ORDINANCE NO. 26-_____

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF ARTICLE 5 (ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO PROCEDURAL PROCESS

WHEREAS, the City of Colorado Springs desires to clarify the procedural process associated with various application types within Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code), including Section 7.5.415 (Appeals); Section 7.5.515 (Development Plan); Section 7.5.524 (Administrative Adjustment); Section 7.5.525 (Development Standards Adjustment); Section 7.5.526 (Non-Use Variances); Section 7.5.527 (Use Variances); and Section 7.5.704 (Zoning Map Amendments (Rezoning)); and

WHEREAS, the intent of the conversion to the Unified Development Code on June 5, 2023, was to simplify the applications process, not to limit the decision-making authority of City Council; and

WHEREAS, the City of Colorado Springs seeks to revise its Unified Development Code to align with decision-making authority goals and to simplify the application process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.415: APPEALS:

A. * * *

2. * * *

b. A**ny** recommendation to City Council **made by the Planning Commission, FBZ Review Board, or Historic Preservation Board for any**~~to approve an~~ application shall not be the basis for an appeal.

7.5.515: DEVELOPMENT PLAN:

* * *

B. Applicability:

1. A Development Plan is required in connection with the following types of applications, ~~and shall be approved before or simultaneously with related applications~~ **where final approval of the application is conditioned on approval of the Development Plan,** unless ~~specifically exempted in Subsection 2 below~~ **otherwise stated herein**.

a. * * *

c. When required by ~~the Planning Commission or~~ City Council, as a condition of record for the establishing or changing the boundaries of a zone district.

d. * * *

e. **The Manager may require a Development Plan with an a~~A~~**pplication for a Conditional Use Permit.

* * *

7.5.524: ADMINISTRATIVE ADJUSTMENT:

* * *

B. Applicability:

1. The Administrative Adjustments in this **s~~S~~**ection ~~7.5.524~~ are available for consideration during review of a**ny application** ~~Development Plan or Final Plat~~ for all types of development in all zone districts, except the FBZ district, unless limited ~~by Subsections 2 through 7 below~~**herein** or by another provision of this UDC. Administrative Adjustments shall not be available for the purpose of reducing a distance requirement for an Affected Party under ~~S~~**s**ection 7.5.415 (Appeals).

2. Administrative Adjustments shall apply in the following situations:

a. The Manager has the authority to authorize adjustments up to fifteen ~~(15)~~ percent **(15%)** from any dimensional standard or numerical requirement set forth in this UDC, including **but not limited to** standards or requirements in:

(1) Part 7.3.3 (Use-Specific Standards);

(**2**~~1~~) Part 7.4.2 (Dimensional Standards);

(**3**~~2~~) Part.7.4.4 (Access and Connectivity);

(**4**~~3~~) Part 7.4.10 (Parking and Loading); and

(**5**~~4~~) Part 7.4.11 (Building Design and Site Features).

* * *

F. Post-Approval Actions and Limitations:

1. Each approved Administrative Adjustment and any conditions on the approval ~~shall~~**must** be indicated on the final associated application.

2. An approved Administrative Adjustment shall run with the land, shall have the same period of validity, and shall be subject to expiration on the same terms as the final associated application. **When an Administrative Adjustment is approved without an associated planning application, the Administrative Adjustment must expire one (1) year after the date of approval, unless a building permit has been issued or, if a building permit is not required, the Administrative Adjustment is implemented. Prior to expiration of the one (1) year period, upon the applicant's request and for good cause, the Manager may grant one (1) or more extensions for a total period not to exceed one (1) year.**

* * *

7.5.525: DEVELOPMENT STRANDARS ADJUSTMENT:

A. Purpose: The Development Standards Adjustment process provides a mechanism for the Planning Commission to authorize deviations from ~~certain~~**any** development standards in **this UDC**~~Article 7.4 (Development Standards and Incentives)~~, allowing development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly comply with the Code's standards. This **s**~~S~~ection authorizes a site-specific development alternative that is equal to or better than the strict application of the standards of this UDC.

B. Applicability: The Planning Commission shall have the authority to authorize adjustments to **any** standards in ~~the following Sections of~~ this UDC, **including but not limited to** ~~pursuant to this Section 7.5.525~~:

1. Part 7.3.3 (Use-Specific Standards);

2~~1~~. Part 7.4.2 (Dimensional Standards);

3~~2~~. Part 7.4.10 (Parking and Loading); and

4~~3~~. Part 7.4.11 (Building Design and Site Features).

* * *

D. * * *

2. Decision by Planning Commission: The Planning Commission shall decide whether to approve, approve with conditions, or deny a request for a Development Standards Adjustment pursuant to the criteria **herein**~~in Section 7.5.416 (Appeals)~~. Conditions may include entering into an agreement that specifies how the applicant will provide the compensating benefits. If approved or approved with conditions, the

approved Development Standards Adjustment and any conditions shall be noted on the Development Plan or Final Plat.

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F. * * *

2. All requested amendments to the originally approved Development Standards Adjustment shall be processed in the same manner as the original **w**~~W~~aiver request.

* * *

7.5.526: NON-USE VARIANCE:

A. Purpose: The purpose of this **s**~~S~~ection is to provide for Planning Commission review of applications for variations from the provisions of **this UDC**~~Article 7.4 (Development Standards and Incentives)~~ submitted in conjunction with an**other land use review** application ~~for a Development Plan~~**or as a standalone application**, so that the variance request may be reviewed and a decision made in conjunction with the accompanying application.

* * *

E. Criteria for Approval: A Non-Use Variance may be approved if the Planning Commission determines that:

1. The application complies with any standards for the use in Part 7.3.3 (Use-Specific Standards)~~;~~. **However, if the Non-Use Variance is used to vary a use-specific standard from Part 7.3.3, then the application shall demonstrate why there is good cause to deviate from such standard and how the intent of the use-specific standard is being met;**

* * *

F. * * *

4. **If an approved Non-Use Variance is not associated with a Development Plan, then the approval shall expire one (1) year after the date of approval, unless a Building Permit has been issued or, if a building permit is not required, the variance is implemented. Prior to expiration of the one (1) year period, upon the applicant's request and for good cause, the Manager may grant one (1) or more extensions for a total period not to exceed one (1) year.**

5. In the event buildings with an approved Non-Use Variance on an approved Development Plan are damaged or destroyed by fire or other natural causes, the buildings may be rebuilt according to the approved Development Plan on file with the City. All necessary Building Permits must be obtained within four (4) years of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances.

7.5.527: USE VARIANCE:

* * *

F. *** * ***

3. An approved Use Variance shall expire one (1) year after the date of approval, unless a Building Permit has been issued or, if a building permit is not required, the Use Variance is implemented. Prior to expiration of the one (1) year period, upon the applicant's request and for good cause, the Manager may grant one (1) or more extensions for a total period not to exceed one (1) year.

7.5.704: ZONING MAP AMENDMENT (REZONING):

* * *

B. Applicability: This ~~S~~**s**ection 7.5.70~~3~~**4** applies to all applications to create or change the boundaries of a zone district on the zoning map, whether initiated by the City or by a private property owner.

C. * * *

1. * * *

b. For an HP-O district, the standards in ~~S~~**s**ubsection 7.2.~~501~~**608**.B (Standards for Designation of Areas for Zoning Overlay) shall apply.

2. * * *

a. The Planning Commission or, if specified in an applicable FBZ regulating plan, ~~an~~ FBZ Review Board, or, if applicable, Historic Preservation Board shall review the application and make a ~~decision~~**recommendation** based on the approval criteria in ~~S~~**s**ubsection D **hereof**~~below~~. The **Planning** Commission**,** ~~or~~ FBZ Review Board**, or Historic Preservation Board, as applicable,** may recommend approval, approval with conditions or modifications, ~~or~~ decide not to make a recommendation on the proposed application, or ~~may deny~~**recommend denial of** the application.

* * *

c. If a Development Plan is ~~required with~~**concurrently submitted with** the zoning map amendment application, the Planning Commission or, if applicable, an FBZ Review Board or Historic Preservation Board shall review and ~~decide~~**make a recommendation** upon the Development Plan application based on the standards and criteria in Section 7.5.515 (Development Plan) concurrent with its review of the proposed zoning map amendment application.

* * *

f. The ~~Planning Commission or, if applicable, an FBZ Review Board or Historic Preservation Board recommends approval of the application or makes no recommendation, the~~ Planning Commission, FBZ Review Board, or Historic Preservation Board**, as applicable,** shall forward its recommendation to City Council for decision in accord with ~~S~~**s**ubsection 3 **hereof**~~below~~.

~~g. If Planning Commission or, if applicable, an FBZ Review Board or Historic Preservation Board denies the application, the applicant may appeal the decision to City Council pursuant to Section 7.5.416 (Appeals).~~

3. City Council Decision: The City Council shall review the application and the recommendation from the Planning Commi**ssion**~~ttee~~, FBZ Review Board, or Historic Preservation Board and make a decision based on the approval criteria in ~~S~~**s**ubsection D below.

D. * * *

8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607**.**D.4~~7.5.702~~ (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.

*** * ***

Section 2. The process diagram titled "Amendment to Zoning Map" in Subsection C of Section 7.5.704 (Zoning Map Amendment (Rezoning)) of Part 7 (Policy Decisions by City Council) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby deleted and replaced with the following process diagram:

Section 3. This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this Ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2026.

Finally passed: _____ _____

Lynette Crow-Iverson, Council President

Mayor's Action:

□ Approved on _____.
□ Disapproved on _____, based on the following objections:

_____
_____
_____
_____

_____
Blessing A. Mobolade, Mayor

Council Action After Disapproval:

□ Council did not act to override the Mayor's veto.
□ Finally adopted on a vote of _____, on _____.
□ Council action on _____ failed to override the Mayor's veto.

_____
Lynette Crow-Iverson, Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk