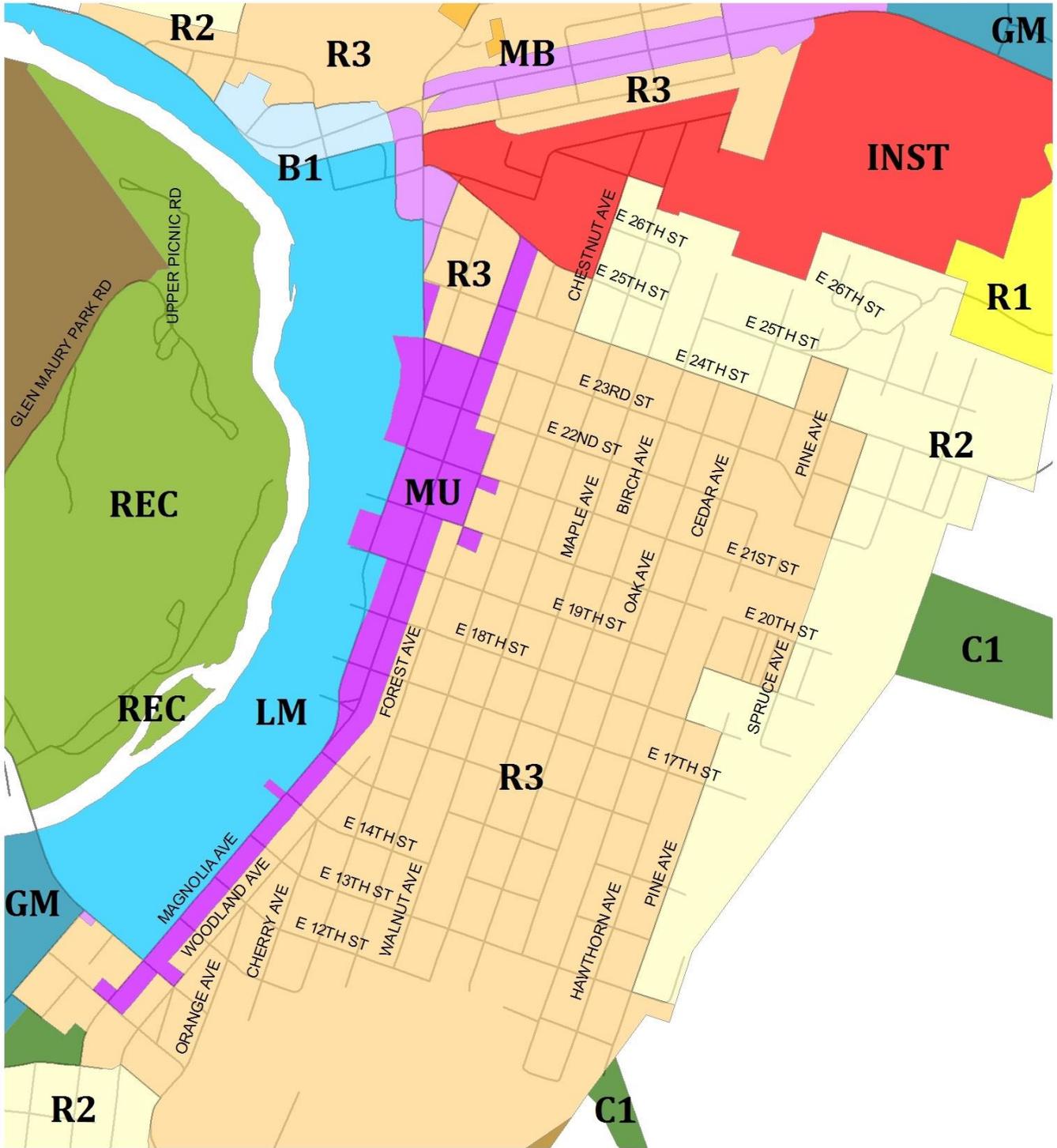
- An owner must have a rental certificate of compliance in order to rent a dwelling unit that is located within a rental inspection district (City Code [§8-194](#)).
- If a rental dwelling unit changes ownership or management, the City must be notified within 60 days ([§8-193](#))
- Building codes and zoning codes address different aspects of dwelling units. Units may pass Rental Inspection but violate zoning, or vice versa. Compliance with each will be handled separately.

Inspection Process

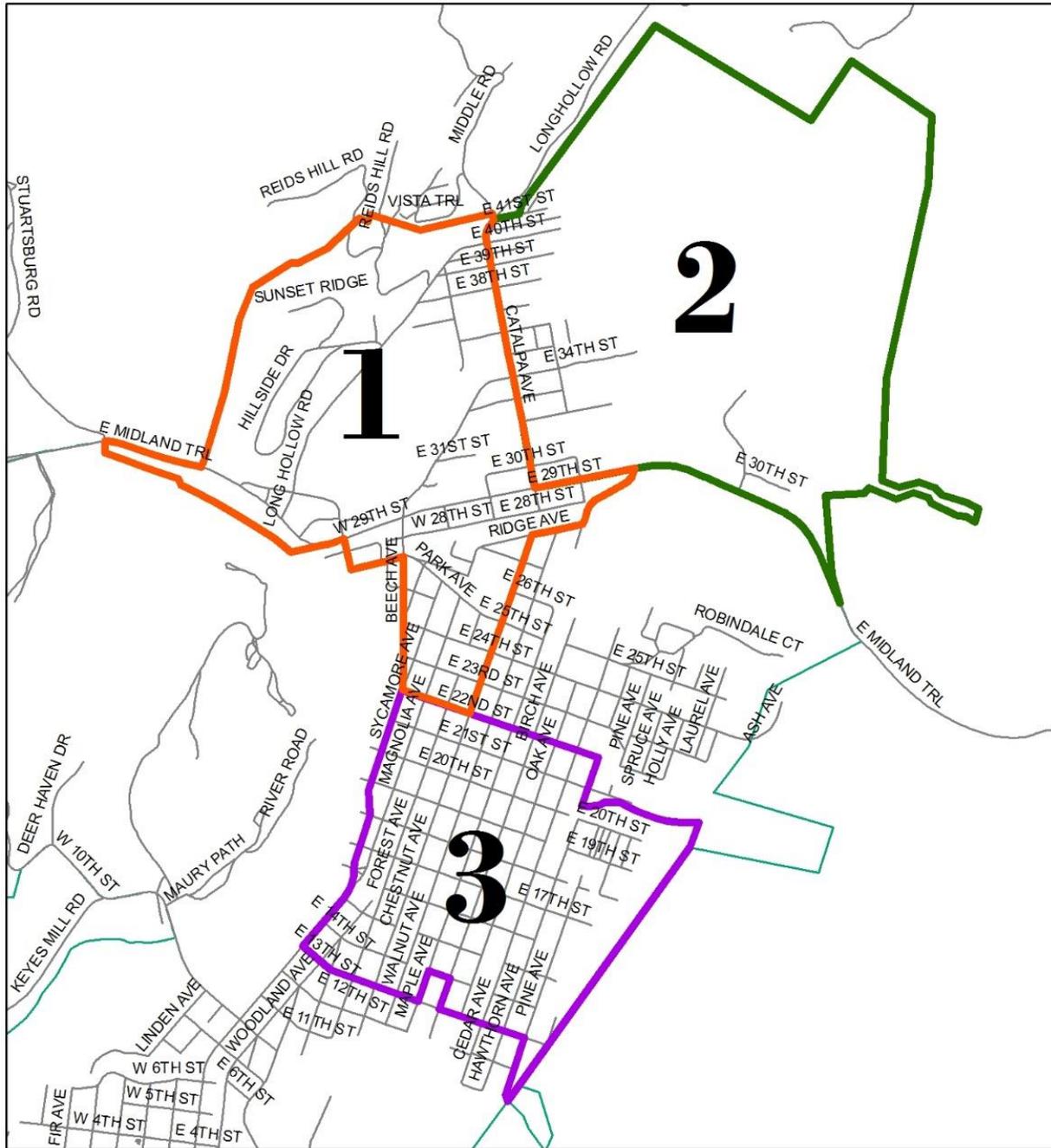
When a dwelling unit is first rented, the City will inspect it for compliance with the [Virginia Maintenance Code](#), looking at the exterior and interior condition, ventilation, plumbing, wiring, heating, fire safety, etc. If no violations or issues are found, he/she will issue a certificate of compliance and the unit may be rented and occupied. The Building Inspector will issue a certificate of exemption from subsequent inspection for four (4) years. Essentially, units that are in total compliance must only be inspected once every four years.

If a violation is found, the Building Inspector may issue a 30-day temporary certificate of compliance and set a date by which violations must be remedied. If the issues are not corrected by that date, there are additional steps for enforcement and procedures for appeal found in City Code [§8-196 through 225](#).

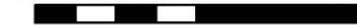




City of Buena Vista Zoning Map – Detail with Street Names



2,000 1,000 0 2,000 Feet



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.



Generated by Tom Roberts
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Rental Inspection Districts City of Buena Vista

Additional Information

The Office of Planning and Zoning is always available to answer questions about a specific situation or explain any of the regulations in more detail. Questions about the Rental Inspection Program can also be addressed to the Building Inspector, who administers this program.

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Other Resources

The City of Buena Vista Code of Ordinances

https://www.municode.com/library/va/buena_vista/codes/code_of_ordinances

Virginia Building Code <https://codes.iccsafe.org/public/collections/Virginia/2012> - Links to various volumes of the Building Code including Residential and Property Maintenance.

Virginia Fair Housing Office <http://www.dpor.virginia.gov/FairHousing/> - details on fair housing laws

The Virginia Landlord Tenant Act Handbook, 2016. <http://www.dhcd.virginia.gov/images/Housing/Landload-Tenant-Handbook.pdf> - provides the text of the law regarding rights and responsibilities of landlords and tenants in Virginia, addressing such issues as eviction, security deposits, disclosure of mold, etc.

Southern Virginia University Housing. <http://svu.edu/campus-life/housing/> - Policies and contact information for SVU student housing.