
TA-13-03

Text Amendment

TO: City of Pueblo, Planning and Zoning Commission

FROM: Kelly Grisham, Planner

DATE: August 14, 2013

SUBJECT: Proposed Text Amendment for O-1 and B-3 Front Yard Setback when adjacent to an expressway

SYNOPSIS

Background:

The original 1968 Zoning Ordinance did not include the B-3 Zone District, just the B-1, B-2 and B-4 business zone districts. In 1974 the B-3, Highway and Arterial Zone District was added to provide areas along highways and arterial streets for the location of business and services. The main difference between the new B-3 Zone District and the existing B-4 Zone District was the setbacks. The B-3 required a 25' front yard setback, which gets increased to 75' if the parcel is adjacent to an "expressway." The B-4 Zone District does not require a front yard setback. Initially, many properties were rezoned to B-3, but starting in about 1987, rezoning to B-3 saw a significant decline (105 rezonings in first 13 years, then 57 in next 26 years). In addition, when the O-1 Zone District was created in 1975 it required the same 75' front yard setback when adjacent to an expressway.

Analysis:

The intent of the 75' setback from expressways was to facilitate roadway widening should it become necessary to do so in the future. At the time, CDOT was utilizing frontage roads, which required 50' of right-of-way and the remainder 25' for the setback. Now that CDOT is no longer utilizing frontage roads along their highways, the need for the 75' setback to provide expansion room for the highways is no longer necessary. With the increased 75' setback along expressways removed, the standard 25' front yard setback will remain.

Recommendation:

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval of the proposed text amendment to City Council.

Attachments:

Draft ordinance
Application
Map of impacted properties (positive)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO FRONT YARD SETBACKS IN THE O-1 AND B-3 ZONE DISTRICTS WHEN ADJACENT TO AN EXPRESSWAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:
(brackets indicate matter being deleted, underscoring indicates matter being added)

SECTION 1.

Section 17-4-3, Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby amended, to read as follows:

Sec. 17-4-3. Schedule of District Regulations (Part II, Residential).

SCHEDULE OF DISTRICT REGULATIONS (Part II, Non-Residential) (B)

		O-1	B-1	B-2	B-3	B-4	I-1	I-2	I-3	S-1	S-2	S-3	S-4	S-5	CCN
(a)	Min Lot Area	5,000sf	5,000sf	5,000sf	5,000sf	5,000sf	20,000sf	10,000sf	10,000sf	R	--	R	3,000sf	R	(F) 2500sf
(b)	Min Lot Width	50'	50'	50'	50'	50'	100'	50'	50'	R	--	R	30'	R	(F) 25'
(c)	Max Coverage of Lot	50%	50%	50%	50%	100%	25%	100%	100%	R	--	R	--	R	100%
(d)	Max Floor Area Ratio	.5	--	--	1.5	4	.5	1	2	R	--	R	--	R	2.0
(e)	Max Building Height	20'	35'	35'	50'	--	45'	--	--	R	(C)	R	35'	R	35'
(f)	Min Front Yard Setback	(D) 25'	25'	25'	(D) 25'	--	25'	--	--	R	--	R	(A) 25'	R	(F)
(g)	Min Side Yard Setback	(A) 5'	(A) 5'	(A) 5'	(A)(E) 15'	(A)(E) 5'	25'	(A)(E) 5'	(A)(E) 15'	R	--	R	(A) 5'	R	(G)
(h)	Min Rear Yard Setback	(A) 15'	(A) 15'	(A) 15'	(A)(E) 15'	(A)(E) 15'	25'	(A)(E) 15'	(A)(E) 15'	R	--	R	(A) 15'	R	(A) 15'

- (A) Does not apply on the portion of the parcel adjacent to another parcel also in a Business or Industrial zone. It does apply when the portion of the parcel is adjacent to a residential or special zone (streets or alleys not considered).
- (B) See Section 17-4-5 and Section 17-4-6 for additional requirements.
- (C) See Section 17-4-51(17)c.

- (D) [That portion of the parcel adjacent to an "expressway" shall provide 75' of front setback.] **Reserved**
- (E) See Section 17-4-6.
- (F) 25 feet for single-family or two-family residential; no minimum setback for other uses.
- (G) See Section 17-4-5 for side yard setbacks.
- R - Review and approval by Planning and Zoning Commission required in each case.

SECTION 2.

This Ordinance, and the amendments made herein to Title XVII of the Pueblo Municipal Code shall be subject to administration and enforcement in accordance with Chapters 5 and 7 of Title XVII, Pueblo Municipal Code, as amended. Any person who violates any provision of this Ordinance or the amendments made herein to Title XVII of the Pueblo Municipal Code shall be guilty of a municipal offense and subject to punishment and all other remedies as provided in Chapter 7 of Title XVII of the Pueblo Municipal Code, as amended.

SECTION 3.

This Ordinance shall become effective upon final passage and approval.

INTRODUCED: _____

BY: _____
COUNCIL PERSON

APPROVED: _____
PRESIDENT OF CITY COUNCIL

ATTESTED BY: _____
CITY CLERK

PASSED AND APPROVED: _____

Planning & Zoning Application

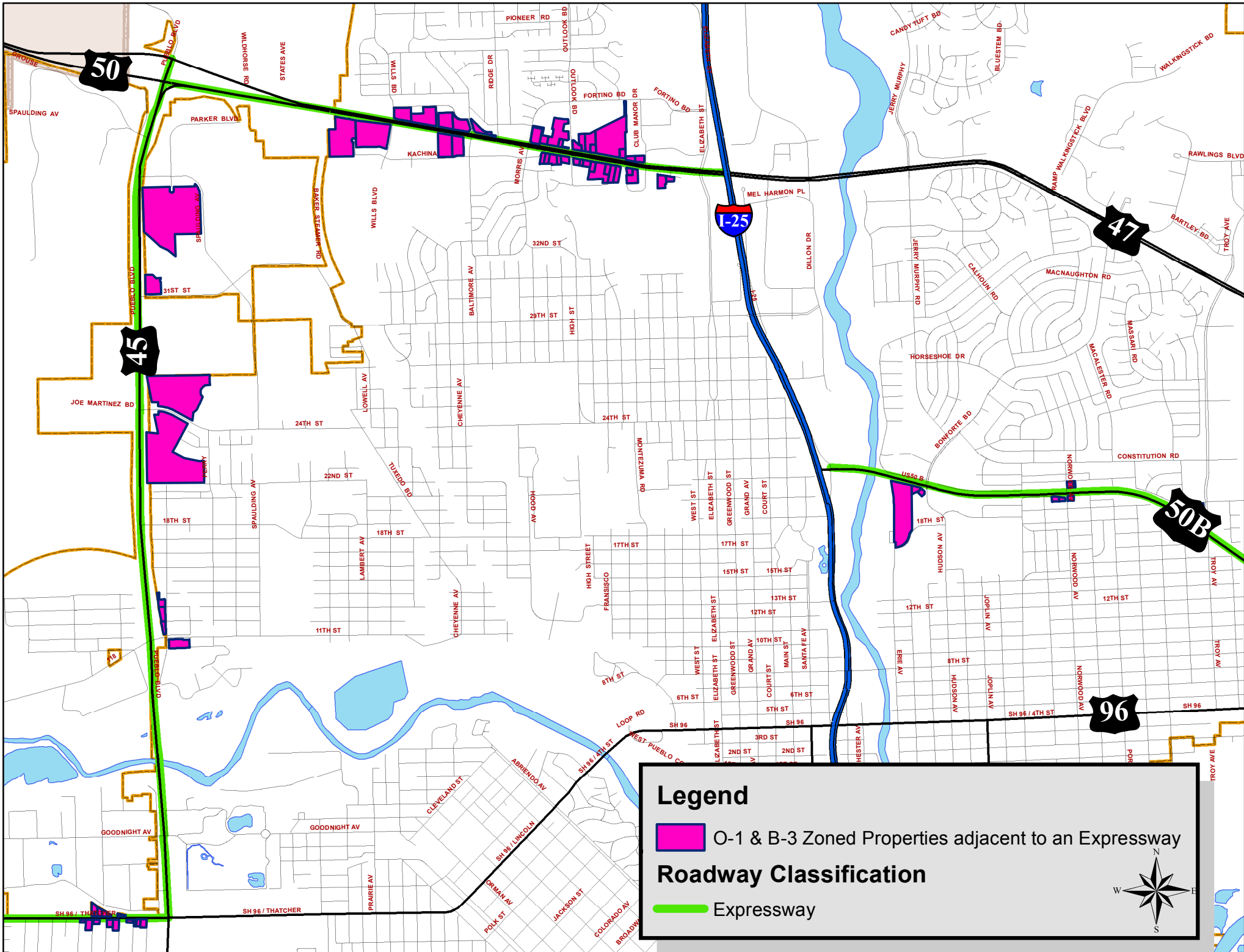
Please type or print clearly. Illegible applications will not be accepted. Case #: _____

Contact Info	Property Owner		Applicant	
	Name:		Name:	
	Company		Company:	
	Address:	Zip:	Address:	Zip:
	Phone: ()		Phone: ()	
	Email:		Email:	
	Engineer		Surveyor	
	Name:		Name:	
	Company:		Company:	
	Address:	Zip:	Address:	Zip:
Phone: ()		Phone: ()		
Email:		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: (address or general description)			
	Parcel No(s):			
	Existing Zone:		Proposed Zone (if applicable):	
	PUD Name (if applicable):			
Project Scope	Project Name: _____			
	Scope of work: <input type="checkbox"/> Lot Line Rearrangement:			
	# of existing lots: _____ Total acres: _____			
	<input type="checkbox"/> Overall Development Plan			
	<input type="checkbox"/> Rezoning From: _____ To: _____			
	<input type="checkbox"/> Site Plan Review:			
	<input type="radio"/> HARP <input type="radio"/> Development Plan <input type="radio"/> PUD <input type="radio"/> Student Housing			
	<input type="checkbox"/> Special Area Plan			
	<input type="checkbox"/> Street Name Change:			
	Existing Name: _____ Proposed Name: _____			
<input type="checkbox"/> Subdivision				
<input type="checkbox"/> Text Amendment				
<input type="checkbox"/> Vacation:				
<input type="radio"/> Street <input type="radio"/> Alley <input type="radio"/> Easement <input type="radio"/> Other: _____				
<input type="checkbox"/> Other: _____				

(Continued from previous page)

Project Information	Provide a brief description of the proposed request: (separate narrative as Attachment A also required)	
	What is the total acreage included in the project? _____	
	What is the proposed use of the property: <input type="checkbox"/> Commercial <input type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____	
	Are there any other pending or recently approved Land Use applications regarding this property? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, please list: _____	
Attachments	Attachment Checklist	
	The following list of attachments are required to accompany all applications: <input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific <input type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings & a PDF of all documents submitted. <input type="checkbox"/> C. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) <input type="checkbox"/> D. Additional information as required by the P&Z Submittal Requirements Sheet .	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections. 2. There are no known hazards or vicious animals present on the subject property. 3. All information contained in this application, is true and accurate to the best of my knowledge. 4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.	
Signatures	Property Owner	
	Print Name:	
	Signature:	Date:
	Applicant, if different from Property Owner	
Office Use Only	Print Name:	
	Signature:	Date:

Office Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date:	
	Application checked for completeness by:	Date:	
	Case Manager:	Fee Paid:	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Case #:	<input type="checkbox"/> Approved w/conditions		



Legend

- O-1 & B-3 Zoned Properties adjacent to an Expressway

Roadway Classification

- Expressway

