

**DECLARATION OF RESERVATIONS**

**TRACT 331, PUEBLO WEST**  
**(Example purpose only)**

**COUNTY OF PUEBLO, COLORADO**

**TRUST NO. 08**

THIS DECLARATION, made this 11<sup>th</sup> day of August, 1969, by LAWYERS TITLE OF PUEBLO, INC., a Colorado corporation, having a principal office at Pueblo, Colorado, (hereinafter referred to as the “Declarant”) who holds the land hereinafter referred to as Trustee, for the benefit of McCulloch Properties, Inc., a Delaware Corporation, having its principal place of business in Los Angeles, California.

WHEREAS, the Declarant is the owner of that certain Tract No. 331 Pueblo West, County of Pueblo, Colorado, as per plat thereof recorded as RECEPTION NO. 380801, records of said County, and

WHEREAS, the Declarant intends to sell, dispose of or convey from time to time all or a portion of the lots in said tract No. 331, above described, and desires to subject the same to certain protective reservations, covenants, conditions, restrictions (hereinafter referred to as “Conditions”) between it and the acquirers and/or users of the lots in said Tract.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Declarant hereby certifies and declares that it has established and does hereby establish a general plan for the protection, maintenance, development and improvement of said Tract, that

THIS DECLARATION is designed for the mutual benefit of the lots in said Tract and Declarant has fixed and does hereby fix the protective conditions upon and subject to which all lots, parcels and portions of said Tract shall be held, leased, or sold, and/or conveyed by them as such owners, each and all of which is and are for the mutual benefit of the lots in said Tract and of each owner thereof, and shall run with the land and shall inure to and pass with each such lot and parcel of land in said Tract, and shall apply to and bind the respective successors in interest thereof, and further are and each thereof is imposed upon said Tract as a mutual equitable servitude in favor of each and every parcel of land therein as the dominate tenements, and in favor of Declarant.

## **COMMITTEE OF ARCHITECTURE**

DECLARANT shall appoint a Committee of Architecture hereinafter sometimes called "Committee" consisting of five (5) persons. Declarant shall have the further power to create and fill vacancies on the Committee.

IT shall be the general purpose of this Committee to provide for maintenance of a high standard of architecture and construction in such manner as to enhance the aesthetic properties and structural soundness of the developed subdivision.

THE COMMITTEE shall be guided by and, except when in their sole discretion good planning would dictate to the contrary, controlled by this Declaration of Reservations. The Committee shall make available a copy of this Declaration of Reservations to any and all lot owners upon request.

THE COMMITTEE shall determine whether the Conditions contained in this Declaration are being complied with.

THE COMMITTEE may adopt reasonable rules and regulations in order to carry out its duties.

### **SAID CONDITIONS ARE AS FOLLOWS:**

THAT all of the lots within this subdivision shall be designated as R-1 Single Family Residential Lots as defined in the Pueblo County Zoning Resolution and shall be improved, used and occupied in accordance with the provisions set forth under R-1 Single Family Residential Lots of this Declaration.

THAT the Committee of Architecture shall require not less than twelve hundred (1200) square feet of floor area for any single family residence including carport, garage, covered porches, covered contiguous patios, etc., with a minimum floor area of eight hundred (800) square feet of floor area in the dwelling portion of the structure. These minimum restrictions supersede any other minimum restrictions established for this tract.

THIS SUBDIVISION AND EACH AND EVERY LOT AND PARCEL THEREIN SHALL BE IMPROVED AND USED IN ACCORDANCE WITH THE PROVISIONS OF PHASE ONE (1) AS DEFINED UNDER PARAGRAPH B, PAGE 4 OF THESE RESERVATIONS.

All definitions and designations contained herein refer to the Declaration of Reservations recorded with this Tract and to the Pueblo County Zoning Resolution. IN THE EVENT THAT ANY OF THE PROVISIONS OF THIS DECLARATION CONFLICT WITH ANY OF THE SECTIONS OF THE PUEBLO COUNTY ZONING RESOLUTION AS APPLICABLE TO THIS SUBDIVISION, THE MORE RESTRICTIVE OF THE TWO SHALL GOVERN.

DECLARANT reserves the right to convey and/or dedicate rights of way and easements over a five (5) foot perimeter or each and every lot for public utilities, television and/or communication cables, and drainage purposes EXCEPT all commercially zoned lots or parcels and except on front property line and except where such easements are shown on recorded map, together with the privilege to assign this right at any time, in Declarant's sole discretion, to McCulloch Properties, Inc. or its successors or assigns. This right shall run with the land for the time herein provided and as may be extended.

**A. IMPROVEMENT STANDARDS**

1. No building, including farm structures of any kind, fence, patio, or other structure shall be erected, altered, added to, placed, or permitted to remain on said lots or any of them or any part of any such lot until and unless the plans showing floor areas, external design, structural details and the ground location of the intended structure along with a plot plan have been first delivered to and approved in writing by the Committee. The Committee may require a reasonable fee prior to checking or appraising said plans. On commercial structures submitted for approval, this Committee may require changes, deletions, or revisions in order that the architectural and general appearance of all such commercial buildings and grounds be in keeping with the architecture of the neighborhood and such as not to be detrimental to the public health, safety, general welfare of the community in which such use or uses are to be located. All residential, commercial and industrial structures shall conform to the requirements of the Uniform Building Code as published by the International Conference of Building Officials, current edition, and the requirements of the National Electrical Code, as published by the National Fire Protection Association, current edition, as a guide to sound construction and electrical installation practices and the Pueblo County Building Department, whichever are the more restrictive.
2. Notwithstanding any other provisions of this Declaration of Reservations, it shall remain the prerogative and in the jurisdiction of the Committee to review applications and grant approvals for exceptions to this Declaration. Variations from these requirements and, in general, other forms of deviations from these restrictions imposed by this Declaration may be made when and only when such exceptions, variances and deviations do not in any way, detract from the appearance of the premises, and are not in any way detrimental to the public welfare or to the property of other persons located in the vicinity thereof, all in the sole opinion of the Committee and in compliance with the Pueblo County Zoning Resolution.
3. The designated maximum building height and minimum yard requirements may be waived by the Committee, when in their opinion, such structures relate to sound architectural planning and conform to the over-all design and pattern of the development and in conformance with the Pueblo County Zoning Resolution.
4. Said Committee shall adopt reasonable rules and regulations for the conduct of its proceedings and may fix the time and place for its regular meetings and for such extraordinary meetings as may be necessary, and shall keep written minutes of its meetings, which shall be open for inspection to any lot owner upon the consent of any one of its members of said Committee. Said Committee shall be a majority vote elect one of its members as chairman and one of its members as secretary and the duties of such chairman and secretary shall be such as usually appertain to such offices. Any and all rules or regulations adopted by said Committee regulating its procedure may be changed by said Committee from time to time by majority vote and none of said rules or regulations shall be deemed to be any part of portion of said Covenants.

**B. PHASE PROGRAM OF PARCEL RE-SUBDIVION AND INSTALLATION OF OFF-SITE IMPROVEMENTS**

PHASE I, PHASE II, PHASE III – Removed from this copy in order to eliminate confusion as the phasing program that ended with the development of un-subdivided tracts following the phase III date of January 1, 1985.

**C. DEFINITIONS**

All definitions when used in this Declaration or any supplemental Declaration unless the context shall prohibit shall have the same meaning as the definitions in Section 29 of the current Pueblo County Zoning Resolution.

**D. LAND USE AREAS – GENERAL**

The following provisions shall be applicable to all property regardless of classification:

1. Advertising:  
No sign, advertisement, billboard or advertising structure of any kind shall be erected or allowed on any of the unimproved lots, and no signs shall be erected or allowed to remain on any lots improved or unimproved except as expressly provided in the Uses Permitted paragraph of the particular type of land use area, provided, however, that a temporary permit for signs for structures to be sold or exhibited may be first obtained by application to the Architectural Committee. The Architectural Committee may approve the location of these signs within the front setback of the lot.
2. Air Conditioning Units:  
No air conditioning units, evaporative cooler, or other object other than a television or radio antenna shall be placed upon or above the roof of any dwelling or other building except and unless the same is architecturally concealed from view in plans submitted to and approved by the Committee of Architecture, and then only where to the full and sole satisfaction of the Committee of Architecture the same is not aesthetically objectionable and is otherwise in conformity with the over-all development of the Community.
3. Animals-Livestock  
Any and all animals where permitted under any use herein, shall be confined to the rear of all lots or parcels.
4. Building Exterior:  
The exterior portions of all buildings shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, so that all such materials shall have a finished appearance.
5. Clothes Lines:  
Clothes lines shall be installed so as not to detract from the aesthetic values of the property and shall be so placed to be concealed from view from all public right of ways.

6. Dust Control:  
Under no circumstances shall the owner of any lot or parcel of land disturb the natural soil or grasses unless the owner immediately thereafter, constructs on, paves, gravels, or re-plants such disturbed areas with ground cover approved by the Committee of Architecture.
7. Easements:  
Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
8. Electrical Power:  
No source of electrical energy shall be brought to the property or used upon the property until the Committee of Architecture has approved plans and specifications for the erection of approved improvements upon any lot.
9. Nuisances:  
No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
10. Occupancy of Structures:  
No structure shall be occupied or used for the purpose for which it is designed or built until the same shall have been substantially completed and a certificate to the effect shall have been issued by the Committee of Architecture.
11. Plumbing:  
All structures shall have complete and approved plumbing installations before occupancy. Such plumbing shall conform to the requirements of the Uniform Plumbing Code as published by the Western Plumbing Association, current edition, as a guide to sound plumbing practices.
12. Storage of Materials:  
In any building project, during construction and during the period of sixty (60) days after completion, a lot may be used for the storage of materials used in the construction of the individual buildings in the project and for the contractor's temporary offices, including chemical toilets. Said construction period shall not exceed one hundred twenty (120) days, unless specifically approved by the Committee of Architecture.
13. Storage of Tools and Trash:  
The storage of tools, landscaping instruments, household effects, machinery or machinery parts, boats, trailers, empty or filled containers, boxes or bags, trash, materials, or other items that shall in appearance, detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from all public right of ways. Trash for collection may be placed at the street right of way line on regular collection days for a period not to exceed twelve hours, prior to pick up. Storage of junk, old inoperative unlicensed cars and other unsightly objects on any lot or parcel is expressly prohibited.

14. Temporary Buildings:  
No temporary buildings, including tents, shacks, shanties or other structures shall be erected or placed upon any lot and no temporary buildings including basements, cellars, tents, shacks, shanties, garages, barns or other temporary out-buildings or other similar structures shall at any time be used for human habitation. Notwithstanding the foregoing a trailer may be used as a residence of the owner and his family or by a contractor during construction by or for such owner of a permanent residence, but only after a certificate in writing has been issued by the Committee of Architecture for such use and then only after the said Committee of Architecture shall have approved plans and specifications for the erection of the said permanent residence. A permit must also be obtained from the County Zoning Administrator. In no event, shall such trailer be allowed to be on any such lot for longer than 180 days.

15. Unnatural Drainage:  
Under no circumstances shall any owner of any lot or parcel of land be permitted to deliberately alter the topographic conditions of his lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended, to flow from his property onto any adjoining property or public right-of-way.

16. Use of Premises:  
A person shall not use any premises in any land use area, which is designed, arranged or intended to be occupied or used for any purpose other than expressly permitted in this Declaration or in compliance with County Zoning Resolution, whichever is more restrictive.

## **E. LAND USE AREAS – RESIDENTIAL**

In addition to the preceding provisions, the following shall be applicable to R-1, R-3, R-4, R-5 and R-6 areas as defined in the Pueblo County Zoning Resolution.

1. Livestock, Poultry and Pets:  
No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes and are not kept in quantities which create an annoyance or nuisance to the neighborhood.

2. Sewage Disposal Systems:  
Where approved for such use, the design and construction of all individual sewage disposal systems shall be installed in compliance with the health requirements of the local, county, or district health department.

In the event a domestic sewer line is installed at some future date as determined in the opinion of the Colorado Water Pollution Commission, then at such time, the lot or parcel owner shall make arrangements to connect to the sewer line pursuant to the rules and regulations of the regulating authority.

3. Side Distances:  
Fences, walls, hedges or shrubs may be erected or planted in rear or side yards to height not exceeding six (6) feet, provided they shall not be closer than fifteen (15) feet, to a public right of way line.

No trees, plants, shrubs or foliage shall be planted, kept or maintained in such a manner as, in the opinion of the Architectural Committee, shall create a serious potential hazard to the other residences of the area.

4. Garages and Carports

On R-1 and R-3 zoned areas there shall be provided on the same building site at least one garage or carport per dwelling unit of a minimum size of 200 square feet per dwelling unit.

5. Spaces Between Building-Passage Ways to Dwelling Units:

Where more than one building or a multiple dwelling is located on a lot, the following spaces and passageways shall be provided and maintained:

- (a) There shall be at least ten feet between every one-family dwelling, two family dwelling, multiple dwelling, boarding or rooming house or tourist court and any other building on the same lot. These regulations do not apply to required spaces between accessory buildings and other buildings on the same lot, which requirements are otherwise provided for by the provisions of E.(6) of these Land Use Areas Residential.
- (b) There shall be a passageway at least ten feet in width extending from a street to one entrance of each dwelling unit in a multiple dwelling, unless there is an entrance to the dwelling unit open onto a public street or into a hallway opening onto a public street.
- (c) Where dwellings or group dwellings are arranged around a court, the average width of the court shall be not less than 20 feet. Such court may serve as the passageway for rear building or as the space between buildings.

6. Location of Accessory Buildings – in the R Land Use Areas:

The accessory buildings and structures necessary to such use may occupy not more than fifty (50) percent of a required rear yard, may not be more than fifteen (15) feet in height, and must be located at least ten (10) feet from the nearest part of a main building. No accessory building shall be erected closer than five (5) feet to the line of an abutting lot to the rear and no such building shall occupy any portion of a required front or side yard.

7. Side Yard Setback – Reverse Corner Lots:

In the case of a reversed corner lot, there shall be a side yard set-back on the street side of the corner lot of not less than the front yard requirements for the lots in the rear of such corner lot.

## R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Notwithstanding other uses permitted under the Pueblo county Zoning Resolution under this Zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted

- (a) A one-Family dwelling.
- (b) The accessory building and structures necessary to such use.
- (c) Maintaining mail address for commercial, professional and business license purposes only provided no stock in trade, supplies, nuisance producing apparatus or equipment are kept on the premises, and provided that no employees or assistants are engaged for said services on the premises, and, except as otherwise provided in this Section, no signs are displayed.
- (d) One professionally made unlighted sign not to exceed six (1) square foot in area containing only the name and title or occupation of the occupant.
- (e) One (1) professionally made unlighted sign not to exceed six (6) square feet in area advertising the premises for sale, lease or rent, located not nearer than ten (10) feet to adjoining premises, nor nearer than five (5) feet to a street line.
- (f) Temporary sign of not to exceed six (6) square feet in area giving the names of the contractors, engineers and architects during construction period.

2. Maximum Building Height

Two levels not to exceed thirty (30) feet.

3. Minimum Yard Requirements:

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the furthest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.
- (b) A principle structure shall provide total side yards of not less than fifteen (15) feet with not less than five (5) feet on one (1) side. Corner lots shall maintain a minimum setback of fifteen (15) feet from the side street line.
- (c) A rear yard shall be maintained of at least twenty-five (25) feet from the property line to the nearest building line, excepting fences, walls, and hedges when used as a property or boundary line separation.

4. Maximum Area of Dwelling:

Notwithstanding uses permitted herein, no more than fifty (50) percent of the total lot area shall be used for the Dwelling and other structures.

5. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.



## **R-3 TWO FAMILY RESIDENTIAL DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of the Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. **Uses Permitted**

- (a) Any use permitted in the R-1 area.
- (b) Two-Family Dwelling or two (2) One-Family Dwellings.
- (c) The accessory buildings necessary to such use located on the same lot or parcel of land.
- (d) One (1) professionally made sign per dwelling unit of not to exceed one (1) square foot in area containing only the name and title or home occupation of the occupant.
- (e) One (1) professionally made unlighted sign of not to exceed six (6) square feet in area advertising the premises for sale, lease or rent, located not nearer than ten (10) feet to adjoining premises, nor nearer than five (5) feet to a street line.
- (f) Temporary sign of not to exceed six (6) square feet in area giving the names of the contractors, engineers, and architects during construction period.

2. **Maximum Building Height:**

Two levels or thirty (30) feet.

3. **Minimum Yard Requirements:**

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the nearest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.
- (b) A side yard setback shall be maintained of at least five (5) feet in depth from all side property lines to the building line of any structure, with a minimum clearance of forty (40) inches from eaves or other projections to the side property line. Corner lots shall maintain a minimum setback of fifteen (15) feet from the side street line.
- (c) A rear yard shall be maintained of at least twenty-five feet from the property line to the nearest building line, excepting fences, walls, and hedges when used as a property or boundary line separation.

4. **Maximum Area of Dwelling:**

Notwithstanding uses permitted herein, no more than fifty (50) percent of the total lot area shall be used for the Dwelling and other structures.

5. Minimum Dwelling Unit Size:

All two-family residences shall require not less than nine hundred fifty (950) square feet of floor area for each unit including carport, garage, covered porches, covered contiguous patios, etc., with a minimum area of seven hundred fifty (750) square feet for living area in the dwelling portion of each unit.

6. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

## **R-4 LIMITED MULTIPLE FAMILY DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. **Uses Permitted**

- (a) Any use permitted in the R-1 or R-3 area.
- (b) Multiple-Family Dwellings.
- (c) The accessory buildings necessary to such use located on the same lot or parcel of land.
- (d) One (1) professionally made sign of not to exceed one (1) square foot containing only the name and title or home occupation of the occupant.
- (e) One (1) professionally made unlighted sign of not to exceed six (6) square feet in area advertising the premises for sale, lease or rent, located not nearer than five (5) feet to a street line.
- (f) Temporary sign of not to exceed six (6) square feet in area giving the names of the contractors, engineers, and architects during construction period.
- (g) Churches, temples, or other places used exclusively for religious worship shall be permitted within this zone upon approval of location and development plans by the Committee of Architecture.

2. **Maximum Building Height:**

Two levels not to exceed thirty (30) feet, excepting those uses as permitted in subpar (g) above which may exceed the maximum upon approval by the Committee of Architecture.

3. **Maximum Yard Requirements:**

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the furthest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.
- (b) A side yard set-back shall be maintained of at least five (5) feet in depth from all side property lines to the building line of any structure, with a minimum clearance of forty (40) inches from eaves or other projections to the side property line. Corner lots shall maintain a minimum setback of fifteen (15) feet from the side street line.
- (c) A rear yard shall be maintained of at least twenty-five feet from the property line to the nearest building line, excepting fences, walls, and hedges when used as a property or boundary line separation.

4. **Maximum Area of Dwelling:**

Notwithstanding uses permitted herein, no more than fifty (50) percent of the total lot area shall be used for the Dwelling and other structures.

5. Minimum Automobile Parking Requirements:  
One and one-half (1 ½ ) off-street parking spaces for each two (2) bedroom or more dwelling units or one (1) off-street parking space for each one (1) bedroom unit or bachelor apartment. A full parking space shall be provided in each instance where a fractional space would otherwise be required. Under no circumstances will any parking be permitted within the setback areas adjacent to streets.
  
6. Minimum Dwelling Unit Size:  
Each and every dwelling unit on the premises shall consist of at least seven hundred fifty (750) square feet of living area.
  
7. Subdivision of Lots:  
No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

## **R-5 MULTIPLE RESIDENTIAL AND OFFICE DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted:

- (a) Any use permitted in the R-1, R-3 or R-4 area.
- (b) Multiple-Family Dwellings or Apartment Houses together with limited commingling of professional offices and studios.
- (c) The accessory buildings necessary to such use located on the same lot or parcel of land.
- (d) One (1) professionally made sign of not to exceed four (4) square feet in area containing only the name and title or occupation of the occupant.
- (e) One (1) professionally made unlighted sign of not to exceed six (6) square feet in area advertising the premises for sale, lease or rent, located not nearer than ten (10) feet to adjoining premises, nor nearer than five (5) feet to a street line.
- (f) Temporary sign of not to exceed six (6) square feet in area giving the names of the contractors, engineers, and architects during construction period.

2. Maximum Building Height:

Two levels not to exceed thirty (30) feet.

3. Minimum Yard Requirements:

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the furthest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.
- (b) A side yard setback shall be maintained of at least five (5) feet in depth from all side property lines to the building line of any structure, with a minimum clearance of forty (40) inches from eaves or other projections to the side property line. Corner lots shall maintain a minimum setback of fifteen (15) feet from the side street line.
- (c) A rear yard shall be maintained to at least fifteen feet from the property line to the nearest building line, excepting fences, walls, and hedges when used as a property or boundary line separation.

4. Maximum Area of Dwelling:

Notwithstanding uses permitted herein, no more than fifty (50) percent of the total lot area shall be used for the Dwelling and other structures.

5. Minimum Automobile Parking Requirements:  
One and one-half (1 ½) off-street parking spaces for each two (2) bedroom or more dwelling units or one (1) off-street parking space for each one (1) bedroom unit or bachelor apartment. A full parking space shall be provided in each instance where a fractional space would otherwise be required. Under no circumstances will any parking be permitted within the setback areas adjacent to streets.
  
6. Minimum Dwelling Unit Size:  
Each and every dwelling unit on the premises shall consist of at least seven hundred fifty (750) square feet of living area.
  
7. Subdivision of Lots:  
No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

## **R-6 MULTIPLE RESIDENTIAL AND COMMERCIAL DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted:

- (a) Hotels, including incidental shops and services.
- (b) Motels, including incidental shops and services.
- (c) Mobile Home Parks in areas designated and approved by the Committee of Architecture.

2. Maximum Building Height:

Building heights shall remain unrestricted but shall be subject to limitations of airfield District, if applicable.

3. Storage of Materials:

The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way.

4. Maximum Area of Building:

Notwithstanding uses permitted herein, no more than fifty (50) percent of the total area shall be used for the building and other structures.

5. Minimum Automobile Parking Requirements:

One (1) off-street parking space for each dwelling unit in addition to sufficient employee parking.

6. Building Setbacks:

All building setbacks shall conform to Pueblo County Zoning Resolution under this District.

7. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

**A-1 (40 Acres)**

**A-2 (5 Acres)**

**AGRICULTURAL DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted:

- A. Agricultural Custom Contractor
- B. Christmas tree Sales (temp.)
- C. Church and Religious Buildings
- D. Drilling Company Equipment Yard
- E. Farming or Ranching
- F. Fruit and Vegetable Processing, Wholesale and Retail
- G. Game Preserves
- H. Greenhouse and Nursery
- I. Guest House
- J. Hay, Grain, Feed, Seed and Fertilizer—Retail Storage and/or Wholesale
- K. Housing, Tenant
- L. Ranch, Guest
- M. Residence, 1-Family
- N. Residence, 2-Family
- O. Riding Academy, Stables
- P. Roadside Sale Stand (Agricultural Products Raised on the Premises)
- Q. Sign business
- R. Veterinarian, Animal Hospital and Kennel
- S. Water Distillation and Bottling

2. Pest Control:

All barnyards, stables, or other structures or areas where animals are located, shall be kept clean and free of insects and pests and of obnoxious odors.

3. Maximum Building Height:

Thirty feet (30')

4. Minimum Yard Requirements:

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front Yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the furthest structural projection or any principle building and/or accessory building.
- (b) A side yard setback shall be maintained of at least fifteen (15) feet in depth from all side property lines to the building line of any structure. Corner lots shall maintain a minimum setback of twenty feet (20') from the side street line.

5. Minimum Area of Building:

Each and every dwelling unit on the premises shall consist of at least 1200 square feet of covered area of which eight hundred (800) square feet must be living area.



6. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale, or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

**A-3 (1 Acre)**  
**A-4 (1/2 Acre)**

**RESIDENTIAL-AGRICULTURAL DISTRICTS**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted:

- (a) Any use permitted in the R-1 Area.
- (b) Home occupations.
- (c) One (1) professionally made sign of not to exceed six (6) square feet in area identifying and advertising products produced on the premises, or containing only the name and title or occupation of the occupant.
- (d) Keeping of horses on lots having an area of ½ acre or more, provided that the number of horses on any one lot or parcel shall not exceed one horse for every one-quarter (1/4) acre, or the keeping of farm animals under recognized youth programs. The keeping of farm animals shall conform to all other provisions of law governing same, and no horses, shall be kept or maintained nor any stable, barn or corral constructed within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located or within one hundred (100) feet of any public park, school hospital or similar institution.

2. Pest Control:

All barnyards, stables, or other structures or areas where animals are located, shall be kept clean and free of insects and pests and of obnoxious odors.

3. Maximum Building Height:

Two levels not to exceed thirty (30) feet.

4. Minimum Yard Requirements:

Except where there is specifically called out on the Subdivision Map, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the furthest structural projection of any principle building and/or any accessory building.
- (b) A side yard setback shall be maintained of at least fifteen (15) feet in depth from all side property lines to the building line of any structure. Corner lots shall maintain a minimum setback of twenty (20) feet from the side street line.
- (c) A rear yard shall be maintained to at least one hundred and fifty (150) feet from the property line to the nearest building line, excepting fences, walls, and hedges when used as a property or boundary line separation.

5. Minimum Area of Building:  
Each and every dwelling unit on the premises shall consist of at least 1200 square feet covered area of which eight hundred (800) square feet must be living area.
  
6. Subdivision of Lots:  
No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

**B-4-N**

**NEIGHBORHOOD BUSINESS DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. **Uses Permitted:**

- (a) Stores, shops and premises for the conduct of the following types of general retail or wholesale business:

- |                                    |                             |
|------------------------------------|-----------------------------|
| 1. Antiques, sale of               | 15. Dry Cleaning & Pressing |
| 2. Bakeries, retail                | 16. Dry Goods               |
| 3. Banks                           | 17. Employment Agencies     |
| 4. Barber Shops                    | 18. Fine Arts Galleries     |
| 5. Bars                            | 19. Florists                |
| 6. Beauty Shops                    | 20. Food Markets, Groceries |
| 7. Book Stores                     | 21. Jewelry                 |
| 8. Cafes or Restaurants            | 22. Meat Market or Deli.    |
| 9. Clothing Shops                  | 23. Offices                 |
| 10. Clubs                          | 24. Photographic Studios    |
| 11. Confectionery Stores           | 25. Self-service Laundries  |
| 12. Cocktail Lounges               | 26. Shoe Sales and Repairs  |
| 13. Dressmaking or Millinery Shops | 27. Stationery              |
| 14. Drug Stores                    | 28. Tailor                  |

- (b) Such other types of retail and wholesale businesses including Service Stations shall be permitted where in the sole opinion of the Committee such businesses are compatible with the uses permitted in 1.a. above and with the other businesses conducted or planned for the immediately adjacent areas.
- (c) The operations from such stores, shops or businesses shall be conducted entirely within an enclosed building.
- (d) Any exterior sign displayed shall pertain only to a use conducted within the building. The design of such signs shall be approved by the Committee of Architecture prior to their construction and comply with the Pueblo County Zoning Resolution.
- (e) The accessory buildings and structures necessary to such uses located on the same lot or parcel of land.

2. **Maximum Building Height:**

Two levels not to exceed thirty-five (35) feet.

3. **Storage of Materials:**

The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that may in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from the public right of way.

4. **Maximum Area of Building:**

Building area is that area within building setbacks.

5. Automobile Parking Requirements:

No automobile parking space need be provided on the lots where such area has been reserved as described on the face of the recorded Reservations for the tract and the area so described shall be set aside as an easement for ingress, egress, public utilities, driveways, walkways and parking to be used IN COMMON WITH OTHERS.

Where a common parking area has not been so reserved there shall be provided upon each individual lot one off street parking space for each 250 square feet of floor space constructed on the said lot. The area so designated from time to time as parking area by the lot owner in plans submitted to and approved by the Committee of Architecture shall be the parking area with respect to said lots so covered, and there is hereby reserved with respect to said parking area an easement for ingress, egress, driveways, walkways and parking areas to be used IN COMMON WITH THE PARKING AREA OF ALL OTHER COMMERCIAL LOTS.

6. Loading Space:

There shall be provided adequate loading space on private property for standing and for loading and unloading service for any commercial use involving the receipt or distribution by vehicles of materials or merchandise. Such loading space shall be of such size, and so located and designed as to avoid undue interference with the use of public streets and alleys, and shall be graded and surfaced to provide proper drainage and prevent dust arising therefrom and comply with the Pueblo County Zoning Resolution.

7. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the County Zoning Resolution.

**B-4**

**COMMUNITY BUSINESS DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. Uses Permitted:

- (a) Any use permitted in the B-4-N Area.
- (b) All retail and personal service uses upon issuance of a zoning permit by the County Zoning Administrator.
- (c) Such other types of retail and wholesale businesses including Service Stations shall be permitted where in the sole opinion of the Committee such businesses are compatible with the uses permitted in 1(b) above and with the other businesses conducted or planned for the immediately adjacent areas.
- (d) The accessory buildings and structures necessary to such use located on the same lot or parcel of land.
- (e) Any exterior sign displayed shall pertain only to a use conducted within the building. The design of such signs shall be approved by the Committee of Architecture prior to their construction.

2. Maximum Building Height:

Two levels not to exceed thirty-five (35) feet.

3. Storage of Material:

The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the general public.

4. Maximum Area of Building:

Building area is that area within building setbacks.

5. Automobile Parking Requirements:

No automobile parking space need be provided on the lots where such area has been reserved as described on the face of the recorded Reservations for the tract and the area so described shall be set aside as an easement for ingress, egress, public utilities, driveways, walkways, and parking to be used IN COMMON WITH OTHERS. Where a common parking area has been so reserved there shall be provided upon each individual lot one off street parking space for each 250 square feet of floor space constructed on the said lot. The area so designated from time to time as parking area by the lot owner in plans submitted to and approved by the Committee of Architecture shall be the parking area with respect to the lot or lots so covered and there is hereby reserved with respect to said parking area an easement for ingress, egress, driveways, walkways and parking areas to be used IN COMMON WITH THE PARKING AREA OF ALL OTHER COMMERCIAL LOTS.

6. Loading Space:

There shall be provided adequate loading space on private property for standing and for loading and unloading service for any commercial use involving the receipt or distribution by vehicles of materials or merchandise. Such loading space shall be of such size, and so located and designed as to avoid undue interference with the use of public streets and alleys, and shall be graded and surfaced to provide property drainage and prevent dust arising therefrom.

7. Subdivision of Lots:

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the Pueblo County Zoning Resolution.

## SPECIAL INDUSTRIAL DISTRICT

Notwithstanding other uses permitted under the Pueblo county Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. USES

All uses as outlined under Section 12 of the current Pueblo County Zoning Resolution are permitted upon issuance of a zoning permit by the County Zoning Administrator subject to the conditions of this regulation.

2. SIMILAR USES PERMITTED BY COMMITTEE DETERMINATION

The Committee may permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this Regulation, and not more obnoxious or detrimental to the public health, safety, and welfare, or to other uses permitted in this Regulation, subject to the approval of the County Planning Commission.

3. MAXIMUM AREA OF BUILDING

Lot area coverage by main buildings or structures shall not exceed twenty-five (25) percent of the total area.

4. BUILDING HEIGHT

No structure shall exceed forty-five (45) feet in height, subject to limitations of Airfield District, if applicable.

5. STORAGE OF MATERIALS

The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way.

6. SUBDIVISION OF LOTS

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the Pueblo County Zoning Resolution.



**I-2**  
**LIGHT INDUSTRIAL DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. **USES**

All uses as outlined under Section 13 of the Pueblo County Zoning Resolution are permitted upon issuance of a Zoning Permit by the County Zoning Administrator subject to the conditions of this regulation.

2. **SIMILAR USES PERMITTED BY COMMITTEE DETERMINATION**

The Committee may permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this Regulation, and not more obnoxious or detrimental to the public health, safety, and welfare, or to other uses permitted in this Regulation, subject to the approval of the County Planning Commission.

3. **MAXIMUM AREA OF BUILDING**

Lot area coverage by buildings or structures shall not exceed sixty (60) percent of the total lot area.

4. **BUILDING HEIGHT**

Building height shall remain unrestricted subject to limitations of Airfield District, if applicable.

5. **STORAGE OF MATERIALS**

The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way.

6. **SUBDIVISION OF LOTS**

No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the Pueblo County Zoning Resolution.

**I-3**  
**HEAVY INDUSTRIAL DISTRICT**

Notwithstanding other uses permitted under the Pueblo County Zoning Resolution under this zone, upon issuance of a Zoning Permit by the County Zoning Administrator, the following uses and regulations shall apply unless otherwise provided in these reservations.

1. **USES**  
All uses as outlined under Section 14 of the Pueblo County Zoning Resolution are permitted upon issuance of a zoning permit by the County Zoning Administrator subject to the conditions of this regulation.
2. **SIMILAR USES PERMITTED BY COMMITTEE DETERMINATION**  
The Committee may permit any other uses which it may determine to be similar to those listed above, in conformity with the intent and purpose of this Regulation, and not more obnoxious or detrimental to the public health, safety, and welfare, or to other uses permitted in this Regulation, subject to the approval of County Planning Commission.
3. **MAXIMUM AREA OF BUILDING**  
Lot area coverage by buildings or structures shall not exceed sixty (60) percent of the total lot area.
4. **BUILDING HEIGHT**  
Building height shall remain unrestricted subject to limitations of Airfield District, if applicable.
5. **STORAGE OF MATERIALS**  
The storage of supplies and equipment, boxes, refuse, trash, materials, machinery or machinery parts, or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way.
6. **SUBDIVISION OF LOTS**  
No lot or parcel of land shall be divided into smaller lots or parcels whether for lease, sale or rental purposes, provided that variations may be granted by the Committee of Architecture in accordance with provision of A-2, Page 3, of this Declaration of Reservations or as otherwise provided under the Phase Program defined under B of this Declaration of Reservations and in compliance with the Pueblo County Zoning Regulation.

**F. GENERAL PROVISIONS**

1. Duration

The covenants and conditions of this Declaration shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants and conditions are recorded, after which time the covenants and conditions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change the covenants and conditions in whole or in part.

2. Notices

Any notice required to be sent to any owner under the provision of this Declaration shall be deemed to have been properly sent when mailed postpaid, to the last known address of the person who appears as owner on the records of Declarant at the time of such mailing.

3. Severability

In the event that any of the provisions of this Declaration in each area of Land Use Regulations conflict with any other of the sections therein, the more restrictive of the two shall govern. If any paragraph, section, sentence, clause or phrase of the conditions and covenants herein contained shall be or become illegal, null, or void, for any reason or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses or phrases herein contained shall not be affected thereby. It is hereby declared that those conditions and covenants herein contained would have been and are imposed and each paragraph, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other paragraphs, sections, sentences, clauses or phrases are or shall become or be illegal, null or void.

4. Enforcement

If any owner of any lot in said property or his heirs, or assigns, shall violate or attempt to violate any of the conditions or covenants herein, it shall be lawful for any other person or persons owning any other lots in said property to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such conditions or covenants and either to prevent him or them from so doing or to recover damages or other dues for each violation.

In order to enhance and protect the value of the lots described herein the right to prosecute any proceeding at law or in equity against any person or persons violating or attempting to violate any Conditions either to prevent such violations or to recover damages or other dues from each violation is also expressly reserved to Declarant, its successors or assigns whether or not Declarant is a lot owner. This reservation shall terminate when improvements have been erected in conformance with these Conditions on 90% of the lots in this subdivision.

Provided, however, that a breach of any of the foregoing conditions or covenants shall not in any way effect any valid mortgage or lien made in good faith and for value and not made for the purpose of defeating the purposes of such reservations and restrictions.

## **SUPPLEMENT - RESOLUTIONS**

Resolutions are used by the Committee of Architecture as a means of identifying standards for construction that were not considered when the original covenants were filed. A resolution is not a change to the covenants, only a tool that the Committee references in accordance with good planning. Full copies of the Resolutions are available at the Pueblo West Metro District offices.

### **Resolution 78-2**

Approved and adopted 8/23/78, Resolution 78-2 defines noxious weeds that measure more than 12" in height as being a nuisance.

### **Resolution 90-1**

Approved and adopted on 1/24/1990, Resolution 90-1 defines the application process and criteria for the placement of radio antennas, including ham radio antennas, to be placed in residential neighborhoods. Antennas cannot be more than 40' in height, must be located behind the rear wall line of the residence, and requires an application and approval prior to placement.

### **Resolution 96-2**

Approved and adopted 6/13/1996, Resolution 96-2 defines how PWCOA measures height of structures. Measurements are taken from lowest exposed ground to highest peak of any structure.

### **Resolution 99-1**

Approved and adopted 7/8/1999, Resolution 99-1 defines restrictions and direction in storage of recreational vehicles and boats on residential property in Pueblo West.

### **Resolution 2002-1**

Approved and adopted 12/6/2002, Resolution 2002-1 defines the restriction of Pot Belly pigs as barnyard animals that are restricted from all property in Pueblo West unless confirmed as a youth project.

### **Resolution 2007-1**

Approved and adopted 1/11/2007, Resolution 2007-1 defines the guidelines for the placement and application for solar panels.

### **Resolution 2009-1**

Approved and adopted 1/22/2009, Resolution 2009-1 defines the guidelines for the placement and application for residential wind turbines.

### **Resolution 2014-1**

Approved and adopted 6/12/2014, Resolution 2014-1 defines the restricted use of signage painted on buildings and murals.

Resolution 2017-1

Approved and adopted 2/23/2017, Resolution 2017-1 defines the allowance of backyard chickens on A1, A2, A3, A4 zoned properties only. Not more than 12 laying chicken hens. No roosters and no other fowl.

Resolutions may be adopted by the Committee of Architecture if and when they see a need to define or update a construction, building or use practice, definition or interpretation.

Resolutions are developed and voted on during regular public meetings of the Committee of Architecture held on the second and third Thursday of each month. Resolutions will also be posted on the website at [pueblowestmetro.com](http://pueblowestmetro.com).

The Pueblo West Committee of Architecture offices are located at 109 E. Industrial Boulevard, Pueblo West, Colorado 81007 (719)547-0661.