
TEXT AMENDMENT TA-19-03

TO: City of Pueblo Planning and Zoning Commission
FROM: Kelly Grisham, Senior Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: July 10, 2019
SUBJECT: An Ordinance amending Chapters 2, 4 and 10 of Title XVII of the Pueblo Municipal Code relating to code updates, clarification and consistency and providing penalties thereof

Background:

Throughout the years, the Planning Department has created a list of the issues within the Zoning Code. The proposed Ordinance is the second of three (3) phases intended to address the issues that the Department has discovered. These issues range from minor issues, including typos, mis-spelled words and incorrect references to more significant issues, such as when single family home placement standards are required for additions.

The proposed text amendment amends the existing Zoning Code to provide clarification and consistency to the existing regulations. It also fixes several typos and errors within the text of the Zoning Code. Specifically, the changes are outlined below:

1. Section 1:
 - a. Definition of *Recreational park* was amended to change the maximum time that camping is permitted so that its consistent with the specific use standards for recreational parks.
2. Section 2:
 - a. Language was added to clarify that an addition of more than 500 square feet, or 40% of the existing area, shall require the addition be architecturally compatible with the existing structure.
 - b. Language was also added for additions to historic properties.
3. Section 3:
 - a. In 2018, the non-residential off-street parking requirements were amended to allow greater additions to buildings before the parking requirements would be required.
 - b. With this change, a section regarding a one-time exemption from these standards was left in the code; however, with the new standards for additions, this exemption is no longer applicable.

4. Section 4:
 - a. The table of uses is being amended to require a Kennel (cattery) to obtain a Special Use Permit in the B-3 Zone District, where it was permitted previously.
5. Section 5:
 - a. This Section revises name of Food wholesaling to Food warehousing to be consistent with the table of uses and the definition.
 - b. This Section also amends the conditions for a Veterinary clinic to remove the requirement for Special Use Permit for a veterinary hospital in the B-3 and B-4 Zone Districts. This amendment creates consistency for veterinary clinics and hospitals throughout the code.
6. Section 6:
 - a. This Section removes the provision that the Zoning Board of Appeals has the power to grant extensions to the time to remove nonconforming signs.
 - b. When the sign code was first drafted, it included an amortization schedule for removal of existing signs that did not meet the new code requirements. This section gave ZBA the ability to amend the requirements outlined in the amortization schedule.
 - c. Since the amortization schedule was not included in the final sign code, this section is no longer needed.

Attachments:

- A. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO THE CORRECTION OF MISCELLANEOUS PROVISIONS

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, as amended, is hereby modified to read as follows:

Sec. 17-2-2. – Use definitions.

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

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(120) *Recreational park* means a property upon which two (2) or more recreational vehicle sites, cabins or tent sites are located, established or maintained for occupancy as temporary living quarters for recreation or vacation purposes. Also includes sanitary facilities, laundry facilities and disposition of waste, rubbish and debris created or deposited by its patrons. No person shall be permitted to camp for a period longer than **[fifteen (15)] twenty-one (21)** days.

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SECTION 2.

Section 17-4-11 of the Pueblo Municipal Code, as amended, is hereby modified to read as follows:

Sec. 17-4-11. - Residential placement standards.

The purpose of these standards is to require that homes be placed within neighborhoods in a manner that assures that the homes are compatible with adjacent properties and reflect the character of the neighborhoods in the City.

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(4) Obtain all applicable permits from the Pueblo Regional Building Department (including covered steps, porches, carports and similar improvements) for all extensions and attachments to one-family and two-family residences not part of the original dwelling.

a. Additions totaling more than 500 square feet of gross floor area or 40% of the existing gross floor area of the residence, whichever is greater, shall be architecturally compatible with the existing structure. For the purposes of this Section, architectural compatibility shall mean construction using similar materials and details, which shall include similar siding materials and colors, and similar roofing materials, colors and pitch.

b. Additions to historically registered buildings may be subject to the Pueblo Historic Preservation Code.

c. For an addition to a building that is eligible for listing on a historic register, the Administrative Official may permit the use of other architectural forms and high-quality materials that are not architecturally compatible if use of the materials complements the overall design, retains the unique character-defining features of the existing building, and does not create a visually false sense of history.

. . .

SECTION 3.

Section 17-4-43 of the Pueblo Municipal Code, as amended, is hereby modified to read as follows:

Sec. 17-4-43. - Off-street parking nonresidential.

(a) Application. The off-street parking requirements herein contained shall apply only to buildings and uses newly constructed, moved, extended or enlarged by more than ten thousand (10,000) square feet of gross floor area, not to exceed 100% of an existing structure in I-2 and I-3 zones, and [,] one thousand (1,000) square feet of gross floor area not to exceed 100% of existing structure in all other zone districts, and shall not apply to buildings lawfully repaired or improved where no increase of floor area is made [, except for rest rooms or elevators, as provided in this Section]. The regulations in this Section shall apply to all parking spaces, lots, garages, buildings or portions thereof to be provided in meeting the requirements of this Section. The addition of an adjacent building, whether attached or detached, shall constitute an increase in floor space and shall be included in any calculation of area

to meet the requirements of this Section. 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. [The City Traffic Engineer may grant a one-time exemption from the regulations in this Section for a building which is increased no more than two hundred (200) square feet of gross floor area for the purpose of providing either rest room facilities or an elevator.] All required parking spaces shall be permanent in character and provided with a permanent driveway to a public way. The driveway and parking spaces shall be paved with asphalt, concrete, Portland cement concrete or pavers.

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SECTION 4.

Section 17-4-51 of the Pueblo Municipal Code, as amended, is hereby modified by the amendment of Subsections (b)(7) and (b)(8)a.1. to read as follows:

Sec. 17-4-51. - Permitted use of land and buildings.

Any use of land or structure not authorized herein as a use by right, conditional use, or use by review upon issuance of a Special Use Permit in a designated zone district is unlawful. Except as otherwise provided, no building permit or certificate of zoning compliance shall be issued for a use not specifically mentioned or described in this Section.

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(c)Permitted Uses Table:

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Table of Uses

USE CATEGORIES	SPECIFIC USES (DEFINITION)	DEFINITION REFERENCE §17-2-2	USE STANDARDS	Zone Districts																																
				A-1	A-2	A-3	A-4	R-1	R-2	R-2U	R-3	R-4	R-5	R-6	R-7	R-8	RCN	O-1	B-1	B-2	B-3	B-4	B-P	CCN (Major)	CCN (Minor)	H-B	HARP-1	HARP-2	HARP-3	I-1	I-2	I-3	S-1	S-2	S-3	S-4
COMMERCIAL USES																																				
Animal Services	Kennel (cattery)	(77)		P	P														S	S	S	P							P	P	P					

(e) Conditional uses. In addition to the other requirements, the following conditions shall apply to each of the uses in districts where they are indicated with a "C" in the Land Use Table. The conditions are listed below.

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(21)Food [wholesaling] **warehousing** uses.

- a. Truck traffic contained within the site. No use of public right-of-way for maneuvering.
- b. Outdoor storage screened.

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(52)Veterinary clinic.

- a. No outdoor storage.
- b. Pens must be screened.
- c. No large animals permitted.
- d. **Overnight boarding is prohibited except when necessary in the medical treatment of the animal and only when kennels are indoors.**

[In addition, B-3 and B-4 zone district:

- 1) Veterinary hospital requires a special use permit.]

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SECTION 5.

Section 17-10-08 of the Pueblo Municipal Code, as amended, is hereby modified by the deletion of subsection (d):

Sec. 17-10-08. - Regulations for nonconforming signs.

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[(d)The Zoning Board of Appeals shall have the power to grant an extension to the time of removal of a nonconforming sign or sign structure required by this Section. In evaluating a request for an extension of time for removal of a nonconforming use, the Zoning Board of Appeals shall consider the following factors to determine whether the owner of the sign or sign structure has had a reasonable amount of time to recoup its investment:

- (1) The value of the sign or sign structure at the time of construction and the length of time the sign has been in place;
- (2) The life expectancy of the original sign or sign structure and its salvage value, if any;
- (3) The amount of depreciation and/or amortization of the sign or sign structure already claimed for tax or accounting purposes;
- (4) The length of the current tenant lease or expected occupancy compared to the date the sign or sign structure is to be brought into compliance;
- (5) The extent to which the sign or sign structure is not in compliance with the requirements of this Chapter; and
- (6) The degree to which the Board determines that the sign or sign structure is consistent with the purposed and intent of this Chapter.]

SECTION 6.

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

SECTION 7.

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

Acting City Clerk