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Planning & Zoning Commission

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TEXT AMENDMENT TA-14-05

TO: City of Pueblo Planning and Zoning Commission
FROM: Jerry M. Pacheco, MURP, Senior Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: November 12, 2014
SUBJECT: An Ordinance amending Section 17-4-23 of Chapters 4 of Title XVII of the Pueblo Municipal Code relating Accessory Buildings and Structures and providing penalties for violation thereof

Background:

City regulations concerning accessory buildings and structures remained unchanged from 1985 to 2003. In 2003, the City first issued requirements for the "architectural compatibility" of such structures and placed uniform size and number limitations regardless of the size, shape or zoning of residentially zoned properties. The prime motivational change was due to a proliferation of prefabricated metal carports and large metal buildings. It was also at this time that limitations were placed on the Zoning Board of Appeals whereby they could no longer grant size variances.

Analysis:

The proposed text amendment will address two issues: a) architectural compatibility of greenhouses placed on single-family residential properties, and b) removal of the limitation on the Zoning Board of Appeals to approve justifiable variances.

In order to better address the various architectural styles and materials used to construct greenhouses, that in most cases do not match the architecture of the single-family residence, it is proposed that the Zoning Board of Appeals be permitted to grant exceptions for quality and compatible materials. In other words, if the greenhouse is constructed of glass, plastic panels, vinyl, etc. then the Zoning Board of Appeals may permit their use in the construction of the greenhouse so long as the size, shape, maintenance and use are compatible in the neighborhood.

The second proposed change would remove the restriction placed on the Zoning Board of Appeals to review, approve or deny variance cases related to the size of accessory structures. This change would allow more flexibility to address very large properties where larger accessory structures would be appropriate and desirable. It would also allow citizens with small homes the opportunity to construct a accessory structure larger than their home if it would be compatible in the neighborhood.

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

Text Amendment Application

AN ORDINANCE AMENDING SECTION 17-4-23 OF CHAPTER 4 OF TITLE XVII OF THE PUEBLO MUNICIPAL CODE RELATING TO ACCESSORY BUILDINGS AND STRUCTURES AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1.

Section 17-4-23 of Chapter 4, Title XVII of the Pueblo Municipal Code, as amended, is hereby modified by the amendment to read as follows:

Sec. 17-4-23. Accessory buildings and structures.

...

(c) Unless otherwise specified, all detached accessory structures shall comply with the following:

...

(5) Any detached accessory structure larger than seventy-five (75) square feet or higher than seven (7) feet at the highest point shall be architecturally compatible with the principal structure. For the purposes of this Section, *compatibility* shall mean construction of similar material and details and shall specifically exclude prefabricated metal structures and pole barns, or the use of corrugated metal panels as a siding material. The Zoning Board of Appeals may grant exceptions to this architectural compatibility requirement for greenhouse structures accessory to single family residential uses or agricultural buildings located on conforming agriculturally zoned lots as a use by review as provided in Section 17-5-33;

...

(e) Appeal procedures: variances. To obtain a variance from the requirements of this Section, the property owner must prove that a variance is needed to avoid unnecessary hardship and will not undermine the purpose and intent of the zoning ordinances. The alleged hardship cannot be self-imposed and must be of a type unique to the property owner; that is, a hardship not generally shared by other property owners in the zone district. [The Zoning Board of Appeals shall not have the authority to grant variances for accessory structures larger than the area requirements established in this Section.]

SECTION 2.

This Ordinance, and these amendments to Title XVII of the Pueblo Municipal Code, shall be subject to administration and enforcement in accordance with Chapters 5 and 7 of the Title XVII, Pueblo Municipal Code, as amended. Any person who violates any provision of this Ordinance or these amendments shall be guilty of a municipal offense and subject to the 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 THE CITY COUNCIL

ATTESTED BY: _____
CITY CLERK

PASSED AND APPROVED: _____

Planning & Zoning Application

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

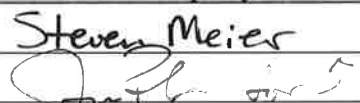
Contact Info	Property Owner		Applicant	
	Name:		Name: Steven Meier	
	Company:		Company: City of Pueblo	
	Address:	Zip:	Address: 211 E "D" St	Zip: 81003
	Phone: ()		Phone: (719)553-2259	
	Email:		Email:	
	Engineer		Surveyor	
	Name:		Name:	
	Company:		Company:	
	Address:	Zip:	Address:	Zip:
Phone: ()		Phone: ()		
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: <u>Accessory Structure Text Amendment</u>			
	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: ○ HARP ○ Development Plan ○ PUD ○ Student Housing			
	<input type="checkbox"/> Special Area Plan			
	<input type="checkbox"/> Street Name Change: Existing Name: _____ Proposed Name: _____			
	<input type="checkbox"/> Subdivision: # of lots: _____ Total acres: _____			
	<input checked="" type="checkbox"/> Text Amendment			
<input type="checkbox"/> Vacation: ○ Street ○ Alley ○ Easement ○ 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)
	Draft Ordinance Attached
	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:
	<ol style="list-style-type: none"> 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	
Print Name:	Steven Meier	
Signature:		Date: 11/12/14

Office Use Only	Zoning Compliance (Completed by City Staff)	Receipt:
	Application received by: JMP	Date: 11/12/14
	Application checked for completeness by: JMP	Date: 11/12/14
	Case Manager: JMP	Fee Paid: NA
	Hearing date: 11/12/14	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
	Case #: TA-14-05	