



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: February 28, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Scott Hobson, Acting Director of Planning and Community Development
SUBJECT: AN ORDINANCE AMENDING SECTIONS 17-2-2, 17-4-51, 17-4-14, AND 17-10-05 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO MULTIFAMILY DEVELOPMENT DESIGN STANDARDS

SUMMARY:

Attached for consideration is a Text Amendment that will amend Sections 17-2-2, 17-4-51, 17-4-14, and 17-10-05 of Title XVII of the Pueblo Municipal Code establishing design standards for the development of new multifamily residences.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The Planning and Zoning Commission recommending the approval of a Text Amendment to the Title XVII Municipal Code Sections: 17-2-2 use definitions, 17-4-51 permitted uses 17-4-14 new multifamily housing development design standards, and 17-10-05 sign standards. The Text Amendment provides specific development and design standards for multifamily development, residential structures that contain three or more dwelling units. Currently, the City of Pueblo does not have defined development design standards specifically for multifamily developments. New multifamily developments are reviewed using the small, medium, and large-scale commercial development standards found in §17-4-42 thru §17-4-48. The current commercial development standards limit façade materials and require surface treatments that are not always practical for multifamily development. The standards proposed for multifamily development will allow flexible design and ensure the structures provide aesthetic interest. The new standards have been developed in coordination with the Community Commission on Housing and Homelessness ("CCHH"). The Community Commission on Housing and Homelessness was established in 2019 as an advisory Commission to the Mayor and City Council of Pueblo regarding policies for an inclusive housing strategy that will address an Emergency Shelter, Transitional Housing, Permanent Supportive Housing, and Affordable Housing. The Zoning subcommittee of the CCHH was tasked with recommending zoning actions to remove the ambiguity in the development of new multifamily housing. Currently all development is categorized as either Residential or Commercial. Commercial development

must conform with more intensive requirements for architecture, parking, landscaping, stormwater, etc. however, Sec. 17-4-11 Residential Placement Standards only contains provisions for one-family or two-family residences. Therefore, all structures containing three or more dwelling units do not have specific development performance standards and have customarily been made to comply with the more stringent commercial standards. Creating standards for multifamily developments structures containing three or more dwelling units will decrease the design burden and result in an increase in the new multifamily housing within the City of Pueblo. These standards will provide consistent review standards for multifamily developments.

FINANCIAL IMPLICATIONS:

This Ordinance will improve the timing for the approval and development of new multifamily residences resulting in increased sales and use tax revenues from building materials and property tax base within the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their February 9, 2022, Regular Meeting, voted 7-0, to recommend approval.

STAKEHOLDER PROCESS:

The Planning Department coordinated with the Zoning Sub-Committee of the CCHH to develop the multifamily residential development standards.

The Planning Department sent out Notice of the Planning and Zoning Commission Public Hearing by publication of the proposed amendment fifteen (15) days prior to the Public Hearing.

ALTERNATIVES:

If City Council does not approve this Ordinance, Title XVII of the Pueblo Municipal Code the large, medium, or small-scale commercial development standards will continue to be used for approving the design of multifamily housing developments.

Upon request of City Council, the Ordinance could be returned to the Planning and Zoning Commission for consideration of proposed modifications.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance

Minutes of the Planning and Zoning Commission February 9, 2022 Public Hearing

Planning and Zoning Commission Staff Report

Notice of Hearing

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17-2-2, 17-4-51, 17-4-14, AND 17-10-05 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO MULTIFAMILY DEVELOPMENT DESIGN STANDARDS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

(Brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 17-2-2 of the Pueblo Municipal Code is hereby amended by the addition of a new section to read as follows:

Sec. 17-2-2. Use Definitions.

For the purpose of this Title, certain terms and words used herein shall be interpreted as follows:

(128) Residence:

...a. *Condominium* means a residential structure of two (2) or more dwelling units in which the dwelling units are individually owned; each owner receiving a recordable deed enabling him or her to sell, mortgage, exchange, etc., his or her dwelling unit independent of the owners of the other dwelling units in the structure. The maintenance of the structure and common improvements is provided through a homeowners' association or similar contractual group. **Condominium structures with three or more dwelling units shall be considered multifamily residential structure and adhere to Section 17-4-14 of the Pueblo Municipal Code.**

b. Established means a residence, one-, two-, or **[multi-family] multifamily** that was occupied any time prior to February 1, 1968; therefore, allowing the same use to be reinstated. The discontinuance of the residence does not preclude the residence from returning; the number of dwelling units shall not be increased above the number of dwelling units that existed when the use was legally established.

c. **[multi-family] multifamily**, means a **[detached] residential [building] structure [designed as a single structure]**, containing **[more than four (4)] three (3) or more** dwelling units. Each **dwelling** unit is designed for occupancy by not more than one (1) family. **Condominiums with three or more dwelling units and townhouses are defined as multifamily residences.**

. . .

e. **[Three-and four-family means a residential building designed as a single structure, containing three (3) or four (4) dwelling units and designed for occupancy by not more than one (1) family per dwelling unit.] Reserved**

SECTION 2.

Section 17-4-51(c) of Chapter 4, Article V, of Title XVII is hereby amended to read as follows:

. . .

Section 17-4-51(c) – Permitted Use Table.

USE CATEGORIES	SPECIFIC USES DEFINITION	R-3	R-4	R-5	R-6	RCN	B-3	B-4	CCN MAJ	CCN MIN	H-B	HAR P 1	HAR P 2	HAR P 3
Residence, [Multi-Family] Multifamily	(128)c.	S	P	P	P	S	S	S	S	S	S	S	S	S
[Residence, Three and Four Family] Reserved	[(128)e.]	[S]	[P]	[P]	[P]	[P]			[P]	[P]				

SECTION 3.

Sec. 17-4-14 Multifamily housing development design standards

(a) Intent. Encourage visually distinct buildings, support affordable development, and promote livability and accessibility within the city.

(b) Applicability. The following multifamily residential development is subject to the requirements of this section in addition to complying with all other applicable Code requirements:

(1) New Construction: the standards in this section shall apply to all new construction of multifamily structures within the city.

(2) Redevelopment: the standards in this section shall also apply to any structural additions that equal thirty-five percent (35%) or more of the existing multifamily residential structure footprint.

(3) Conversion: the standards in this section shall also apply to any property in which there is a change of use resulting in a use classified as residential, multifamily.

(c) Exceptions: Development in zone or area districts that have a regulatory design review process, such as the Historic Business (HB) Zone District and HARP Zone Districts are exempt from the standards of this section. Mixed-use buildings in a business district with a commercial use on the first floor are subject to review under the applicable development performance standards for large, medium, small and industrial development.

(d) Primary Facades: A building's primary façade(s) includes all façade(s) adjacent to public rights-of-way. A primary façade shall serve as the main access point to a building or building unit. In situations where it is not possible for a building's primary entrance to be located adjacent to a public right-of-way, façade(s) adjacent to a major access drive and/or primary parking area serve as the primary façade(s). A parcel or lot may have multiple primary facades depending upon the location of adjacent rights-of-way and the structure's primary entrance.

(e) Secondary Façades: A building's secondary façades shall consist of all other facades that are not defined as a primary façade.

(f) Requirement for four-sided design: a building's special architectural features and treatments shall not be restricted to a single façade. All sides of a building open to view, whether viewed from public or private property, shall display appropriate architectural interest as required in this Subsection

(1) Primary façades must include all of the following design elements.

- a. Building facades shall be multi-colored. Each building façade shall include not less than two distinct colors. Colors may be from the same hue family but be distinct from each other;**
- b. Changes in texture and material;**
- c. Windows. Windows shall be provided in repeating intervals and sized appropriate to the scale of the façade;**
- d. Projections, recesses and reveals; and**
- e. Horizontal or vertical breaks**

(2) The Administrative Official may allow the following design elements to be substituted for one or more of the required design elements listed above, if the applicant is able to provide justification that the substitution will provide visual interest and aesthetic appeal;

- a. Graphic patterning;**
- b. Other similar techniques compliant with section 17-4-14(o)**

(3) Secondary façades shall provide at least two (2) of the following design elements:

- a. Change in Colors. Colors may be from the same hue family, but shall be distinct from each other;**
- b. Changes in texture and material;**
- c. Windows. Windows shall be provided in repeating intervals and sized appropriate to the scale of the façade.**
- d. Graphic patterning;**

- e. Projections, recesses and reveals;
- f. Horizontal or vertical breaks; or
- g. Other similar techniques compliant with section 17-4-14(o)

(h) Roofs. All roof vents, pipes, antennas, satellite dishes, HVAC, roof mounted mechanical equipment and other roof penetrations (except chimneys & solar panels) shall be located on or adjacent to secondary facades, or otherwise be configured, to the degree practicable, to have a minimal visual impact as seen from the street. Roof designs shall incorporate the following design features:

- (1) Flat roofs must incorporate a parapet sufficient to screen roof mounted mechanical equipment
- (2) All pitched roof designs must use the following design features:
 - i. Varying roof design, which may include but not be limited to the use of dormers, varying planes, slopes and/or projections; and
 - ii. Pitches between 3:12 and 12:12

(i) Entrances. Each multifamily residential building with a common entrance shall have a clearly defined and highly visible residential entry that uses at least one (1) of the following design features.

- (1) Canopies, porticos, arcades and/or covered porch
- (2) Raised or peaked cornice parapets over the entrance.

(j) Outdoor Activity Areas. Outdoor activity areas, porches, balconies, decks, vending areas, and other similar site attributes shall be located away or fully screened from adjacent existing single-family residential uses or single-family residential zone districts.

(k) Color. Multifamily developments that include more than three multifamily structures shall be made to avoid using identical façade colors in the same pattern on adjacent structures, within the same development. Colors may be from the same hue family, but shall be distinct from each other

(l) Pedestrian Circulation in Multifamily Developments. A clearly defined, visible, and identifiable pedestrian network shall be provided between residential structures, parking spaces, open spaces, outdoor activity areas and other community facilities within the development site. The pedestrian circulation network shall be connected to adjacent public rights-of-way, public parks, and open spaces.

(m) Accessory Structures. All accessory structures including but not limited to garages, storage closets, lockers, sheds, carports, and other accessory functions located in separate structures on the same site shall be complementary to the overall design of the site, and the architectural style of the primary structure. Materials, colors and designs, including roof design, shall conform with and complement the predominant materials and colors of the principal structure(s).

(n) Parking. Off-street parking areas are encouraged to be located along a secondary façade or to the rear of a multifamily structure rather than between the structure and public right-of-way.

(o) Administration. The Administrative Official shall review all development for consistency with the intent of the Sec. 17-4-14. If the Administrative Official determines the intent of the section is met, the Administrative Official may modify or substitute, any of the requirements listed above when the changes to the existing building will have a negative impact on health, safety, and welfare of the surrounding neighborhood.

SECTION 4.

Section 17-10-05 of Chapter 4, Article V, of Title XVII is hereby amended to read as follows:

Sec. 17-10-05. - Sign standards.

(a) Residential: R-1, R-2, **[R-3, R-4]**, R-8.

Type	Maximum Number	Maximum Area	Maximum Height
Monument sign	Prohibited	—	—
Freestanding sign	Prohibited	—	—
Building address sign plates	1 per dwelling unit	2 sq. ft.	—
Signs for subdivision	2 per subdivision entrance	48 sq. ft.	6'

(b) Residential: **R-3, R-4**, R-5, R-6,

Type	Maximum Number	Maximum Area	Maximum Height
Monument sign	1 per development entrance	48 sq. ft.	6'
Freestanding sign	Prohibited	—	—
Building address sign plates	1 per entrance to building	2 sq. ft.	—
Signs for subdivision	<u>[Prohibited] 1 per multifamily development or subdivision entrance</u>	<u>[—] 48 sq. ft.</u>	<u>[—] 6'</u>

Notes: Development identification wall signs on primary and secondary Façades for multifamily housing developments may be permitted at the discretion of The Administrative Official.

SECTION 5.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of the Ordinance to implement the policies and procedures described herein.

SECTION 6.

This Ordinance shall become effective thirty (30) days after the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk