

CITY PLANNING COMMISSION AGENDA

STAFF: MORGAN HESTER
BEN BOLINGER

FILE NO:
ZONE-23-0006 – LEGISLATIVE

PROJECT: RetoolCOS Rezoning

An ordinance amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts

APPLICANT: CITY OF COLORADO SPRINGS - PLANNING AND DEVELOPMENT

PROJECT SUMMARY:

Rezoning Description: The RetoolCOS project includes the adoption of a new Unified Development Code (UDC) which will repeal and replace the current City Code Chapter 7. To implement revised zone district standards established in the UDC, a City-wide rezoning must occur as the step to follow text adoption.

Goals of this City-initiated rezoning include –

1. Elimination of the TND Traditional Neighborhood Development zone district and retention of the PCR Planned Cultural Resort zone district.
2. Certain zone districts will be reclassified, renamed, or merged as established in the UDC.
3. Provide clarity with the adoption of the new zone districts, retain conditions or approval, entitlements, approvals, and vested property rights.

A more detailed summary of the language is found in the following sections of this report.

BACKGROUND

On January 24, 2023, the City Council voted to approve the Unified Development Code (UDC) with an 8-1 vote (Councilmember Donelson voting no). At the second reading on February 14, 2023, the same 8-1 vote officially adopted the UDC to repeal and replace the Chapter 7 Zoning & Subdivision Ordinance.

To implement the new zone districts and associated regulations, including associated uses and dimensional standards, a City-initiated rezoning is necessary. The outlined changes with zone district revisions will go into effect at the same time as the UDC on June 5, 2023. It should be noted that no allowances that are granted today in Chapter 7 (pre-UDC effective date) will be removed or reduced with the conversion, but rather expanded upon for the benefit of property owners.

Zone District Changes

The zoning map of Colorado Springs is to be updated to ensure the implementation of the new UDC through the RetoolCOS project. Simply stated, without the conversion from the current zone districts in Chapter 7 to the new districts in the UDC, the new Code will not be valid. Several districts have name changes with new permissions while others may be eliminated and

will their standards either captured in other zone districts or converted to PDZ Planned Development Zones.

The following chart (also found in EXHIBIT A) shows the extent of the new naming convention, consolidation, and removal of existing zone districts. Districts that will be removed have been struck and their new zone district designation indicated –

Current Zone District	Proposed Zone District
Agricultural and Residential Zone Districts	
A: Agriculture	A: Agriculture
R: Estate – Single-Family	R-E: Single-Family – Estate
R-1 9000: Single-Family	R-1 9: Single-Family – Large
R-1 6000: Single-Family	R-1 6: Single-Family – Medium
R-2: Two-Family Residential	R-2: Two-Family
R-4: Multi-Family (med density)	R-4: Multi-Family Low
R-5: Multi-Family (high density)	R-5: Multi-Family High
	R-Flex Low
	R-Flex Medium
	R-Flex High
Mixed-Use Zone Districts	
OR: Office Residential	OR: Office Residential
OC: Office Complex	MX-N: Mixed-Use Neighborhood Scale
MU-NC: Mixed-Use Neighborhood Center	
SU: Special Use	MX-T: Mixed-Use Transition
C-5: Intermediate Business	MX-M: Mixed-Use Medium Scale
PBC: Planned Business Center	
MU-CC: Mixed-Use Commercial Center	
C-6: General Business	MX-L: Mixed-Use Large Scale
MU-R EC: Mixed-Use Regional Employment Center	
	MX-I: Mixed-Use Institutional
FBZ: Form Based Zone	FBZ: Form Based Zone (Regulating Plan District)
TND: Traditional Neighborhood Development	PDZ: Planned Development Zone District (<i>all established conditions and variances will be carried forward</i>)
PCR: Planned Cultural District	PCR: Planned Cultural District
Industrial Zone Districts	
PIP-1: Planned Industrial Park	BP: Business Park (Planned District)
PIP-2: Planned Industrial Park	
M-1: Light Industrial	LI: Light Industrial
M-2: Heavy Industrial	GI: General Industrial
Public and Semi-Public Zone Districts	

APD: Airport Planned Development	APD: Airport Planned Development (Planned District)
PF: Public Facilities	PF: Public Facilities
PK: Parks	PK: Public Parks
Overlay Districts	
DFOZ: Design Flexibility Overlay	<i>Note: standards established pursuant to the DFOZ zone district shall remain in effect until repealed or amended</i>
AO: Airport Overlay	AP-O: Airport Overlay
	AF-O: United States Air Force Academy Overlay
SS: Streamside Overlay	SS-O: Streamside Overlay
	WUI-O: Wildland Urban Interface Overlay
	ADU-O: Accessory Dwelling Unit Overlay
NNA: North Nevada Avenue Overlay	NNA: North Nevada Avenue Overlay
	ADS-O: Area Design Standards Overlay
HP: Historic Preservation Overlay	HP-O: Historic Preservation Overlay
HR: High Rise Overlay	HR-O: High-Rise Overlay
HS: Hillside Area Overlay	HS-O: Hillside Overlay
P/CR: Planned Provision Overlay/Conditions of Record	<i>Note: conditions established pursuant to the P/CR zone district shall remain in effect until repealed</i>
Planned Development Zone District	
PUD: Planned Unit Development	PDZ: Planned Development Zone District

R-Flex Districts

The R-Flex zone districts will not be applied to any existing developments. The opportunity for rezoning once the UDC is in effect (June 5, 2023), property owners will be able to request these zone districts if desired. The process is unchanged from what currently exists in Chapter 7, including the need for public notice and public hearings through the Planning Commission and City Council.

Mixed-Use Districts

Properties that are zoned commercially will be converted to Mixed-Use Districts allowing for the opportunity to include residential components into a development as a use by right. This could be done as a true mixed use with both residential and commercial uses or 100% commercial or 100% residential.

TND Traditional Neighborhood Development

The TND Traditional Neighborhood Development zone district is applied to one development, Gold Hill Mesa. While the majority of the standards established through the TND zone district have been met, several phases have approved variances that deviate from codified requirements. Because of this, Staff felt that applying the PDZ Planned Development Zone district allowed for better capturing of those deviations in addition to the base zone requirements.

PCR Planned Cultural Resort

The PCR Planned Cultural Resort district will be preserved as currently codified in Chapter 7 but will not be an option for future rezonings. This is largely due to the zone district applying to only three properties with very specific uses, including –

- The Olympic Training Center;
- The Cheyenne Mountain Zoo; and
- The Broadmoor – 755 Penrose.

Overlay Districts

Six (6) of the existing Overlay districts will be carried forward while two (2) will be removed and four (4) new Overlays have been established through the UDC. The standards of the two (2) Overlay districts that will be removed have been captured in other hard zoned districts –

- DFOZ: Design Flexibility Overlay – This Overlay provided options for flexible standards which have been drafted in several zone districts’ dimensional standards, such as the R-Flex zone districts; and
- P/CR: Planned Provision Overlay/Conditions of Record – All Conditions of Record (CRs) will be carried forward as they are entitlements on a subject property.

The four (4) new Overlay districts are as follows –

- AF-O: United States Air Force Academy Overlay – At the request of the United States Air Force Academy (USAFA), an Overlay was created to account for requirements for development within a 20,000’ buffer from the runway. While what has been drafted was already being implemented in practice, the Overlay memorializes internal policy. This includes providing notice on Plats and Development Plans informing owners and users of the use of air space around the specified development(s).
- WUI-O: Wildland Urban Interface Overlay – The WUI-O is already in existence but was not listed as an Overlay in Chapter 7. The Overlay is administered by the Office of the Fire Marshal and requirements therein are based on the City of Colorado Springs Fire Prevention Code and Standards.
- ADU-O: Accessory Dwelling Unit Overlay – Established through the Code adoption for ADUs (Accessory Dwelling Units) in June 2020, an ADU Overlay may be requested by an applicant. While none currently exist, the Overlay type was necessary to include in the list.
- ADS-O: Area Design Standards Overlay – The ADS-O provides a future opportunity for a specific area to request an Overlay that will preserve the bulk, form, and dimensional standards of a residential or commercial area. Stakeholder Engagement will be required to ensure consensus within a specified boundary. As with all Overlays, this would be applied on top of base zone district uses, unless otherwise stated (ex – SS-O: Streamside Overlay).

Vested Property Rights

As stated, the rezoning of properties through this process is simply through changing the naming convention of the above-highlighted zone districts or converting existing districts to PDZ Planned Development Zone districts. No allowances have been reduced through the RetoolCOS project but rather expanded upon. Additionally, all vested rights pursuant to any Development Plan or plat approved prior to the effective date of the UDC (June 5, 2023). This also includes the retention of any Conditions of Record (CRs) that may be on a property.

ANALYSIS OF COMPREHENSIVE PLAN CONFORMANCE:

As a directive of PlanCOS, RetoolCOS aligns with several of the established Policies through the adoption of the UDC including –

- **Strategy VN-2.A-C:** Update the City's zoning code, processes, and standards to support the construction of additional accessory dwelling units and micro homes.
- **Strategy CN-3.A-5:** Update plans and City Code to encourage a blend of uses that positively affect neighborhoods.
- **Strategy UP-3.C-2:** Complete an overall update of the City Zoning Code to support regulations, standards, or guidelines that encourage a unique character for unique place typologies.
- **Strategy CS-2.A.2:** Continue to update zoning and other regulations to allow mixed-use and high-density development as uses by right.
- **Strategy ML-4.B.7:** Update the Commercial Landscape Code and Policy Manual to improve its effectiveness at ensuring healthy, resilient, water-conserving landscapes. Provide adequate funding to ensure on-site inspections of each project.

Summary of Ordinance

The ordinance applies the zones as defined in the UDC. Each zone in the existing code corresponds to a UDC zone as set forth in the exhibit to the ordinance.

STAFF RECOMMENDATION:

ZONE-23-0006 – Rezoning

Recommend to the City Council adoption of an ordinance amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts