



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: June 27, 2022

TO: President Heather Graham and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marissa Stoller, City Clerk
FROM: Scott Hobson, Acting Director of Planning and Community Development
SUBJECT: AN ORDINANCE AMENDING 17-4-7 OF CHAPTER 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO LANDSCAPE PERFORMANCE STANDARDS

SUMMARY:

Attached for consideration is a text amendment that will amend Chapter 4 of Title XVII of the Pueblo Municipal Code amending the landscape regulations for existing properties in the established development area of the City.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The City of Pueblo Planning and Community Development Department is requesting approval to remove a requirement from the current landscape performance standard code, which states that any addition to a non-single family residential structure larger than 1,000 square feet would trigger all landscaping requirements. The Planning Department is also proposing to include a residence, two family (duplex) as an exception to the landscape performance standards code. The City of Pueblo Planning Department has determined that a 1,000 square foot addition to a commercial property, currently outlined in Sec 17-4-7(b)(2)(b) and 17-4-7(b)(2)(g)(1), is triggering full landscape requirements, to include parking lot landscape islands, parking lot screening, buffering, tree lawns, and landscape setbacks. These additional landscape requirements are a financial burden and have been proven to be a detriment to the development of existing commercial properties. Therefore, the Planning Department is requesting to remove the 1,000 square foot addition requirement from the landscape code. Removing this requirement will also align the landscape performance standards code with the current small and medium scale development performance standards, which are triggered by any addition to a commercial structure exceeding 35-percent.

Prior to 2018, landscaping for commercial development was only required when a new structure was constructed or when an addition was proposed that equaled 35-percent or more of the gross square footage of the existing structure.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their June 8, 2022 Regular Meeting, voted 7-0 to recommend approval.

STAKEHOLDER PROCESS:

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 will not be amended to reflect the proposed changes relating to zoning.

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 June 8, 2022 Public Hearing

Planning and Zoning Commission Staff Report with Exhibits

ORDINANCE NO. 10218

AN ORDINANCE AMENDING SECTION 17-4-7 OF
CHAPTER 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL
CODE RELATING TO LANDSCAPE PERFORMANCE
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 17-4-7(b)(2) of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 17-4-7. Landscape Performance Standard

...

(2) Applicable Zones: Unless provided through a Special Area Plan or Planned Unit Development, the provisions of this Section shall apply in the following zone districts: R-4, R-5, R-6, RCN, B-1, B-2, B-3, B-4, BP, PUD (when the PUD does not establish its own landscaping regulations), H-B, Industrial-Zoned properties in the designated high-visibility areas, O-1, CCN, S-1, S-4 and S-5 when at least one (1) of the following occurs within the above-mentioned zones:

a. The construction or placement of any building or structure upon any lot except a residence, one (1) family and a residence, two (2) family.

b. Any addition of thirty-five percent (35%) or more of the gross square footage of an existing building, except a residence, one (1) family and a residence, two (2) family; [an addition of more than one thousand (1,000) square feet, except a residence, one (1) family;] or an addition [over] of ten thousand (10,000) gross square feet or more of an existing building in an I-2 zone district (whichever quantity is less). Additional increases in floor area, based on the above zone districts, shall be a maximum allowable limit of expansion whether cumulative or not, based on structure size after 2017.

...

g. Those properties located in the "Established Development Area", as illustrated on the map adopted by City Council Resolution and on file in the Community Development Department, are eligible for adjustments to the Landscape Performance Standards for the landscaping locations/functions described in Section 17-4-7(b)(3), as follows:

1. A building addition [of over one thousand (1,000) square feet, or more] greater than thirty-five percent (35%) of the existing building's gross square footage [(whichever is greater),] shall not require compliance with the requirements of Section 17-4-7(b)(3) in the "Landscape Setback", "Parking Lot", and "Landscaped Open Space" areas, when it has been determined by the Land Use Administrator that omitting landscaping from the proposed construction project would not be considered a significant visual impact nor detriment to the health, safety, and welfare of the neighborhood. However, additions to existing buildings within the size ranges described in this paragraph must comply with the standards described in paragraph (b)(2) g.2 below. Criteria used in determining whether this waiver shall be allowed include:

...

SECTION 2.

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 3.

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 June 27, 2022.

Final adoption of Ordinance by City Council on July 11, 2022.



President of City Council

Action by the Mayor:

Approved on July 13, 2022.

Disapproved on _____ based on the following objections:

Nilda Leal

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

Lygia

City Clerk