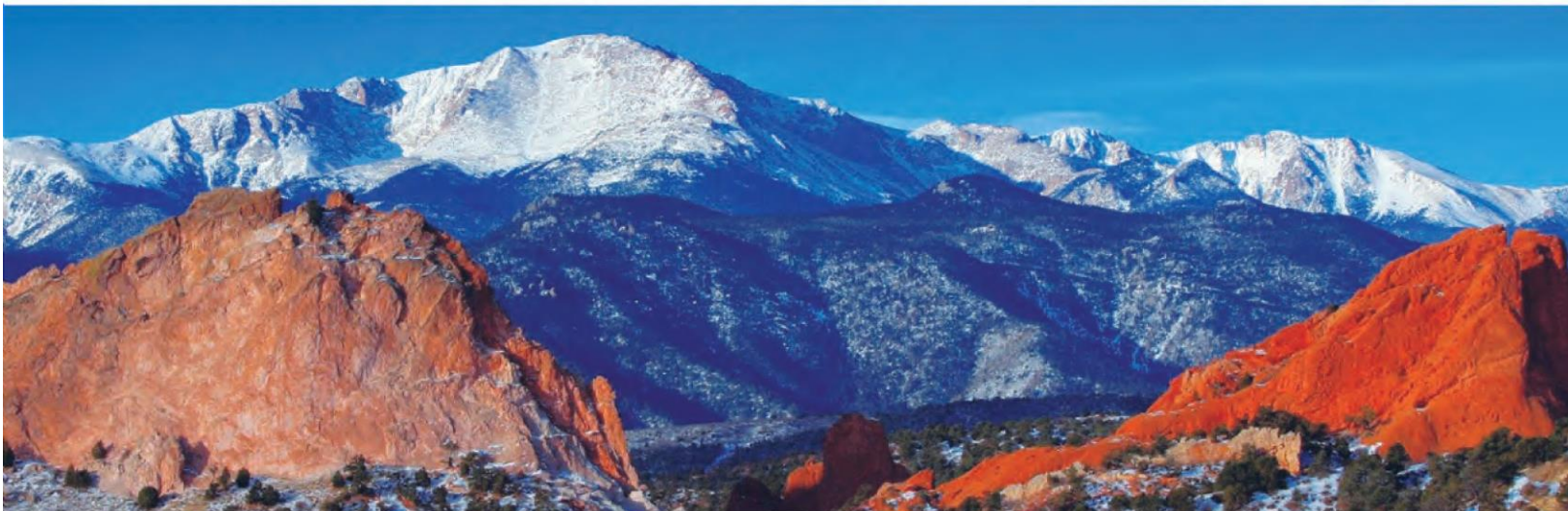


# RetoolCOS UNIFIED DEVELOPMENT CODE (UDC) PROJECT

FINAL DRAFT



NOVEMBER 2022





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## Article 7.1 General Provisions

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### 7.1.1 TITLE, AUTHORITY, AND GENERAL PROVISIONS

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#### 7.1.101 Title

Chapter 7 of the City Code of Colorado Springs shall officially be known as the Unified Development Code of the City of Colorado Springs and is referred to within this document as the “UDC” or the “Zoning Code.”

#### 7.1.102 Authority

- A. This UDC is adopted pursuant to the Home Rule powers granted to the City by Article XX of the Colorado Constitution, the Charter of the City of Colorado Springs, and the powers and authority conferred by the laws of the State of Colorado upon all municipal corporations.
- B. Authority is granted to the Manager of the Planning Department, the Planning Commission established in section 7.5.202 (Planning Commission), and other officials and bodies named in Part 7.5.2 (Review and Decision-Making Bodies) for the interpretation and administration of the UDC pursuant to the authority granted to the City by the Charter of the City of Colorado Springs.
- C. It is the intent of the City to have available all powers of a home rule municipality under Colorado law to control land uses, land development, and the impacts of land use and development.
- D. It is the intent of the City to interpret and administer this UDC in compliance with all applicable state and federal law, and that if any provision of this UDC is later held by a court of competent jurisdiction to violate state or federal law the effect of that decision be interpreted narrowly, so that all other provisions of this UDC remain in full force and effect and that the invalidation affect as few parcels as possible.
- E. If a court of competent jurisdiction declares any section, part, clause, or phrase of this UDC to be unconstitutional or invalid for any reason, that ruling shall not affect the validity of the remaining portion of this UDC. More specifically, if any development standard, sign regulation, procedure, or other requirement of this UDC is declared to be unconstitutional or invalid, this UDC shall be interpreted to produce a result as close as possible to that which would have occurred if the development standard, sign regulation, procedure or other requirement had not been ruled unconstitutional or invalid.

#### 7.1.103 Purpose

The purpose of this UDC is to:

- A. Promote health, safety, and general welfare of the public;
- B. Protect private property from adjacent nuisances such as incompatible uses and noise;
- C. Implement the Colorado Springs Comprehensive Plan;
- D. Establish the orderly subdivision of land;
- E. Ensure the logical growth of the City's physical elements;
- F. Encourage adequate multi-modal transportation facilities;
- G. Promote opportunities for affordable and attainable housing throughout the City; and
- H. Facilitate adequate provision of utilities, schools, parks, and other public infrastructure services.

#### 7.1.104 Applicability

The regulations of this UDC shall apply to all property within the corporate limits of the City of Colorado Springs, including land annexed into the City after the Effective Date.

**7.1.105 Authority to Interpret**

City Council has the authority to interpret this UDC as it relates to land use decisions.

**7.1.106 Conformity with Regulations Required**

It shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in compliance with all applicable provisions of this UDC.

**7.1.107 Conflicting Provisions**

- A. If two (2) or more of the regulations in this UDC conflict with each other, or conflict with other applicable laws or regulations of the City, or conflict with applicable state or federal law, the stricter provision shall apply, except as noted in Subsection B below.
- B. If any regulation contained in Part 7.2.6 (Overlay Districts) conflicts with any other regulation in a different section of this UDC, the provisions of Part 7.2.6 shall apply regardless of whether it is more or less strict than the conflicting provision.

**7.1.108 Relationship to Private Covenants**

This UDC applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private covenant, provided however that the UDC does not supersede private covenants that are more restrictive unless specifically stated in this UDC.

**7.1.109 Transitional Provisions****A. Continuity of Provisions**

The provisions of this UDC that are substantially the same as previously existing Code provisions relating to the same subject matter shall be construed as restatements and continuations and not new enactments. Any actions pursuant to any previously existing ordinance shall not be affected by the enactment of this UDC, but such actions shall hereafter conform to this UDC.

**B. Violations Continue**

Any violation of a previously existing provision will continue to be a violation under this UDC and be subject to penalties and enforcement under Part 7.5.9 (General Enforcement), unless it complies with the provisions of this UDC.

**C. Legal Nonconformities Under Prior Code**

Any legal nonconformity under a previously existing Code provision will also be a legal nonconformity under this UDC, as long as the condition that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under a previously existing Code provision becomes conforming because of the adoption of this Code, then the condition will no longer be a nonconformity.

**D. Nonconforming Buildings and Structures, Lots, Site Features and Uses**

- 1. When a lot is used for a purpose that was a lawful use before the Effective Date of this UDC and this UDC no longer classifies such use as either a permitted use or conditional use in the zone district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Part 7.5.8 (Nonconformities).
- 2. Where any building or structure, lot, site feature, or use that legally existed prior to the Effective Date of this UDC does not meet all standards set forth in this UDC, such building or structure, lot, site feature, or use shall be considered nonconforming and shall be controlled by the provisions of Part 7.5.8 (Nonconformities).

**E. Approved Applications**

1. Any completed application that is valid prior to the Effective Date of this UDC shall remain valid until its expiration date.
2. Approved applications and permits, including building permits and certificates of occupancy, shall remain effective until expired, revoked, or forfeited in accordance with the provisions of this UDC or other relevant codes or laws.
3. Any re-application for an expired application shall be required to meet the Code requirements in effect at the time of reapplication.

**F. Map Interpretations.**

Questions or disputes regarding zoning designations on the zoning map resulting from adoption of this UDC shall be submitted to the Manager for written interpretation in accordance with Section 7.5.528 (Interpretation of UDC).

**7.1.110 Effective Date**

The effective date of this UDC shall be \_\_\_\_\_ (the “Effective Date”).

## Article 7.2 Zone Districts

### 7.2.1 ZONE DISTRICTS ESTABLISHED

**7.2.101** The following zone districts are established as shown in Table 7.2.1-A. Each of the listed districts is described in the pages that follow.

<b>Table 7.2.1-A Zone Districts</b>	
<b>Base Zone Districts</b>	
<b>Agricultural and Residential</b>	
A:	Agriculture
R-E:	Single-Family - Estate
R-1 9:	Single-Family - Large
R-1 6:	Single-Family - Medium
R-2:	Two-Family
R-4:	Multi-Family Low
R-5:	Multi-Family High
R-Flex Low:	(Planned District)
R-Flex Medium:	(Planned District)
R-Flex High:	(Planned District)
<b>Mixed-Use</b>	
MX-N:	Mixed-Use Neighborhood Scale
MX-T:	Mixed-Use Transition
MX-M:	Mixed-Use Medium Scale
MX-L:	Mixed-Use Large Scale
MX-I:	Mixed-Use Institutional
FBZ:	Form-Based Zone (Regulating Plan District)
<b>Industrial</b>	
BP:	Business Park (Planned District)
LI:	Light Industrial
GI:	General Industrial
<b>Public and Semi-Public</b>	
PF:	Public Facilities
APD:	Airport Planned Development
PK:	Public Parks
<b>Overlay Districts</b>	
HP-O:	Historic Preservation Overlay
HR-O:	High Rise Overlay
HS-O:	Hillside Overlay
AP-O:	Airport Overlay
AF-O:	United States Air Force Academy Overlay
SS-O:	Streamside Overlay
WUI-O:	Wildland Urban Interface Overlay
ADS-O:	Area Design Standards Overlay
NNA-O:	North Nevada Avenue Neighborhood Overlay
ADU-O:	Accessory Dwelling Unit Overlay

**Table 7.2.1-A  
Zone Districts**

**Planned Development Zone Districts**

PDZ: Planned Development Zone

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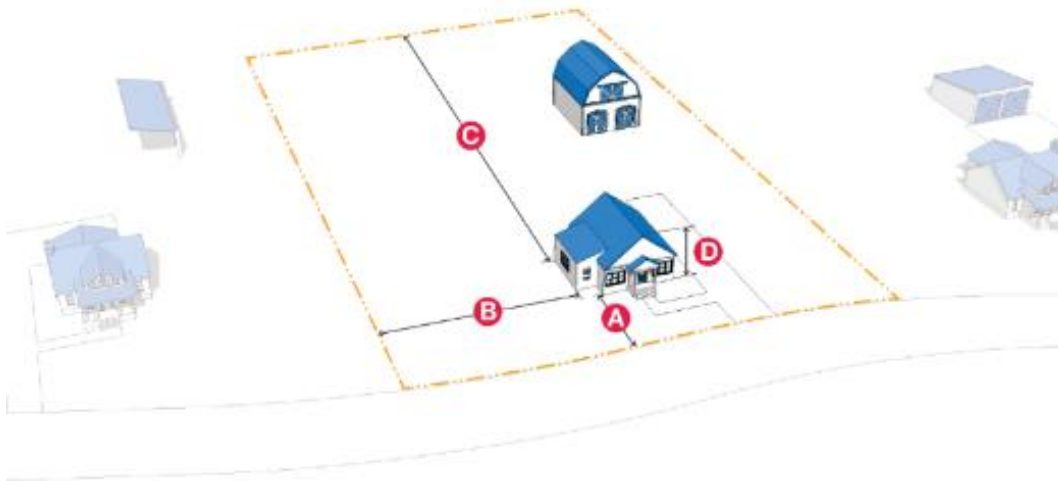
- 7.2.102** Each property subject to this UDC shall comply with all applicable standards in the base and overlay zone district in which it is located, and shall, in addition, comply with all applicable standards and provisions in all other chapters of this UDC, including without limitation those in Article 7.3 (Use Regulations) and Article 7.4 (Development Standards and Incentives).

## 7.2.2 AGRICULTURAL AND RESIDENTIAL ZONE DISTRICTS

### 7.2.201 A: Agricultural

#### A. Purpose

This zone district accommodates large lot residential development and agricultural purposes on lands that are, in most cases, on the periphery of the City limits but may become more urban in the future. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. The activities permitted in the A zone district should not be detrimental to adjacent urban land uses. The types, size, and intensity of permitted uses encourages and protects agricultural uses until urban development occurs. This zone district may serve as a holding zone for future development of recently annexed properties



#### B. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-A A: Lot and Building Standards		
Lot Standards		
	Lot area (minimum)	5 acres per single-family detached dwelling unit
	Lot width (minimum)	200 ft
Setbacks (minimum)		
A	Front [1]	25 ft
B	Side	10 ft
	Corner Lot – Side Street	20 ft
C	Rear	35 ft
Height (maximum)		
D	Building height	35 ft
<b>Notes:</b>		
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).		

#### C. Additional Standards

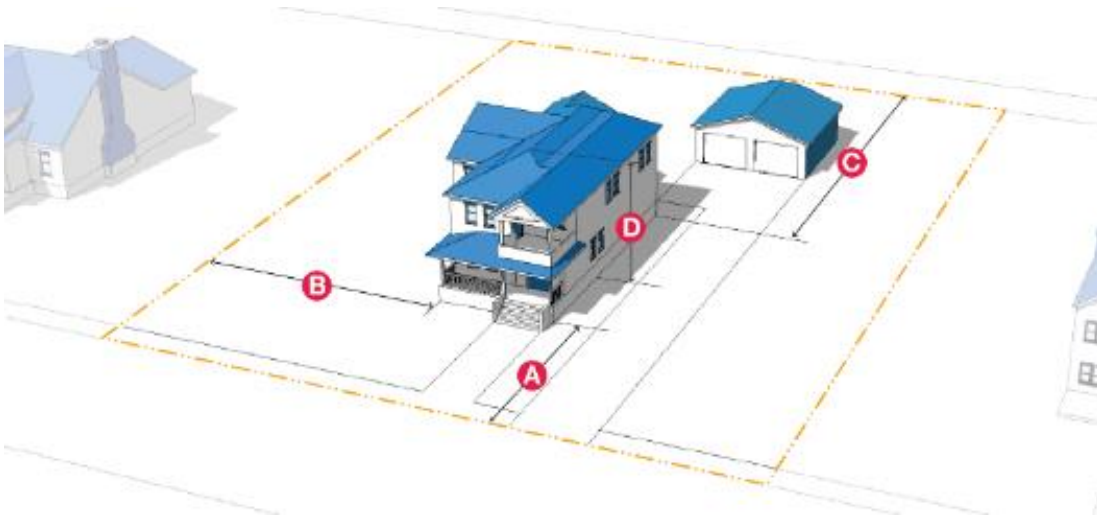
1. Reference Part 7.3.3 for additional use-specific standards.



**7.2.202 R-E: Single-Family - Estate**

**A. Purpose**

This zone district accommodates large lots primarily for low-density, detached single-family residential uses. Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.2-B  
 R-E: Lot and Building Standards**

Lot Standards		
	Lot area (minimum)	20,000 sf
	Lot width (minimum)	100 ft
	Lot coverage (maximum)	30%
Setbacks (minimum)		
A	Front	
	House – General	25 ft
	Garage – General (from back of sidewalk) [1]	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector, parkway, or arterial street	25 ft
B	Side – Interior	10 ft
	Corner Lot – Side Street	20 ft
C	Rear	25 ft
Height (maximum)		
D	Building height	35 ft

**Notes:**

[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).

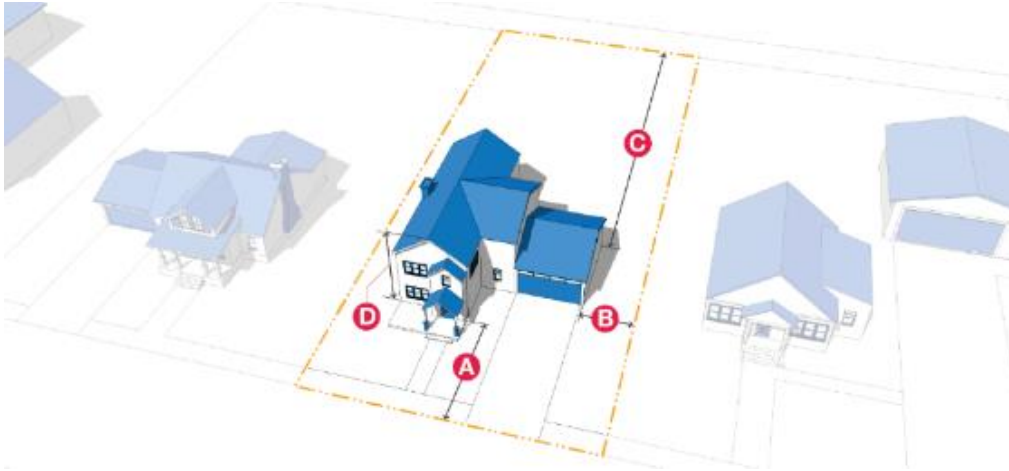
**C. Additional Standards**

1. Reference Part 7.3.3 for additional use-specific standards.

7.2.203 R-1 9: Single-Family - Large

**A. Purpose**

This zone district accommodates medium-sized lots with a minimum size of nine thousand (9,000) square feet primarily for detached single-family residential uses. Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.2-C  
R-1 9: Lot and Building Standards**

Lot Standards		
	Lot area (minimum)	9,000 sf
	Lot width (minimum)	75 ft
	Lot coverage (maximum)	35%
Setbacks (minimum)		
A	Front	
	House	25 ft
	Garage – General (from back of sidewalk) [1]	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector, parkway, or arterial street	25 ft
B	Side – Interior	5 ft; 15 ft combined both sides
	Corner Lot – Side Street	15 ft
C	Rear	
	House and Attached Garage or Carport, General	20 ft
	Detached Garage or Carport accessed from alley or rear access easement	5 ft
Height (maximum)		
D	Building height	35 ft

**Notes:**

[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).

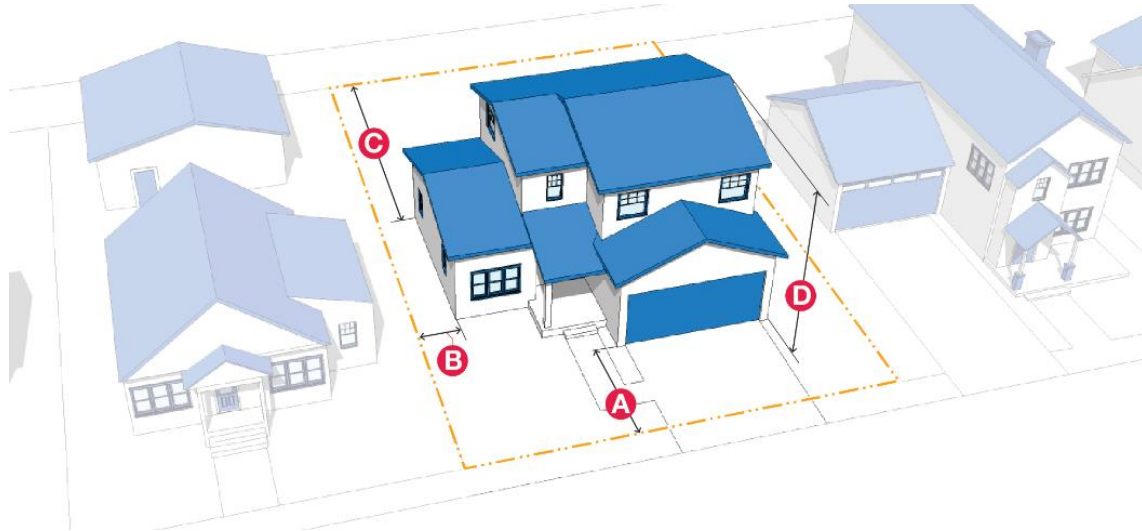
**C. Additional Standards**

- Reference Part 7.3.3 for additional use-specific standards.

7.2.204 R-1 6: Single-Family - Medium

**A. Purpose**

This zone district accommodates single-family residential uses on lots with a minimum size of six thousand (6,000) square feet. Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.2-D  
 R-1 6: Lot and Building Standards**

Lot Standards		
	Lot area (minimum)	6,000 sf
	Lot width (minimum)	50 ft
Lot Coverage (maximum)		
	Building equal to or exceeding 18 ft in height	40%
	Buildings less than 18 ft in height	
	5,000 – 6,500 sf lot	55%
	6,501 – 7,500 sf lot	50%
	7,501 – 8,500 sf lot	45%
	8,501+ sf lot	40%
Setbacks (minimum)		
A	Front	
	House	15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less
	Garage – General (from back of sidewalk) [1]	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector, parkway, or arterial street	25 ft
B	Side – Interior	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	
	House and Attached Garage or Carport, General	15 ft

**Table 7.2.2-D  
R-1 6: Lot and Building Standards**

	Detached Garage or Carport accessed from alley or rear access easement	5 ft
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**Height (maximum)**

D	Building height	35 ft
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**Notes:**  
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).

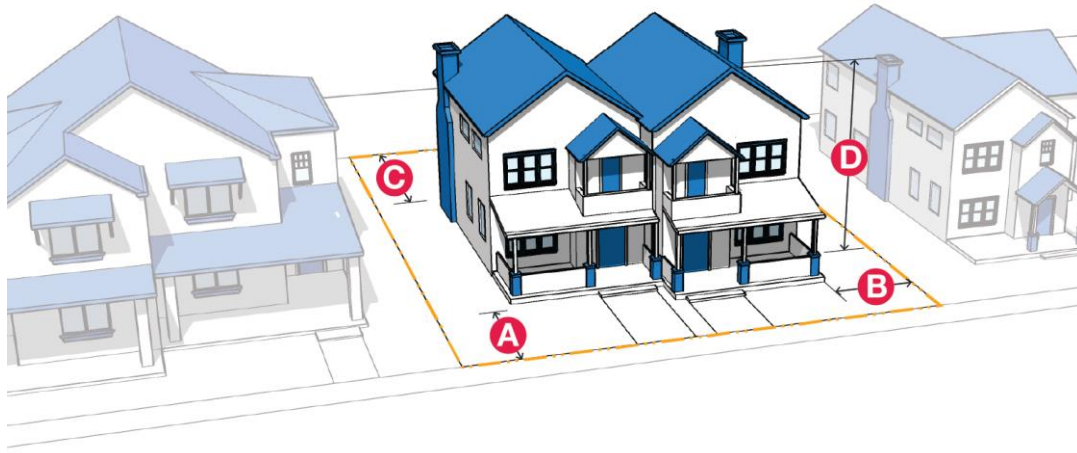
**C. Additional Standards**

1. Reference Part 7.3.3 for additional use-specific standards.

**7.2.205 R-2: Two-Family**

**A. Purpose**

The R-2 zone district accommodates detached single-family and two-family (duplex) residential uses on a single lot larger than five thousand (5,000) square feet, or duplex structures on separate lots provided each lot is larger than three thousand five hundred (3,500) square feet. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table.



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-E R-2: Lot and Building Standards		
Lot Standards		
	Lot area (minimum)	
	Single-Family Detached	5,000 sf
	Duplex on one lot	7,000 sf
	Single-Family Attached [2]	3,500 sf for each lot
	Lot width (minimum) [2]	50 ft
Lot Coverage (maximum)		
	Building equal to or exceeding 18 ft in height	40%
	Buildings less than 18 ft in height	
	5,000 – 6,500 sf lot	55%
	6,501 – 7,500 sf lot	50%
	7,501 – 8,500 sf lot	45%
	8,501+ sf lot	40%
Setbacks (minimum)		
A	Front	
	House	10 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less
	Garage – General (from back of sidewalk) [1]	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector, parkway, or arterial street	25 ft

**Table 7.2.2-E  
R-2: Lot and Building Standards**

B	Side – Interior [2]	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	
	House and Attached Garage or Carport, General	15 ft
	Detached Garage or Carport accessed from alley or rear access easement	5 ft
<b>Height (maximum)</b>		
D	Building height	35 ft

**Notes:**

- [1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).
- [2] Minimum side setbacks do not apply to the interior lot line where two residential dwelling units share a common wall. When a common wall is shared, the minimum lot width for each dwelling unit shall be 25 ft.

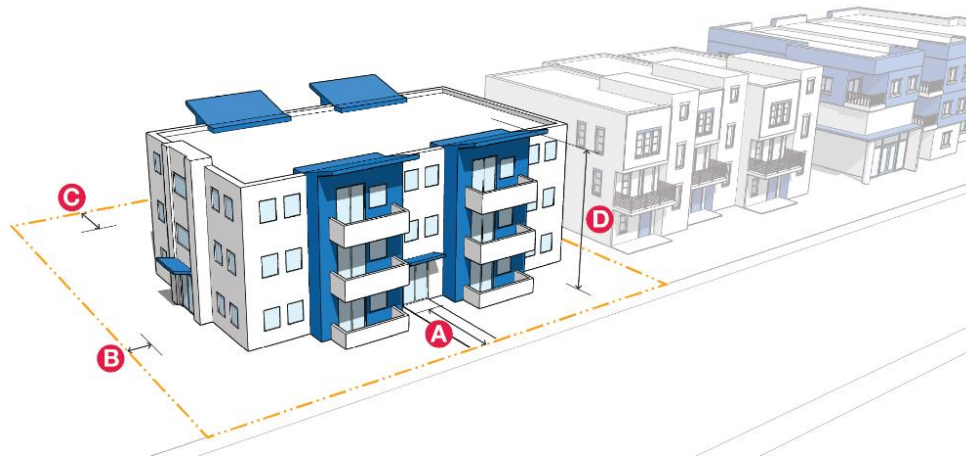
**C. Additional Standards**

1. Reference Part 7.3.3 for additional use-specific standards.

7.2.206 R-4: Multi-Family Low

**A. Purpose**

The R-4 zone district accommodates attached and detached single-family, two-family, and small multi-family dwelling structures. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Development is intended to be adjacent to collector or arterial streets, in transition areas at the edges of low-density neighborhoods, and in areas adjacent to R-Flex, Mixed-Use, or PDZ districts where similar densities or intensities of development are permitted.



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.2-F  
 R-4: Lot and Building Standards**

Lot Standards		
	Residential density (maximum)	8 du/ac
	Lot area (minimum)	Varies (see Table 7.4.2-A)
	Lot width (minimum)	50 ft
	Lot coverage (maximum)	45%
Setbacks (minimum)		
A	Front	
	House	20 ft
	Garage – General (from back of sidewalk) [1]	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector parkway, or arterial street	20 ft [2]
B	Side – Interior	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	
	House and Attached Garage or Carport, General	15 ft
	Detached Garage or Carport accessed from alley or rear access easement	5 ft
Height (maximum)		
D	Building height	40 ft

**Table 7.2.2-F**  
**R-4: Lot and Building Standards**

**Notes:**

- [1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).
  - [2] 10 ft if primary building existed prior to Effective Date.
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**C. Additional Standards**

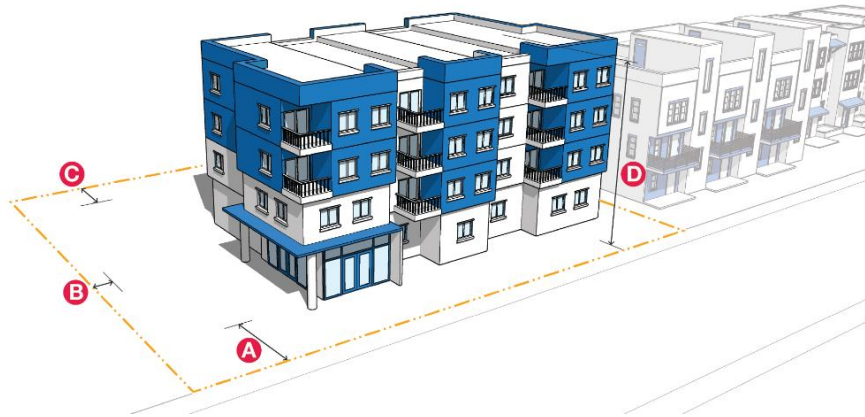
1. Reference Part 7.3.3 for additional use-specific standards.



7.2.207 R-5: Multi-Family High

**A. Purpose**

The R-5 zone district accommodates attached and detached single-family, two-family, and multi-family dwelling structures at the highest density permitted in the City’s standard residential districts (non-R-Flex). Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table). It is intended for use in areas adjacent to the FBZ district or R-Flex, Mixed-Use, or PDZ districts where similar or higher densities or intensities of use are permitted.



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-G R-5: Lot and Building Standards		
Lot and Density Standards		
	Residential density (maximum)	25 du/acre
	Lot area (minimum)	Varies (see Table 7.4.2-A)
	Lot width (minimum)	50 ft
	Lot coverage (maximum)	50%
Setbacks (minimum)		
A	Front	
	House – General	20 ft
	Garage – General (from back of sidewalk)	20 ft (see Table 7.4.2-A)
	House and Garage adjacent to collector, parkway, or arterial street [1]	20 ft
B	Side – Interior	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	
	House and Attached Garage or Carport, General	15 ft
	Detached Garage or Carport accessed from alley or rear access easement	5 ft
Height (maximum)		
D	Building height	50 ft

**Table 7.2.2-G**  
**R-5: Lot and Building Standards**

**Notes:**

[1] 10 ft if primary building existed prior to Effective Date.

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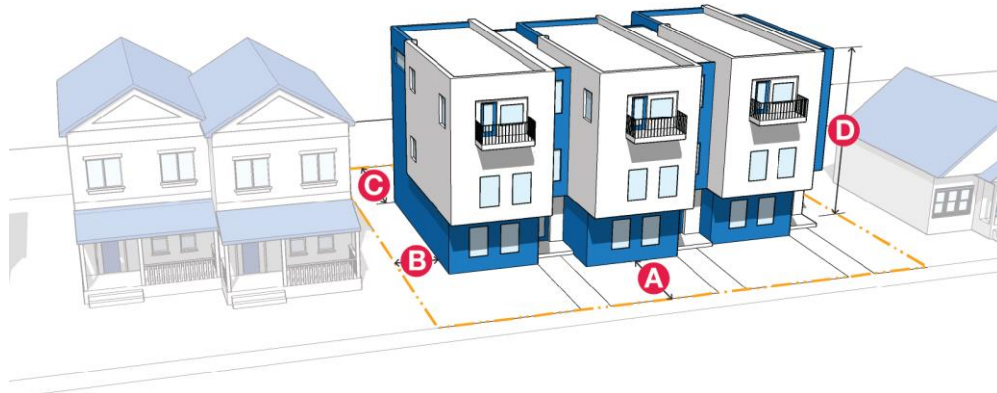
**C. Additional Standards**

1. Reference Part 7.3.3 for additional use-specific standards.

7.2.208 R-Flex Low

**A. Purpose**

The R-Flex Low zone district accommodates a mix of, for example, detached and attached housing types up to a maximum residential density of up to six (6) dwelling units per acre. The layout of permitted housing types and densities shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan). Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.2-H  
 R-Flex Low: Lot and Building Standards**

Lot Standards		
	Residential density range of area included in Land Use Plan	Up to 6 du/ac
	Minimum lot size	
	Residential uses	2,000 sf per du
	Non-residential uses	N/A
	Lot width (minimum)	
	Residential structures	10 ft per du
	Non-residential uses	N/A
Setbacks (minimum)		
A	Front	
	All residential structures except garages	10 ft
	Street-loaded garage [1]	20 ft (see Table 7.4.2-B)
	Non-residential structures	Min: 5 ft; Max: 20 ft
B	Side	
	Interior, residential use	1 ft minimum with 6 ft combined both sides, or 0 ft if attached
	Corner lot side street, residential use	15 ft
	Interior, non-residential use	10 ft
	Corner lot side street, non-residential use	20 ft
C	Rear	
	All residential structures	10 ft

**Table 7.2.2-H  
R-Flex Low: Lot and Building Standards**

	Detached Garage or Carport	5 ft from property line adjacent to the alley or from the edge of any access easement
	Non-residential use	15 ft
<b>Height (maximum)</b>		
D	Building height	
	Residential use	35 ft
	Non-residential use	45 ft

**Notes:**

[1] If no sidewalk exists, the minimum distance is 18 ft, measured from 5 ft behind the curb line. If the sidewalk is on private property, the minimum setback is 18 ft.

**C. Additional Standards**

1. Each Development Plan or any phasing plan based on the approved Land Use Plan shall meet the established density of the district.
2. Reference Part 7.3.3 for additional use-specific standards.

**7.2.209 R- Flex Medium**

**A. Purpose**

The R-Flex Medium zone district accommodates a mix of detached and attached low- to medium-density housing up to a maximum residential density of five (5) to sixteen (16) dwelling units per acre. A mix of dwelling and/or lot types, building forms and architecture, and design is strongly encouraged to break up monotony and provide a variety of housing options. The layout of permitted housing types and densities shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan). Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-1 R-Flex Medium: Lot and Building Standards		
Density and Lot Standards		
	Residential density range of area included in Land Use Plan	5 – 16 du/ac
	Lot area (minimum)	
	Residential uses	1,500 sf per du
	Non-residential uses	N/A
	Lot width (minimum)	
	Residential structures	20 ft per du
	Non-residential uses	N/A
Setbacks (minimum)		
A	Front	
	All residential structures except garages	10 ft
	Street-loaded garage [1]	20 ft (see Table 7.4.2-B)
	Non-residential structures, frontage	Min: 5 ft; Max: 20 ft
B	Side	
	Interior, residential use	1 ft minimum with 6 ft combined both sides, or 0 ft if attached
	Corner lot side street, residential use	15 ft
	Interior, non-residential use	10 ft
	Corner lot side street, non-residential use	20 ft

Table 7.2.2-I R-Flex Medium: Lot and Building Standards		
C	Rear	
	All residential structures	10 ft
	Detached Garage or Carport	5 ft from property line adjacent to the alley or from the edge of any access easement
	Non-residential use	15 ft
Height (maximum)		
D	Building height	45 ft

**Notes:**

[1] If no sidewalk exists, the distance is measured from 5 ft behind the curb line.

**C. Additional Standards**

1. Each Development Plan or Phasing Plan based off the approved Land Use Plan shall meet the established density of the district.
2. Each development shall comply with all applicable standards relating to Compact Lots in this UDC.
3. Reference Part 7.3.3 for additional use-specific standards.

7.2.210 R-Flex High

**A. Purpose**

The R-Flex High zone district accommodates detached and attached medium- to high-density housing up to a maximum residential density of fifteen (15) to thirty (30) dwelling units per acre. The layout of permitted housing types and densities shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan). Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table.



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-J R-Flex High: Lot and Building Standards				
Density and Lot Standards [1]		Single-Family Attached	Multi-Family	Non-residential
	Residential density range of area included in Land Use Plan [2]	15-30 du/ac		N/A
	Lot area (minimum)	1,000 sf per du	N/A	N/A
	Lot width (minimum)	16 ft per du	N/A	N/A
Setbacks (minimum)				
A	Front [3]	10 ft	20 ft [1]	Min: 5 ft; Max: 20 ft
B	Side	Interior: 1 ft minimum with 6 ft combined both sides, or 0 ft if attached	10 ft [1]	10 ft
	Corner Lot – Side Street	15 ft		20 ft
C	Rear	10 ft	20 ft [1]	15 ft
	Detached Garage or Carport	5 ft from property line adjacent to the alley or from the edge of any access easement		N/A
Height (maximum)				
D	Building height	65 ft		45 ft

**Table 7.2.2-J  
R-Flex High: Lot and Building Standards**

**Notes:**

- [1] Setbacks for MF apply only to the perimeter of the parcel on the zone district boundary.
- [2] Proposed densities higher than 30 du/acre shall apply for a Planned Development zone district (see Part 7.2.7 (Planned Development Zone District))
- [3] Street-loaded garages are prohibited.

**C. Additional Standards**

1. Each Development Plan or Phasing Plan based off the approved Land Use Plan shall meet the established density of the district.
2. Each development shall comply with all applicable standards relating to Compact Lots in this UDC.
3. Reference Part 7.3.3 for additional use-specific standards.

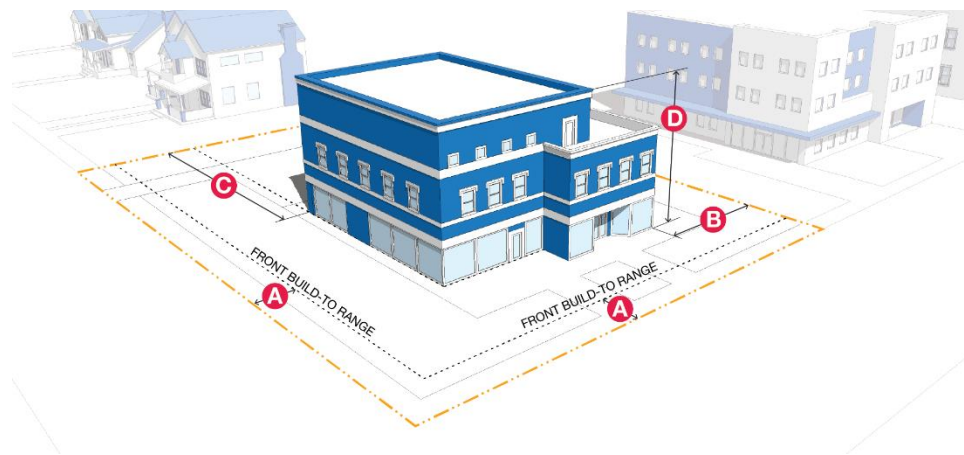


## 7.2.3 MIXED-USE ZONE DISTRICTS

### 7.2.301 MX-N: Mixed-Use Neighborhood Scale

#### A. Purpose

The MX-N zone district provides opportunities for a compact mix of, for example, low intensity neighborhood-serving commercial, office, institutional, low-scale multi-family residential uses. Land uses are as indicated in Table 7.3.2-A (Base and NNA-O District Use Table). MX-N zone districts are generally located at the edges of, or internal to, a residential neighborhood, at a local street intersection with a collector or arterial street. MX-N zone districts are intended to maintain the scale of the adjacent neighborhood, to avoid establishments so large that they serve as destinations for persons from outside the neighborhood, and to have safe and convenient pedestrian and bicycle access. The layout of permitted use types shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan).



#### B. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.3-A MX-N: Lot and Building Standards		
<b>District Standards</b>		
	District area (minimum)	N/A
<b>Lot Standards</b>		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
<b>Setbacks (minimum) [2]</b>		
A	Front and side street frontages [1]	
	Minimum	5 ft
	Maximum	20 ft
B	Side – Interior	10 ft
	Corner Lot – Side Street	20 ft
C	Rear	15 ft
<b>Height (maximum)</b>		
D	Building height	45 ft
<b>Other Standards</b>		

**Table 7.2.3-A  
MX-N: Lot and Building Standards**

Front parking setback (minimum)	20 ft
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**Notes:**

- [1] Applies to both frontages of corner sites.
- [2] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

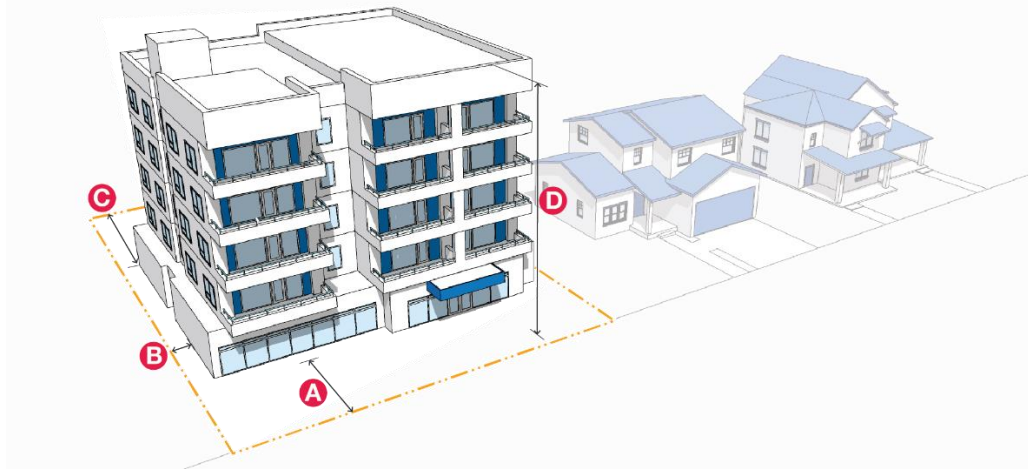
**C. Additional Standards**

1. When land is zoned into this zone district after the Effective Date, the Manager may require that a Land Use Plan be approved along with the rezoning. A Land Use Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section 7.4.202 (Incentives).
2. Reference Part 7.3.3 for additional use-specific standards.

**7.2.302 MX-T: Mixed-Use Transition**

**A. Purpose**

The MX-T zone district accommodates, for example, colleges and universities and uses customarily associated within and in close proximity to those institutions, including commercial, office, institutional, and residential. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. MX-T zone districts are intended to encourage a walkable urban design with green space that is supportive of pedestrian and bicycle-friendly land uses and compatible with the scale of nearby residential neighborhoods. The layout of permitted use types shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.3-B**

**MX-T: Lot and Building Standards**

**Lot Standards**

	Lot area (minimum)	Varies, see Table 7.4.2-C
	Lot width (minimum)	50 ft

**Setbacks (minimum)**

A	Front	25 ft
B	Side – Interior	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	25 ft

**Height (maximum)**

D	Building height	60 ft
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**Notes:**

[1] If no sidewalk exists, the distance is measured from 5 ft behind the curb line.

**C. Additional Standards**

1. When land is zoned into this zone district after the Effective Date, the Manager may require that a Land Use Plan be approved along with the rezoning. A Land Use Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section 7.4.202 (Incentives).
2. Reference Part 7.3.3 for additional use-specific standards.

**7.2.303 MX-M: Mixed-Use Medium Scale**

**A. Purpose**

The MX-M zone district accommodates a mix of, for example, commercial, retail, office, multi-family residential, and civic uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. MX-M zone districts are intended to accommodate the development of new activity centers in emerging growth areas, as well as to promote the adaptive reuse or redevelopment of single-use commercial centers that are vacant or underused, or of other obsolete buildings or properties. Activities and uses within MX-M zone districts may be horizontally or vertically mixed based on their density and intensity but should be organized in a compact pattern that promotes pedestrian activity, provides a variety of outdoor gathering spaces, supports multimodal access and circulation, and minimizes impacts on established residential neighborhoods. The layout of permitted use types shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan).



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.3-C MX-M: Lot and Building Standards		
District Standards		
	District area (minimum)	2.5 ac
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
Setbacks (minimum) [2]		
A	Front and side street [1]	
	Minimum	20 ft
	Maximum	Subject to Land Use Plan or Development Plan
B	Side – Interior	20 ft
	Corner Lot – Side Street	30 ft
C	Rear	15 ft
Height (maximum)		
D	Building height	50 ft

<b>Table 7.2.3-C MX-M: Lot and Building Standards</b>	
<b>Other Standards</b>	
Front parking setback (minimum)	20 ft

**Notes:**

- [1] Applies to both frontages of corner sites.
- [2] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

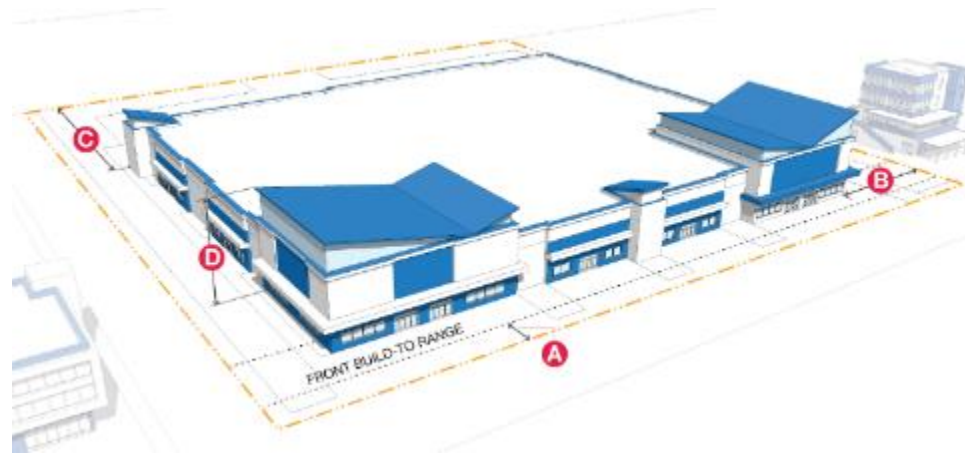
**C. Additional Standards**

1. When land is zoned into this zone district after the Effective Date, the Manager may require that a Land Use Plan designating the percentage of land in the zone district to be occupied by residential or nonresidential uses be approved along with the rezoning. A Land Use Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section 7.4.202 (Incentives).
2. Reference Part 7.3.3 for additional use-specific standards.

7.2.304 MX-L: Mixed-Use Large Scale

A. Purpose

The MX-L zone district accommodates a high-intensity mix of, for example, commercial, retail, office, hotels, restaurants, entertainment, and multifamily residential uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. MX-L zone districts typically serve the City as a whole and have significant traffic generation potential. Some MX-L zone districts may also include uses that have a regional draw. Uses in MX-L zone districts may be mixed horizontally or vertically mixed depending on their density and intensity. MX-L zone districts should be organized to promote synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. MX-L zone districts should have direct access to existing or planned major transportation facilities and be designed to promote compatibility with adjacent land uses. The layout of permitted use types shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan).



B. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.3-D MX-L: Lot and Building Standards		
<b>District Standards</b>		
	District area (minimum)	10 ac
<b>Lot Standards</b>		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
<b>Setbacks (minimum) [1]</b>		
A	Front and side street	N/A
B	Side – Interior	N/A
	Corner Lot – Side Street	N/A
C	Rear	N/A
<b>Height (maximum)</b>		
D	Building height	General: 65 ft Lots with arterial frontage: 85 ft
<b>Other Standards</b>		
	Front parking setback (minimum)	20 ft

**Table 7.2.3-D**  
**MX-L: Lot and Building Standards**

**Notes:**

[1] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

**C. Additional Standards**

1. When land is zoned into this zone district after the Effective Date, the Manager may require that a Land Use Plan that designates the percentage of land that may be occupied by residential or nonresidential uses. A Land Use Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section 7.4.202 (Incentives).
2. Reference Part 7.3.3 for additional use-specific standards.

7.2.305 **MX-I: Mixed-Use Institutional**

**A. Purpose**

The MX-I zone district is intended to provide a framework for the development of, for example, unique cultural, resort, recreational, educational, or institutional developments that may attract visitors from both within and outside the Colorado Springs metropolitan area, and for complex institutional campuses such as colleges, universities, and research centers that promote economic development, workforce development, and tourism in the City. The layout of permitted use types shall be as shown in a Land Use Plan approved pursuant to Section 7.5.514 (Land Use Plan). Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table.

**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.3-E MX-I: Lot and Building Standards [1]		
District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
Setbacks (minimum) [2]		
A	Front and side street	
	Minimum	N/A
	Maximum	Subject to Land Use Plan or Development Plan
B	Side – Interior	20 ft
	Corner Lot – Side Street	30 ft
C	Rear	20 ft
Height (maximum)		
D	Building height	65 ft
Other Standards		
	Front parking setback (minimum)	20 ft

**Notes:**

- [1] For single-family detached dwellings, the dimensional standards of the R-1 6 zone district (see Table 7.4.2-A) apply. For two-family dwellings, the dimensional standards of the R-2 district apply (see Table 7.4.2-A) apply. For all other residential uses, the dimensional standards of the R-5 zone district (see Table 7.4.2-A) apply.
- [2] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

**C. Additional Standards**

1. When land is zoned into this MX-I zone district after the Effective Date, approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan) is required prior to any development on the land. Lands zoned into the former SU or PCR zone districts prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Land Use Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Land Use Plan approval.



**7.2.306 FBZ: Form-Based Zone (Regulating Plan District)**

**A. Purpose**

1. To implement the Colorado Springs Comprehensive Plan by promoting development that is characterized by a sustainable, efficient, and adaptable urban form in areas that have had, or will have, the benefit of detailed context-sensitive public planning processes.
2. To provide a method of regulating the use and development of buildings, and address how buildings relate to surrounding development and public infrastructure with less focus on the separation and regulation of particular land uses.
3. To provide a zoning option that allows for and accommodates the changing uses of buildings while maintaining the integrity and viability of the public realm, with an emphasis on intermodal transportation options, pedestrian linkages, and orientation.
4. To encourage flexibility, innovation of design, and a variety of development types that will improve the quality of physical development over that normally achieved through the application of the City's standard single use zones, and when the Planned Development Zone (PDZ) and mixed-use (MX) zoning options are not sufficient for providing the desired flexibility and innovation.

**B. Requirements**

1. The allowable urban form and the treatment of the public realm define the FBZ district. Uses allowed in this zone are determined at the time of approval or amendment of a FBZ regulating plan. Development standards are determined by the FBZ regulating plan, the Development Plan, and a development agreement, if applicable.
2. The requirements of a FBZ district are specific and prescriptive and are not intended to be design guidelines. The specificity of the requirements provides certainty for applicant neighborhoods and City staff. The minimum standards of the requirements imposed by a FBZ regulating plan are not intended to limit design creativity or adaptation to unique site or neighborhood conditions.

**C. Establishment of Form, Mix, and Intensity of Land Uses**

The form and intensity of all buildings (including dimensional requirements) shall be established during review and approval of the FBZ regulating plan. Additionally, the FBZ regulating plan shall establish detailed requirements governing the relationships between all buildings and the public realm and shall identify any limitations to the land use types or land use mix allowed in the district. Uses identified in the regulating plan shall be permitted.

**D. Common Area Maintenance**

The Regulating Plan must address maintenance of common areas when improvements and maintenance needs are beyond standard City responsibility.

**E. Subdivision and Public Improvements**

1. An approved Development Plan for the entire area of land proposed to be included within the Subdivision Plat is required before subdivision of the FBZ district or issuance of Building Permits. This does not preclude the platting of the entire FBZ district as one lot prior to the approval of a Development Plan.
2. Requirements for public improvements within a FBZ district, including off-site public improvements, shall be established and obligated in conjunction with the subdivision platting or Development Plan processes.

**F. Development Agreements**

See Section 7.5.414 (Development Agreements).

**G. Regulatory Incentives**

As part of the regulating plan approval process, regulatory incentives may be provided in the FBZ districts to encourage and facilitate creative form-based development.

**1. Inherent Flexibility**

The FBZ regulating plan process allows significant inherent flexibility. Development standards prohibited and allowed uses, and parking standards may be adopted to be permissive and not limiting, provided that this flexibility still results in implementation of the overall form-based objectives of the FBZ Regulating Plan.

**2. Staff Authority**

The ordinance creating an FBZ district may include broad staff authority to grant administrative relief from specified development and design standards, but shall not authorize administrative relief from the standards of Parts 7.4.6 (Grading and Erosion Control), 7.4.7 (Stormwater), or 7.4.8 (Floodplains).

**H. Alternative FBZ Compliance and Vesting**

1. An FBZ regulating plan may include procedures and criteria that allow an applicant to propose alternative FBZ compliance to the strict application of design standards included in the Regulating Plan. An FBZ regulating plan may provide for longer vesting of property rights to be allowed in conjunction with an approved Development Plan.

## 7.2.4 INDUSTRIAL ZONE DISTRICTS

### 7.2.401 BP: Business Park

#### A. Purpose

The BP zone district accommodates a limited group of, for example, professional, administrative, research, manufacturing, and light industrial uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Uses suitable for BP zone districts have operations that are quiet and clean to ensure the creation and maintenance of an environment that will protect the occupants of the business park from unintended adverse traffic, noise, or performance impacts. BP zone districts shall be located on lands that are suitable for industrial development, have adequate traffic capacity for the anticipated mix of uses as shown on the Major Thoroughfare Plan and applicable Land Use Plans. Before proceeding with any development, an applicant rezoning land to the BP zone district must obtain approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan).



#### B. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.4-A  
 BP: Lot and Building Standards**

District Standards		
	District area (minimum)	10 ac.
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
Setbacks (minimum) [1]		
A	Front (minimum)	20 ft
B	Side (minimum)	10 ft
	Corner Lot – Side Street	20 ft
C	Rear (minimum)	25 ft
	Adjacent to existing or planned residential zone or use	100 ft
Height (maximum)		
D	Building height	45 ft

Table 7.2.4-A BP: Lot and Building Standards	
Other Standards	
Front parking setback (minimum)	20 ft

**Notes:**

[1] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

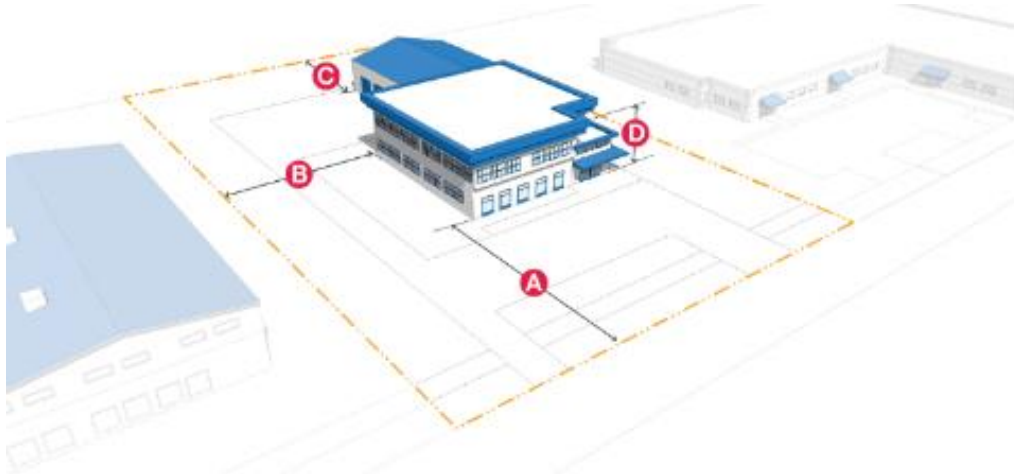
**C. Additional Standards**

1. When land is zoned into the BP zone district after the Effective Date, approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan) is required prior to any development on the land. Lands zoned into the former PIP-1 or PIP-2 zone districts prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Land Use Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Land Use Plan approval.

**7.2.402 LI: Light Industrial**

**A. Purpose**

The LI zone district accommodates, for example, light industrial uses and commercial uses that are complementary or compatible to light industrial uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table.



**B. Dimensional Standards**

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

**Table 7.2.4-B  
 LI: Lot and Building Standards**

District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	Subject to Land Use Plan or Development Plan
Setbacks (minimum)		
A	Front (minimum) [1]	20 ft
B	Side (minimum)	See Table 7.4.2-D
	Corner Lot – Side Street	See Table 7.4.2-D
C	Rear (minimum)	See Table 7.4.2-D
Height (maximum)		
D	Building height	60 ft
Other Standards		
	Front parking setback (minimum)	See Table 7.4.2-D

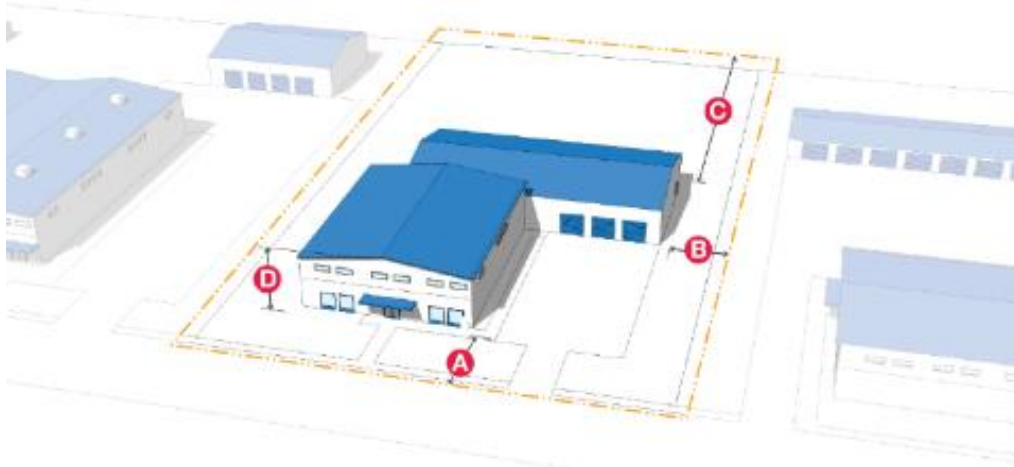
**Notes:**

[1] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

7.2.403 GI: General Industrial

A. Purpose

The GI zone district accommodates, for example, general industrial uses that may have significant traffic, noise, or operational impacts on the surrounding area. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Before proceeding with any development, an applicant rezoning land to the GI zone district must obtain approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan). General industrial uses should provide appropriate areas for industrial activities; minimize or mitigate traffic congestion and overloading of utilities; ensure compatibility with adjacent land uses through the use of buffers or other mitigation measures; and mitigate excessive noise, illumination, unsightliness, odor, smoke, hazards, and other objectionable influences.



B. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

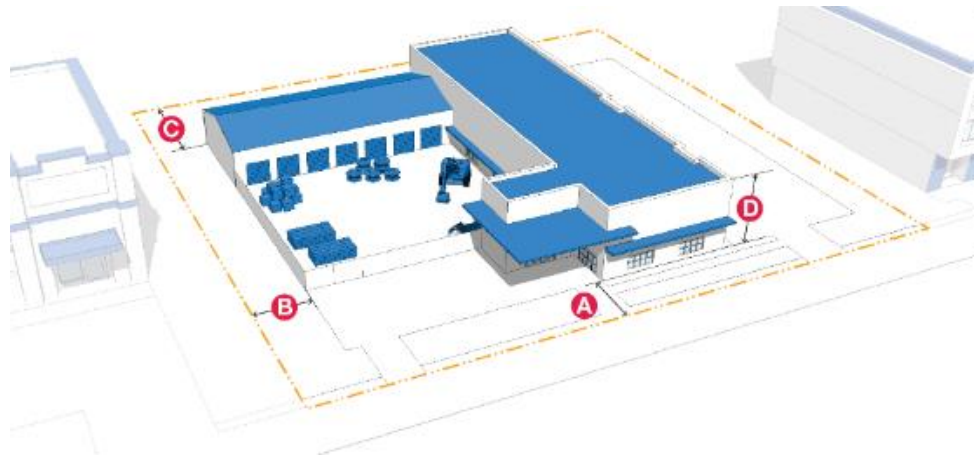
Table 7.2.4-C GI: Lot and Building Standards		
District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	Subject to Land Use Plan or Development Plan
	Lot width (minimum)	Subject to Land Use Plan or Development Plan
Setbacks (minimum)		
A	Front (minimum) [1]	20 ft
B	Side (minimum)	See Table 7.4.2-D
	See Table 7.4.2-D	See Table 7.4.2-D
C	Rear (minimum)	See Table 7.4.2-D
Height (maximum)		
D	Building height	80 ft
Other Standards		
	Front parking setback (minimum)	20 ft (See Table 7.4.2-D)
<b>Notes:</b>		
[1] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.		

## 7.2.5 PUBLIC AND SEMI-PUBLIC ZONE DISTRICTS

### 7.2.501 PF: Public Facilities

#### A. Purpose

The PF zone district is provided for land that is, for example, used or being reserved for a governmental, utility, or telecommunication purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, a public utility, a telecommunications provider, or a private provider of a traditional government function. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. Uses allowed in the PF zone district generally include governmental functions or utility services provided by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, or a public utility and to private facilities that perform traditional government functions such as jails and halfway houses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. The PF zone district is not intended to include public park or major public institutional uses.



#### B. Designation or Expansion of a PF Zone District

Designation or expansion of a PF zone district requires a determination that a public need exists, and that the use and location are compatible with adjacent land uses. Special consideration should be given to conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of the zone district.

#### C. Dimensional Standards

Development standards such as lot size, setbacks, and maximum height are determined at the time of Development Plan review.

#### D. Development Plan Required

A Development Plan shall be approved before any Building Permits may be issued or before construction of any public facility or utility may begin.

**7.2.502 APD: Airport Planned Development (Planned District)****A. Purpose**

The purpose of the APD zone district is to enable development that, for example, includes a mix of airport compatible uses located and designed consistent with the Colorado Springs Municipal Airport Master Plan. Land uses may include high-quality corporate office and business parks, as well as complementary hotel and conference facilities, and limited supporting retail, commercial, and service uses. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. Before proceeding with any development, an applicant rezoning land to the APD zone district after the Effective Date must obtain approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan).

**B. Dimensional Standards**

Development standards such as minimum lot size, setbacks, and maximum height are determined at the time of zoning and Development Plan review.

**C. Additional Standards**

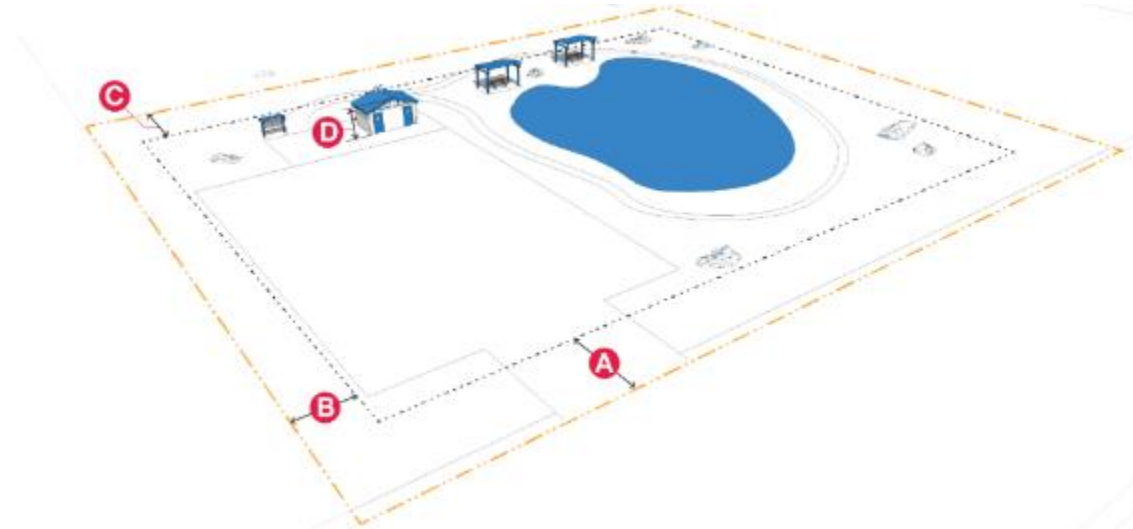
1. When land is zoned into this zone district after the Effective Date, approval of a Land Use Plan pursuant to Section 7.5.514 (Land Use Plan) is required prior to any development on the land. Lands zoned into the former APD zone district prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Land Use Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Land Use Plan approval.
2. The allowed uses on each Land Use Plan must conform with the uses designated and set forth on the adopted Colorado Springs Municipal Airport Master Plan.



**7.2.503 PK: Public Parks**

**A. Purpose**

The PK zone district is intended for land set aside for use as, for example, public recreation and Open Space. Land uses are as indicated in Table 7.3.2-A: Base and NNA-O District Use Table. These parks may include playground equipment, athletic fields, sport courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation, or significant natural, cultural, or historic resources.



**B. Establishment and Development of a PK Zone**

The establishment of a PK zone district shall follow procedures outlined for a rezoning of land in Article 7.5: Administration and Enforcement. Subsequently, all development activities associated with a particular PK zone district shall comply with a Park Master Plan for that zone district that shall be reviewed and approved at a public hearing by the Parks and Recreation Advisory Board. The decision of the Board may be appealed to the appropriate governmental agency. The Board or the City Council may add protective restrictions regarding setbacks from adjacent uses or property lines or the location and amount of parking to the approval of the Park Master Plan. Amendments to the Park Plan shall follow the procedure required for the original plan.

**C. Dimensional Standards**

All development activities and standards shall be determined by the approved Park Master Plan.

**D. Review Criteria**

Where Land Use Plan approval pursuant to Section 7.5.514 (Land Use Plan) is required, it shall be reviewed for compliance with the following review criteria:

1. Minimize impacts of scale, traffic, and parking on surrounding residential zone districts;
2. Compliance with the Park System Master Plan; and
3. Compliance with the City's Comprehensive Plan.

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## 7.2.6 OVERLAY DISTRICTS

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### 7.2.601 AP-O: Airport Overlay

#### A. Findings and Purpose

City Council finds and determines that:

1. Certain land uses that are determined by the Federal Aviation Administration (FAA), pursuant to 14 CFR Part 77, to create, establish, enhance, or maintain hazards to air navigation are a public nuisance and an injury to the communities served by the airports.
2. In the interest of the public health, public safety and welfare, no creation, enhancement, establishment, and/or maintenance of hazards to air navigation shall be granted unless a variance, waiver of standard(s) or other development approval is granted pursuant to this UDC.
3. The free and unobstructed passage of all aircraft, regardless of its owner or operator, in, through and across all of the airspace above the communities served by airports is a defined right set forth in title 49 United States Code (“USC”) Sections 40102(a)(30) and 40103(a)(2), title 14 CFR, Chapter I, Parts 91, 101, and 103, as amended, including but not limited to 14 CFR Part 91.119, or any similar statute or regulation that may later be enacted or amended in total or in part; and including but not limited to C.R.S. §§ 41-4-101, 41-4-106 and 41-4-107, as amended, or any similar regulation or statute that may later be enacted or amended in total or in part.
4. Nonconforming uses may be created that are subject to the nonconforming use rights and restrictions as established by this UDC.
5. A person seeking a variance, waiver of standard(s) or other development approval shall, upon receipt of a reasonable request, grant, and record an aviation easement as a condition of approval of a variance, waiver of standard(s), or other development approval sought as a standard condition of development.
6. The City intends to exercise the full extent of its authority under C.R.S. Title 41 to establish a method for the acquisition of airport protection privileges for public purposes as a matter of public necessity.
7. These regulations are appropriate and necessary to implement the Colorado Springs Comprehensive Plan.

#### B. Airport Overlay District and Subzone Map

This AP-O district shall be shown on an approved AP-O district map, which is part of the official zoning map, and which may be amended from time to time.

#### C. Airport Overlay District Uses

To minimize the negative impacts that certain uses, some land uses are conditional or prohibited in the AP-O district, even if they are allowed in the base zone district. See Table 7.3.2-B: Additional Overlay District Use Table in Section 7.3.202 (Additional Overlay District Use Table) for a full list of limited or prohibited uses.

#### D. Development Requirements

All development shall comply with the following requirements:

##### 1. Requirements Prior to Building Permit Issuance

Within the Airport Navigation (ANAV) subzone the following requirements apply and must be met prior to Building Permit issuance:

- a. Unless previously granted for the property, an aviation easement must be granted and recorded.

- b. Referral to Airport Advisory Commission or its designee for review and comment to ensure that any proposed structure does not penetrate the elevations shown on the Colorado Springs Airport Map.
- c. Referral to Airport Advisory Commission or its designee for review and comment is required if the land use or permit request is for a communication facility, wastewater treatment facility, lift station or other use that uses electronic communications or emitting electromagnetic radiation that may create electrical interference with radio communication and navigational aids.

**2. Requirements for New Development, Rezoning, or Subdivision**

Within the ANAV subzone the following requirements apply for new development, rezoning, or Subdivision Plat:

- a. Airport Advisory Commission or its designee shall review and comment on all applications.
- b. As a condition of approval, the applicant shall grant and record an avigation easement for the benefit of the Colorado Springs Airport.
- c. For Subdivision Plats or replats, the avigation easement recording information shall be referenced in the notes section of the plat.

**3. Additional Requirements Within Airport Noise Subzone (ADNL)**

The following are necessary prior to the issuance of a Building Permit for any development within the sixty-five (65) DNL airport noise zone (ADNL), if not previously completed as a part of new development:

- a. Airport Advisory Commission or its designee shall review and comment upon all applications.
- b. For proposed development within an existing residential zone, a noise level reduction of thirty (30) dBA shall be achieved, and evidence of a noise reduction certificate provided.
- c. Any rezoning of residentially zoned property to another residential or multi-family zone district shall not increase density beyond that permitted by the current zoning of the property.
- d. Nonresidential land uses as identified in Table 7.3.2-B: Additional Overlay District Use Table are considered a conditional use unless a thirty (30) dBA noise reduction is achieved, and evidence of a noise reduction certificate provided.

**4. Construction or Alteration Requiring FAA Notice**

- a. Notice to FAA shall be provided as required by 14 CFR Part 77, as amended, or any similar regulation or statute that may later be enacted in total or in part for:
  - (1) Any person proposing construction or alteration of an improvement; and
  - (2) Any proposed construction of greater height than an imaginary surface extending outward and upward at a slope of 100:1 (i.e., one (1) foot of height for each one hundred (100) feet of distance) from the nearest point of the nearest runway through the length of the RPZ.
- b. Any notice required by this Section 7.2.601 (AP-O: Airport Overlay) shall be on FAA form 7460-1, "Notice of Proposed Construction or Alteration." Notice required under this part shall be completed and a determination from the FAA be made as an attachment to Title 30 applications, where required.

**5. Installation and Maintenance of Marking or Lighting on Improvements Requiring FAA Notice**

In granting any approval or permission under this UDC, the City Council may, if it deems an action advisable to carry out the purposes of this Section 7.2.601 and reasonable in the circumstances, condition any development approval to require the owner of the improvement conditioned by the FAA at the time these regulations are adopted, to install, operate, and maintain at the person's expense, markers and lights as may be necessary to indicate to aviators the presence of an obstruction to flight. The Manager may, with the permission of the person and at the person's expense, own, install, and operate upon improvements so conditioned by the FAA at the time these regulations are adopted, markers or lights as may be necessary. After initial installation, the Manager may, upon written notice to the person, require the person to maintain those markers or lights in conformance with the standards of the FAA. Any person who fails to install, operate, or maintain a marker or light or pay the required expenses shall be charged with a misdemeanor for creating a hazard.

**6. Prohibited Improvements**

No improvement shall be erected, altered, or allowed to grow, or shall be maintained in any portion of the AP-O district that is in excess of any of the airport imaginary surfaces described in this Section 7.2.601. For purposes of computation, the base level of the site shall be the highest point on which a structure is proposed as shown on USGS 1: 24,000 quad. In cases where conflicts exist, the USGS datum shall apply, except in cases in which the developer submits detailed engineering data that would result in alteration of the USGS datum.

**7. Electrical Interference**

Notwithstanding any other provisions of this Section 7.2.601, no use may be made of land within any zone established by this Section in a manner that creates electrical interference with radio communication or navigational aids between the airport and aircraft, makes it difficult for flyers to distinguish between airport lights and others, results in glare in the eyes of flyers using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft

**8. Conflicts**

In cases in which the provisions of the AP-O district and the underlying zone conflict, the more restrictive provisions shall apply.

**7.2.602 AF-O: United States Air Force Academy Overlay**

**A. Purpose**

The purpose of establishing an airport overlay zone district around the United States Air Force Academy is to maintain the safety of the navigable airspace and to be free of obstacles in and around the Academy's airfield in compliance with 14 Code of Federal Regulations (CFR) Part 77.

**B. Airport Overlay District**

This AF-O district shall be shown on an approved AF-O district map, part of the official zoning map, which may be amended from time to time.

**C. Development Requirements**

Within the AF-O district, Development Plans shall provide the notes referenced in Section 7.5.515 (Development Plan), and Subdivision Plats shall provide the notes referenced in Section 7.5.517 (Subdivision Related Procedures - General).

**7.2.603 SS-O: Streamside Overlay****A. Purpose and Objectives**

1. Certain areas of the City are characterized by intermittent and perennial streams that provide significant wildlife habitat, riparian vegetation, water quality protection, flood protection, open space, and multiuse trail opportunities that add to the character, attractiveness, and quality of life of the community. The purpose of the SS-O district is to guide the development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints, and character of these areas.
2. It is the objective of this Section 7.2.603 to protect and enhance streamside areas by promoting planned development within the SS-O district to the extent that those developments comply with the Streamside Development Plan review criteria and the streamside protection standards found in this Section.
3. To minimize the negative impacts that certain uses have on streams and streamside areas, some land uses are conditional or prohibited in the SS-O district, even if they are allowed in the base zone district. See Table 7.3.2-B: Additional Overlay District Use Table in Section 7.3.202 (Additional Overlay District Use Table) for a full list of limited or prohibited uses

**B. Applicability**

The SS-O district encompasses all land within the stream channel, stream adjacent wetlands, and within the inner and outer buffers, as represented by the SS-O district boundaries as shown on the official zoning map, and all land within one hundred and fifty (150) feet of the outer buffer. SS-O district requirements are not applicable to those wetland areas that extend beyond the mapped SS-O district boundary. However, wetlands that are wholly or partially outside of the mapped SS-O district shall be analyzed and protected as indicated or recommended by a Land Suitability Analysis, when required.

**C. Development Plan Review Criteria**

1. In addition to the Development Plan review criteria set forth in Section 7.5.515 (Development Plan), all Development Plans submitted for review for property wholly or partially contained within the SS-O district shall be consistent with the recommendations of the Streamside Design Guidelines Manual, the Land Suitability Analysis, if required, and shall conform with the following Streamside Development Plan review criteria.
2. The project justification statement shall be used to evaluate compliance with the review criteria, shall include a narrative discussion of how each streamside development plan review criteria has been considered and applied in the design of the project, and shall demonstrate consistency with the opportunities and constraints identified in the project's land suitability analysis. This requirement may be satisfied by the written summary submitted with the land suitability analysis if that summary has been broadened to include analysis of the streamside development plan review criteria, including:
3. Has the natural landform been maintained within the overlay area and does grading conform to the specific grading limitations of this Section as well as all other City grading and filling regulations?
4. Does the development incorporate the stream ecosystem into the project design and complement the natural streamside setting? Has the project been designed to link and integrate adjacent properties with the stream corridor using accessways, creek front plazas, employee recreational areas or other site planning and landscaping techniques which include the stream corridor as an amenity?
5. Has the project been designed to minimize impact upon wildlife habitat and the riparian ecosystem which exists on or adjacent to the site? Does the project design protect established

habitat or any known populations of any threatened or endangered species or species of special concern?

6. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design?
7. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs?
8. Have all significant natural features within the project streamside area been identified, and has the project been designed to minimize the impact on these features?
9. Does the project identify and implement the recommendations of any approved subarea plans (such as the City Greenway Master Plan, City Open Space plan or a specific drainage basin planning study) and of any approved public works projects and habitat conservation plans?
10. Does the project design:
  - a. Implement a riparian buffer between the developed portions of the site and the adjacent waterway to assist in preventing point and nonpoint source pollutants and sediment from entering the waterway?
  - b. Exclude impervious surfaces from the inner buffer zone and meet imperviousness restrictions across the entire overlay area on the site?
  - c. Incorporate all stormwater PCMs required by Stormwater Enterprise throughout the developed site and adjacent to the buffer to encourage on site filtration of stormwater and protect water quality?
  - d. Incorporate visual buffers of the stream between identified existing and/or proposed projects on opposing sides of the stream?
11. Are inner and outer buffer zone landscaping standards met and does the application meet all other requirements of Part 7.4.9 (Landscaping and Green Space)?
12. Have disturbed areas been revegetated to minimize erosion and stabilize landscape areas and does the project landscaping design specify plants selected from the riparian plant communities as set forth in Appendix A of the Landscape Policy Manual?
13. Have stream bank and slope areas been identified, including those over fifteen (15) percent slope, has the disturbance to these areas and any protective or stabilizing vegetative cover been minimized, and does the plan provide for the revegetation and stabilization of any disturbed areas required by this UDC?
14. Have opportunities to reclaim the drainageway been identified and implemented where practical? For this criterion, reclamation includes any action that improves the quality of that drainageway visually, functionally, or recreationally, and that brings the drainageway into a more natural condition.

**D. Amendment of the Streamside Overlay Zone Boundary:**

**1. Establishment by Annexation**

The boundary of the SS-O district may be established in conjunction with the determination of zone district classification of newly annexed areas for stream corridors that exhibit a continuation of the relevant stream characteristics and/or an established SS-O district.

**2. Refinement**

Refinements of the SS-O district that occur during the development review application process shall not require an ordinance to amend the overlay boundary if those refinements are otherwise consistent with this Section 7.2.603. Typical refinement includes the definition of the edge of the

channel and the toe of the channel bank. The location of the stream channel and toe of the channel bank as illustrated on the official zoning map will be refined with the review and approval of every Streamside Development Plan and/or Streamside Site Plan. Proposed changes should be supported by a professional survey of the stream channel location, and approved changes shall be recorded on any plans submitted for the project site and may be reflected on the official zoning map from time to time without an additional amending ordinance being required. Once established by an approved Development Plan, the overlay boundary shall remain fixed without regard to changes in the associated stream cross section unless a subsequent change in the streamside overlay boundary is specifically requested by the applicant and mutually agreed to by the applicant and the Manager.

### 3. Stream Realignment

Major channel realignment or the elimination of existing stream channels that are identified on the SS-O district in the official zoning map require completion of the formal zone change procedures described in Article 7.5 and must be in conformance with the applicable Drainage Basin Planning Study described in Part 7.4.7 (Stormwater). The proposed realignment must include significant mitigation activities that replace and/or improve upon existing flood control, wildlife habitat, water quality, and aesthetic values.

## E. Development Standards

This Subsection 7.2.603E describes the requirements for submittals, approvals, and administration of development review applications and identifies the streamside protection standards for development within the SS-O district.

### 1. Administration

#### a. Streamside Land Use Plan Applications

Applications for Land Use Plans affected by the SS-O district shall be reviewed for consistency with this Section 7.2.603. These plans may be used to identify streamside overlay areas, establish buffer and impervious surface averaging determinations, and to average any other of the streamside standards across the entire respective plan area.

#### b. Streamside Development Plan Approval Required

For any property that is designated on the official zoning map as being within the SS-O district, no grading, filling, dumping, property disturbance or removal of trees or other significant vegetation shall occur, nor shall any building or structure be erected, nor shall any Subdivision Plat be approved until a Streamside Development Plan has been approved, pursuant to this Section 7.2.603 and Article 7.5: Administration and Enforcement.

#### c. Landscape Requirements

In addition to requirements outlined in Part 7.4.9 (Landscaping and Green Space), the Manager may apply additional landscape requirements when the Manager determines they are necessary to:

- (1) Stabilize the channel bank;
- (2) Provide additional screening within any one hundred and fifty (150) foot outer buffer expansion or if the property owner does not have the ability to provide the additional screening within the inner or outer buffer to provide a screen on their own property; or
- (3) Protect wildlife habitat, connect wildlife corridors, or preserve sensitive environmental features.

#### d. Hillside Overlay Conflicts

Where the SS-O district overlaps a HS-O district, the requirements of the SS-O district shall supersede the requirements of the HS-O district within the overlap area.



e. **Land Suitability Analysis**

(1) **Purpose**

The purpose of a Land Suitability Analysis is to provide the basic information about a site's physical characteristics and features. This analysis is used to assess the impact of proposed development across the entire project both on and off the site.

(2) **Requirement**

- (a) A Land Suitability Analysis shall be required in conjunction with the City's review of the following:
  - (i) Streamside Land Use Plan.
  - (ii) Streamside Development Plan.
- (b) The analysis shall consist of both a written and graphic description and evaluation of the physical and environmental factors that affect the site.
- (c) The Manager may waive certain elements of the Land Suitability Analysis or require additional analyses for sites that do not contain all of the elements listed, or sites that have unique considerations. The landowner or the authorized representative shall submit in writing a letter stating the reason for any requested waiver and list all exceptions being sought.

(3) **Components of a Land Suitability Analysis**

In addition to technical requirements listed on the City's website, the Land Suitability Analysis shall include the following components:

(a) **Slope Analysis**

The slope analysis identifies the ranges of slopes within proposed development and is used to assess the potential number of sites and preservation areas. The evaluation for this Section should consider the intensity of the development, the ability to provide infrastructure and emergency services access. Slope analysis shall be provided in the following increments and use a contour interval of two (2) feet:

- (i) Zero (0) to eight (8) percent slopes are generally suitable for development;
- (ii) Eight (8) to twelve (12) percent slopes present increased potential for engineering difficulties and moderate potential for activating site hazards;
- (iii) Twelve (12) to fifteen (15) percent slopes present increased potential for engineering difficulties and moderately high potential for activating site hazards;
- (iv) Fifteen (15) to twenty-five (25) percent slopes demonstrate a high potential for activating hazard potential; and
- (v) Slopes greater than twenty-five (25) percent have very high potential for development difficulty and severe hazard potential. Development on such slopes will not be supported.

(b) **Vegetation and Wildlife**

Grasslands, scrub oak and similar shrubs, and coniferous tree cover are major components of streamside areas. Analysis shall show the physical location of vegetation and the following items:

- (i) Identify major vegetation in native ecosystems;
- (ii) Scrub Oak (Gambrel Oak);

- (iii) Deciduous and evergreen trees between four (4) and twelve (12) inches or greater caliper size depending on density of trees onsite; and
  - (iv) Native grass/ground cover/shrub massing.
  - (v) Assessment of the WUI-O district; and
  - (vi) Interface of development and native wildlife habitat and migration corridors.
- (c) **Geology Analysis**  
The Land Suitability Analysis shall demonstrate that the proposed development will comply with the standards in Part 7.4.5 (Geological Hazards).
- (d) **Analysis Package**  
The analysis shall include a composite map with the various components of the Land Suitability Analysis overlaid on a map to show a composite of opportunities and constraints, along with a written analysis of the existing site features and constraints and how the development of the site will occur in a manner which considers both the opportunities and constraints. The analysis shall also include mitigation for the site's physical constraints and hazards.

f. **Assurances May Be Required**

Where deemed necessary by the Manager, assurances may be required prior to or after approval of a grading plan or Building Permit as an offset to the potential cost of reparations to sensitive streamside areas where development is approved to take place adjacent to and/or within the SS-O district.

g. **Streamside Site Plan Required**

For those developments noted in Subsection 2.g(1) below, a Streamside Site Plan (SSP) may be submitted in place of a Streamside Development Plan. The SSP submittal shall not require a Land Suitability Analysis unless otherwise required but shall be subject to all other requirements of this Section 7.2.603. Review of the SSP shall occur at the time of the Building Permit application and shall be subject to the normal procedural and administrative requirements for these applications.

**2. Streamside Protection Standards**

The purpose of this Subsection E.2 is to prescribe streamside protection standards that apply to development projects located within the SS-O district. Approval of a Streamside Development Plan will demonstrate that the development project meets or exceeds the Streamside Development Plan review criteria and satisfies all of the following streamside protection standards. This Subsection will identify the purpose and characteristics of the three (3) stream types and the three (3) regulatory zones of each stream type, and will prescribe for each stream type and/or buffer zone: a) the recommended acceptable streamside improvements and protective measures, b) the permitted, prohibited, and/or conditional land uses, c) the allowable site impervious area permitted, and d) specific provisions regarding grading, landscaping, and wall and fence construction.

a. **Stream Types and Streamside Buffer Zones**

(1) **Stream Types Defined**

- (a) Three (3) stream types may be represented on the SS-O district as shown on the official zoning map. The typical characteristics of the stream types are as follows:
  - (i) Type 1 Streams have a typical channel width greater than seventy-five (75) feet with buffers one hundred twenty (120) feet wide on both sides of the channel.

- (ii) Type 2 Streams have a typical channel width of twenty-five (25) to seventy-five (75) feet with buffers ninety (90) feet wide on both sides of the channel.
  - (iii) Type 3 Streams have a typical channel width less than twenty-five (25) feet with buffers seventy-five (75) feet wide on both sides of the channel.
- (b) Before the Effective Date, Type 1 Streams as described in Subsection (a) above were designated as Type 3 Streams, and Type 3 Streams as described in Subsection (a) above were designated as Type 1 Streams, and those earlier designations shall continue to apply to development approvals and permits related to land now included in the SS-O district and approved by the City before the Effective Date.

**(2) Streamside Buffer Zones**

Streamside buffer zones are established within a specified distance of the edge of the stream channel (toe of the channel bank) for each of the specific stream types. Specific buffer zones have been identified as significant based upon their typical size, natural and vegetative characteristics, wildlife habitat suitability, open space, recreational opportunities, and permitted and/or prohibited land use potential. All streamside zoned land falls within one of three (3) regulatory categories: a) stream channel, b) inner buffer zone, or c) outer buffer zone. Uses, landscaping standards, grading, and impervious surface limitations differ between the inner and outer buffer zones.

**(a) Stream Channel**

The protection of the stream channel is critical for flood mitigation, water quality, and wildlife habitat. It is identified as the area between the toe of both channel banks. All proposed uses for the stream channel are subject to the review and approval of the Stormwater Enterprise Manager and City Engineer. Wetland areas that are between defined channel banks and are contiguous to the stream itself are to be considered as part of the stream channel regulatory category. Stream bank stabilization, restoration activities, trail crossings, and flood control activities are typically the only permitted activities within the stream channel.

**(b) Inner Buffer Zone**

The inner buffer zone is measured outward from the toe of the channel bank. It is considered a preservation area where uses are restricted to flood control, Permanent Control Measures, landscaping, utility corridors, and recreational trails. Impervious surfaces are not permitted within the inner buffer zone. Specific permitted, prohibited and/or conditional uses, impervious surface limitations, grading limitations, and landscaping standards apply within the inner buffer zone.

**(c) Outer Buffer Zone**

The outer buffer zone extends from the outward edge of the inner zone to the outer extent of the overlay area. The full range of uses that are permitted in the base zone (unless listed as prohibited in Table 7.3.2-B: Additional Overlay District Use Table in Section 7.3.202 (Additional Overlay District Use Table) are permitted in the outer buffer zone. The outer buffer zone may often be an area of increased activity to improve the human relationship with adjacent stream areas. Specific permitted, prohibited and/or conditional uses, impervious surface limitations, grading limitations, and landscaping standards apply within the outer buffer zone. The following table indicates the streamside types, their associated streamside buffer zone widths, and a general vegetative and land use characteristic description:

Table 7.2.6-A Streamside Buffers									
Type	Width (feet)			Vegetation			Uses		
	Channel	Inner	Outer	Channel	Inner	Outer	Channel	Inner	Outer
1	More than 75	40	80	Little to no vegetation; riparian where present	Riparian vegetation corresponding with the Landscape Policy Manual; 1 tree per 20 ft. of stream frontage	Riparian or upland vegetation; 1 tree per 30 ft. of stream frontage	Stabilization, restoration, and flood control only	Riparian area; flood control, Permanent Control Measures, landscaping, and recreational uses; no impervious surfaces	Upland area; all uses permitted within the underlying zoning and complying with this Subsection 7.2.603E.2.a
2	25 to 75	30	60						
3	Less than 25	20	50						

**b. Site Imperviousness Standards**

Those portions of the subject parcel or project that fall within the inner or outer buffer zone of the SS-O district shall be allowed ten (10) percent impervious surface unless detention is provided. A Streamside Development Plan shall demonstrate that the impervious surface limitation standard is met.

- (1) For purposes of determining percentage of impervious surface, the impervious surface calculation shall be based upon the area of the lot or project that is located within the inner and outer buffer zone of the SS-O district boundary.
- (2) No impervious surface is permitted within the stream channel or inner buffer zone; it may only be located within the outer buffer zone area. Recreational trails within the overlay zone are exempt from impervious surface calculations and restrictions. Impervious surface outside the overlay zone is not regulated by this Section 7.2.603 and is only subject to coverage limitations imposed by the base zone, as applicable.
- (3) Sites will be allowed up to two and a half (2.5) times the above indicated impervious surface allowances (i.e., twenty-five (25) percent imperviousness) if the Streamside Development Plan can provide either:
  - (a) Approved “Water Quality Capture Volume” (WQCV) treatment and detention which is acceptable to City Stormwater following current criteria. To qualify for this partial relief of the imperviousness requirements, the detention area must fall outside of the 100-year floodplain, as amended and as it exists prior to any grading, filling and development activity. Determination of qualification under this part shall be made by the SWENT; or
  - (b) Streamside improvements that exceed drainage basin planning study requirements or other development standards and are acceptable to Stormwater Enterprise and the Planning Department. Improvements that will be considered include, but are not limited to, stream bank stabilization and grade control, replacing concrete stream channels with bioengineering or other stabilization techniques that allow more infiltration yet provide economical maintenance, ecological restoration activities including invasive species removal, riparian habitat restoration, and other significant ecological improvements. Designs under this option shall be approved by Stormwater Enterprise and the Planning Department.

**c. Landscaping Requirements**

In addition to the landscaping requirements in Part 7.4.9, any development project within the SS-O district is required to meet the following landscaping standards specific to the inner and outer buffer zones. Alternatives or adjustments as described by Section 7.4.913

(Alternatives and Adjustments) and the Landscape Policy Manual shall apply to the following requirements:

**(1) Inner Buffer Zone**

The inner buffer zone shall be vegetated with at least one (1) tree for every twenty (20) feet of stream frontage. Shrubs may be substituted for required trees at the rate of ten (10) #5 container shrubs for every tree, with no maximum percentage of shrub substitute. If the inner buffer zone corresponds with the 100-year floodplain, vegetation should be selected to both stabilize the channel bank and protect the stream's flood capacity. Existing appropriate riparian or upland vegetation within the inner buffer may count toward fulfilling this requirement if the tree caliper is at least two (2) to four (4) inches.

**(2) Outer Buffer Zone**

- (a) The outer buffer zone should be vegetated with at least one (1) tree for every thirty (30) feet of stream frontage. Shrubs may be substituted for required trees at the rate of ten (10) shrubs for every tree, with a maximum of fifty (50) percent shrub substitute. If the outer buffer zone corresponds with the 100-year floodplain, vegetation should be selected to both stabilize the channel bank and protect the stream's flood capacity. Existing appropriate riparian or upland vegetation within the outer buffer may count toward fulfilling this requirement if the tree caliper is at least two (2) to four (4) inches.
- (b) The Manager may apply outer buffer landscaping requirement to the area up to one hundred fifty (150) feet beyond the outer buffer upon a finding that that the purpose of the SS-O district would be furthered due to the streamside characteristics of the area.

**d. Fences and Retaining Walls**

- (1) Fences constructed within the SS-O district shall be of an open design allowing the stream to be visible from the subject property unless opaque fencing is necessary due to the function and design of the site or where screening of the streamside use is needed for other streamside adjacent properties. Metal (chain-link or wire) may be added for security, but only as an attachment to a fence meeting the criteria in this Section. No fencing shall extend into the 100-year floodplain area.
- (2) Where retaining walls are allowed within the SS-O district, retaining walls of up to seven (7) feet in maximum height may be permitted. The retaining walls will require appropriate landscape screening, and the linear extent of any one section of the retaining wall may not exceed two-thirds (2/3) of the length of the stream frontage or three hundred (300) feet, whichever is less. Where a change in the linear alignment of wall sections is required by this Section 7.2.603, the new alignment shall extend for not less than thirty (30) linear feet.

**e. Drainage Requirements**

Within the SS-O district, all stormwater facilities and improvements to channels shall be designed to comply with the standards of the Engineering Criteria.

**f. Subdivision**

Upon subdivision of a parcel that is in or partially in the SS-O district, the Manager may require as a condition of the Development Plan or Land Use Plan approval that a landscape plan covering all properties within the subdivision and SS-O district area be included in the application.

**g. Exemptions**

The purpose of this Subsection is to identify specific properties, projects, and/or development activities that may be exempted from all or a portion of the SS-O district regulations. A note shall be included on the Streamside Development Plan, Development Plan, or Streamside Site Plan identifying exemptions approved for the project. The only acceptable exemptions are as follows:

**(1) Single Dwelling Residential Developments****(a) New Residential Development**

A single lot for a new single-family or two-family dwelling that is at least partially within the SS-O district may be reviewed as a Streamside Site Plan. Streamside Site Plans shall not require the submittal of a Streamside Development Plan or Land Suitability Analysis but shall otherwise be reviewed for compliance with the requirements of this Section.

**(b) Residential Additions**

Single residential dwellings located at least partially within the SS-O district that existed as of November 12, 2002, are exempt unless both of the following apply:

- (i)** The proposed project requires a Building Permit; and
- (ii)** Additional impervious surface and an increased building footprint is proposed that would increase the combined footprint and impervious surface area by fifty (50) percent or more than that which existed as of November 12, 2002.

**(2) Expansion of Existing Nonresidential and Multi-Family Uses**

Proposals to expand building footprints or accessory impervious areas of existing commercial, office, industrial, multi-family, mixed-use, and institutional uses by up to thirty (30) percent of the approved area as of November 12, 2002, are exempt from the SS-O district requirements as long as the following conditions exist:

- (a)** The land use is permitted within the base zone district.
- (b)** The land use is not a prohibited land use type within the streamside overlay zone as set forth in Table 7.3.2-B: Additional Overlay District Use Table in Section 7.3.202 (Additional Overlay District Use Table).
- (c)** The expansion project does not include any additional fill material within the overlay portion of the site.
- (d)** No new impervious surfaces are proposed within the inner buffer zone as described in Table 7.3.2-B in Section 7.3.202 (Additional Overlay District Use Table).

**(3) Separated Development****(a) Street Separated**

Properties that meet the applicability standards of the SS-O district but are completely separated from the identified stream by a public or private street are not subject to the regulations of the SS-O district.

**(b) Functionally Separated**

Properties that are adjacent to open stormwater drainage channels that are completely lined with concrete may be exempted from the requirements of the SS-O district. A project may be exempted if the Manager determines that the portion of the property that is contained within the SS-O district does not:

- (i) Exhibit any of the important riparian characteristics or recreational opportunities that are intended to be enhanced through the application of the SS-O district; and
- (ii) The proposed development activities will not adversely impact on site or downstream riparian values.

If exempted, the project shall be reviewed pursuant to the standard Development Plan and grading procedures applicable to the base zone.

**(4) Exempted Projects and Uses**

The following shall be exempt from the SS-O district regulations.

- (a) Work to install, replace, repair, rehabilitate or maintain public facility infrastructure, including public utility wires, water lines, natural gas pipes, stormwater and drainage improvements, communication lines, trails, mechanical infrastructure, and park improvements, but not including utility structures such as substations and water tanks.
- (b) Grading for the purpose of installing new public utilities infrastructure, public drainage improvements, trails, or park amenities, or for the purpose of constructing stream stabilization measures required by Part 7.4.6 (Grading and Erosion Control).
- (c) The following uses, provided that development incidental to the following uses shall still be required to comply with the grading and impervious surface standards of this Section 7.2.603:
  - (i) Agricultural uses such as general farming, ranching, nurseries, and forestry operations.
  - (ii) Private recreational uses such as golf courses, archery ranges, and ballparks.
  - (iii) Residential uses such as lawns, gardens, and play areas.
  - (iv) Any other woodland, grassland, wetland, agricultural, horticultural, or recreational uses of land or water not contrary to requirements of this Section.

**7.2.604 WUI-O: Wildland Urban Interface Overlay****A. Purpose and Objectives**

The purpose of the WUI-O district is to significantly reduce damage to public health, safety, and property in the Wildland-Urban Interface through improved coordination between this UDC and adopted fire protection regulations.

**B. Compliance with Fire Prevention Code and Standards Required**

All property within the WUI-O shall comply with the Wildland Fuels Management Requirements established in Appendix K of the City of Colorado Springs Fire Prevention Code and Standards (see Section 8.4.105 of the City Code). Refer to the adopted City of Colorado Springs Fire Prevention Code and Standards for wildfire mitigation requirements for landscaping and building construction.



**7.2.605 ADU-O: Accessory Dwelling Unit Overlay**

**A. Purpose**

The purpose of the ADU-O district is to allow flexible housing options in a neighborhood while ensuring the overall character of the development is consistent with the base zone. The ADU-O district may be used in conjunction with residential development approved on or after the Effective Date of the UDC.

**B. District Requirements**

1. The overlay district shall be made up of contiguous parcels of land that are undeveloped and under a single or common ownership.
2. The minimum size of the overlay district shall be ten (10) acres; provided, that an area no smaller than three (3) acres may be considered for zoning to the overlay district if that area has identifiable boundaries. These boundaries may include roadways that are classified as collector or larger, open space, green space, or adjacency to a multi-family or commercial zone district boundary.

**C. Standards**

**1. Permitted Use**

An integrated or detached Accessory Dwelling Unit (ADU) is a permitted accessory use within the ADU-O district, regardless of whether the base zone district for the property permits an ADU.

**2. Development Standards**

All ADUs shall comply with the use-specific standards in Subsection 7.3.304E (Dwelling, Accessory) and shall comply with all other applicable provisions of this UDC, except that the owner-occupancy requirement in Subsection 7.3.304E.1.a (Owner-Occupancy) shall not apply.

**3. Restriction on Subdivision**

The restrictions at Subsection 7.3.304E.1.c (Restriction on Subdivision) apply in the ADU-O district.

**7.2.606 NNA-O: North Nevada Avenue Overlay**

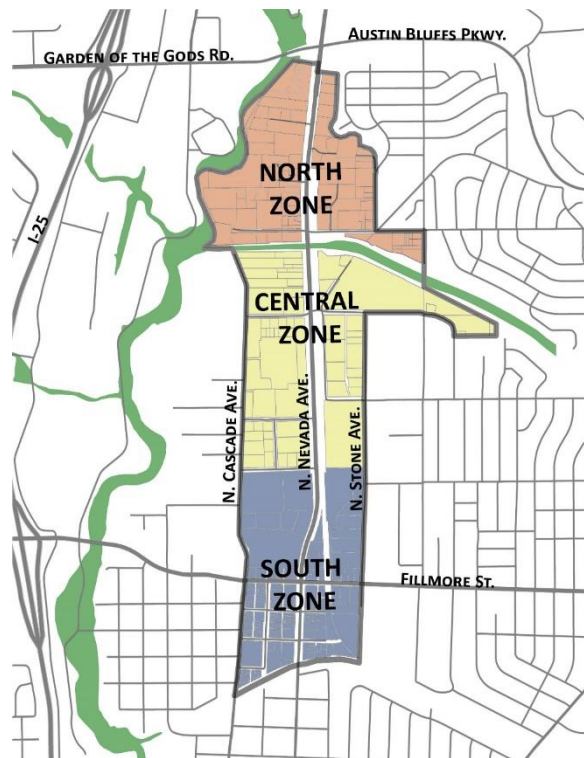
**A. Purpose**

The purpose of the NNA-O district is to implement the goals of the Master Plan adopted for the geographic area of North Nevada Avenue as illustrated in the map below. The goals include:

1. Creating a mix of business types and uses that support and employ our residents and serve as a regional economic magnet;
2. Strengthening connections within the area and to the community by improving roadways and expanding transit service;
3. Strengthening housing options that serves the need of existing and new residents and offers options for all ages and levels of income; and
4. Integrating the corridor’s streets, sidewalks, stormwater, streetscape, and other City infrastructure.

**B. Applicability**

The NNA-O district applies to the area generally described lying south of Garden of the Gods/Austin Bluffs, east of Monument Creek and Cascade Avenue, west of Weber Street and Stone Avenue, and north of the Old North End at the railroad right-of-way. The overlay is broken into three (3) sectors, the north, central, and south.



**1. Objectives**

The NNA-O district encourages new investment while ensuring that redevelopment balances private investment objectives with community sustainability. This is accomplished by:

2. Orienting buildings towards the street, City trails, and waterways to encourage pedestrian accessibility and walkability;
3. Fostering the development of mixed uses;

4. Encouraging multi-story buildings;
5. Promoting aesthetically pleasing building design;
6. Encouraging the incorporation of community and sustainable places and landscaping, including public art, public spaces, green infrastructure measures, and LEED certified building design, which in turn enhance the desirability of the corridor; and
7. Minimizing visibility and impact of parking lots and service areas by locating significant parking and service access away from primary streets.

**C. Permitted and Conditional Uses**

Permitted and conditional uses are shown in Table 7.3.2-A: Base and NNA-O District Use Table in Part 7.3.2 (Allowed Use Tables).

**D. Lot and Building Standards**

Front yard setbacks are established as a build-within zone; buildings, or portions of it, must be located within the distances specified below within each of the sectors. Rear and side yard setbacks will use a standard minimum building setback as specified below within each of the sectors. All other dimensional standards from the underlying base zone district apply:

<b>Table 7.2.6-B NNA-O: Lot and Building Standards</b>				
<b>Setbacks</b>		<b>South sector</b>	<b>Central Sector</b>	<b>North Sector</b>
	Front [1]	0 – 15 ft.	15 – 80 ft.	15 – 80 ft.
	Side	5 ft.	15 ft.	15 ft.
	Corner Lot – Side Street	15 ft.	25 ft.	25 ft.
	Rear	5 ft.	5 ft.	5 ft.

**Notes:**

[1] Build within the range specified.

**E. Height Bonuses**

Maximum building height may be increased to sixty (60) feet if the development includes three (3) or more of the following:

1. Publicly accessible green spaces, plazas, or detached sidewalks that either front a street or connect to sidewalks or trails;
2. Publicly displayed art that is minimum one percent overall project cost;
3. Adaptive reuse of historically significant buildings;
4. Use of aesthetically pleasing green infrastructure measures that are approved by the Stormwater Enterprise Manager; or
5. Shared parking between adjacent properties.

**F. Design Guidelines**

Development within the NNA-O district shall follow the adopted design guidelines.

**7.2.607 ADS-O: Area Design Standards Overlay****A. Purpose**

The purpose of the Area Design Standards Overlay is to preserve the bulk, form, and dimensional standards of residential or commercial areas with distinctive characteristics that are worthy of conservation but are not historical or within a Historic Preservation Overlay (HP-O) district. The intent of the ADS-O is to foster rehabilitation, development, and redevelopment in character with existing development or as recommended in (1) an adopted neighborhood plan as defined in the Colorado Springs Comprehensive Plan, or (2) a completed plan for an ADS-O district approved by City Council pursuant to this Section 7.2.607.

**B. Eligibility**

In addition to the criteria for a zone change in Section 7.5.704 (Zoning Map Amendment (Rezoning)), to be eligible for designation as an ADS-O:

1. All of the area to be included in the ADS-O shall have been included in either:
  - a. A neighborhood plan, as defined in the Colorado Springs Comprehensive Plan, that was adopted within the five (5) years preceding the application date; or
  - b. A plan for an ADS-O district that was approved by City Council within the five (5) years preceding the application date,
2. A majority of the area included in the application shall have one (1) or more the following characteristics:
  - a. Recognized identity and character;
  - b. High architectural value, including consistent building design and materials;
  - c. Relationship with the unique places or cultural features identified in the Colorado Springs Comprehensive Plan;
  - d. Non-conforming setbacks or consistently deeper setbacks than are required by the base zone district;
  - e. Consistently lower building heights than are permitted in the base zone district; or
  - f. Uniform landscaping maintained over a substantial period of time in relation to the age of the neighborhood.

**C. Permitted Development Standards**

An ADS-O district may establish standards for the following types of development standards only if the area has the related characteristic identified in Subsection B above, which will supersede any conflicting standards in this UDC.

1. Requirements for contextual front or side setbacks. Contextual setbacks require that new development and redevelopment be similar to those on adjacent or nearby properties, regardless of the front or side setbacks in the base zone district, or that they comply with other dimensional standards determined on a case-by-case basis consistent with the Purpose described in Subsection A above;
2. Limitations on maximum building heights of new development or redevelopment to a lower height than that permitted in the base zone district;
3. Requirements that new development and redevelopment incorporate visible architectural or building features found on a majority of primary buildings within the district;

4. Standards requiring the use of building materials that are, or that look like, materials used in a significant majority of primary buildings within the district, or prohibiting the use of building materials that were not used on a significant majority of primary buildings within the district; and
5. Requirements for the installation and maintenance of types, locations, and styles of landscaping and buffering found on a significant majority of lots containing primary buildings within the district.

**D. ADS-O: Area Design Standard Overlay Establishment**

1. Prior to submittal of an application to create an ADS-O district, a neighborhood meeting facilitated by the Planning Department shall be held with property owners and residents within the anticipated ADS-O boundaries to discuss the proposed overlay zoning district.
2. After the completion of the neighborhood meeting referred to in Subsection 1, if the Manager determines that the requirements for eligibility in Subsection B above have been met, then, notwithstanding the provisions of Section 7.5.403A (Authority to Submit Applications), any of the following may submit an application for the creation of an ADS-O district:
  - a. A resident living in the area to be included in the proposed ADS-O district;
  - b. An owner of a business operating in the area to be included in the ADS-O district; or
  - c. A Neighborhood Association whose boundaries include some or all of the land to be included in the ADS-O district.
3. In addition to other requirements for an application for a Zoning Map Amendment (Rezoning), an application for the creation of an ADS-O district shall include all of the following:
  - a. **Project Statement and Justification**

A written justification for the request identifying how it will promote the purposes of the base zone district in which the property is located, the ADS-O zone district, this UDC, and/or the Comprehensive Plan.
  - b. **Stakeholder Engagement Plan**

A Stakeholder Engagement Plan created in coordination with the Planning Department which includes, but is not limited to:

    - (1) The number and type of outreach events;
    - (2) Survey questions and approach;
    - (3) Focus group discussion topics; and
    - (4) Property owner interviews.
  - c. **Petition**

A petition in support including dates and signatures of those property owners and tenants in support of the application, together with the addresses of any property they own within the proposed boundaries of the ADS-O district, and showing that all petition signatures have been obtained within the two-(2) month period before the application was submitted.
  - d. **Proposed Design Standards**

The proposed design standards to be applied in the ADS-O, which are limited to those listed in Section 7.2.607 (ADS-O: Area Design Standards Overlay).
  - e. **Plat**

A copy of the plat(s) of the subdivision(s) included within the proposed ADS-O district.

**f. Inventory of Existing Uses and Structures**

An inventory of existing structures within the proposed ADS-O district showing:

- (1) Existing use, building heights, and building setbacks for each property;
- (2) Any unplatted parcels; and
- (3) The location of any nonconforming structures or uses, and an indication of whether the proposed design standards would make them more or less nonconforming.

**4. Decision**

The Planning Commission may recommend approval or approval with conditions, and City Council may approve or approve with conditions if they determine that:

- a. The criteria for approval of a Zoning Map Amendment (Rezoning) have been met;
- b. The eligibility criteria in Subsection B.2 above have been met;
- c. The establishment of the ADS-O district will not cause detrimental financial impacts to property owners within the district; and
- d. The dimensional or design standards applicable in the he ADS-O district will not preclude property owners from expanding real property that is compliant with base zoning dimensional standards.

**7.2.608 HP-O: Historic Preservation Overlay****A. Purpose**

The economic, cultural, and aesthetic standing of Colorado Springs cannot be maintained or enhanced by disregarding the historical and architectural heritage of the City and by ignoring the destruction or defacement of cultural assets. The protection, enhancement, perpetuation, and use of structures and areas of a historical or architectural significance located within the City is a public necessity and is required in the interest of the prosperity, civic pride, and general welfare of the people. The purpose of the HP-O district is to:

1. Designate, preserve, protect, enhance, and perpetuate those structures and areas that reflect outstanding elements of the City's cultural, artistic, environmental, social, economic, political, architectural, historic, or other heritage;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize or improve the aesthetic and economic vitality and values of such structures and areas;
4. Protect and enhance the City's attraction to tourists and visitors;
5. Promote the use of outstanding historical or architectural structures or districts for the education, enjoyment, and welfare of the people of the City;
6. Foster the economic and heritage tourism benefits associated with the City's cultural assets;
7. Promote good urban and architectural design in new infill buildings and rehabilitation of existing buildings including the preservation of related Green Space and Open Spaces; and
8. Promote and encourage continued private ownership and use of buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

**B. Standards for Designation of Areas for Zoning Overlay**

A structure may be designated by Council for historic preservation overlay zoning if it has either historical or architectural importance as defined below.

**1. Historical Importance**

The structure or area:

- a. Has significant character, interest, or value, as part of the development, heritage or cultural characteristics of the city, state, or nation;
- b. Is the site of a historic event with significant effect upon society;
- c. Is identified with a person or group of persons who had significant influence on society; or
- d. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

**2. Architectural Importance**

The structure or area:

- a. Portrays the environment of a group of people in an era of history characterized by a historically important and distinctive architectural style;
- b. Embodies architecturally distinguishing characteristics;
- c. Is the work of an architect or builder whose individual work has influenced the development of the City;
- d. Contains elements of architectural design, detail, materials, or craftsmanship that represent a significant innovation; or
- e. Contains buildings that, although individually lacking distinction, collectively display distinguishing characteristics.

**C. Surveys and Inventories**

1. Surveys and inventories of historic properties that have been prepared by the City are on file at the Planning Department. These surveys and inventories already completed, and any completed in the future, shall be a part of the Colorado Springs Comprehensive Plan.
2. The City survey and inventory system shall be compatible with federal and state criteria and consistent with statewide comprehensive historic preservation planning.

**D. Procedures**

All procedures related to the administration of this Section 7.2.608 and the designation and regulation of historic structures are in Article 7.5: Administration and Enforcement.

**7.2.609 HR-O: High-Rise Overlay**

**A. Purpose, Description, And Applicability**

The purpose of the High-Rise Overlay (HR-O) district is to allow the construction of high-rise buildings in accord with special height, floor area, and bulk limitations described in this section.

1. The HR-O may only be used in conjunction with R-5, MX-T, MX-N, MX-M, MX-LBP, LI, GI, and PF zone districts. All standards and provisions of the base zone district(s) that are not modified by this Section 7.2.609 shall continue to apply to properties in the HR-O district.
2. The application to establish an HR-O district shall include a Land Use Plan which conforms to standards listed in this section and the criteria listed in Section 7.5.514 (Land Use Plan).

**B. Development Plan Required**

Prior to the issuance of a Building Permit, an approved Development Plan that meets the criteria and requirements of Section 7.5.515 (Development Plan) is required for all development within the HR-O that exceeds the base height limit within the base zone district.

**C. Development Standards**

In lieu of the height limitations that apply in the base zone district, development in the HR-O district may develop in accordance with the height, floor-area ratio, and bulk standards in this section. All development in an HR-O district may use the standards of this Subsection C, except that in the R-5 district all uses that are not principal permitted uses shall be subject to the height limitations of the base zone district.

**1. Maximum Height**

The maximum height of buildings is determined by conformance with the height limitation standards listed in this section.

**2. Floor Area Ratio**

The amount of floor area which may be constructed on a lot in an HR-O district is limited. The maximum square footage of floor area within a high rise building on a lot in a specific zone is determined by multiplying the area of the lot by the following factor designated for the base zone district in Table 7.2.6-C.

<b>Table 7.2.6-C HR-O District FAR Limitations</b>	
<b>Zone District</b>	<b>FAR Factor</b>
R-5	3
MX-T	2
MX-N	3
MX-M	5
MX-L	10
BP	2
LI	3
GI	4
PF	2
PDZ	3



**Table 7.2.6-C**  
**HR-O District FAR Limitations**

**Note**

An indoor parking area for vehicles on a lot shall be considered additional lot area for the purposes of determining the required lot area per dwelling unit. The square footage of the parking area shall also be excluded from the gross floor area calculated for purposes of this Section.

**3. Height Limitations**

In the HR-O district, no part of any structure except church spires, church towers, flagpoles, antennas, chimneys, flues, vents, cooling towers, elevator and mechanical penthouses, accessory water tanks, or any other structures not used as floor space or human occupancy, which are an integral part and architecturally compatible with the building, shall project up through height limits which are defined by diagonal planes as listed below:

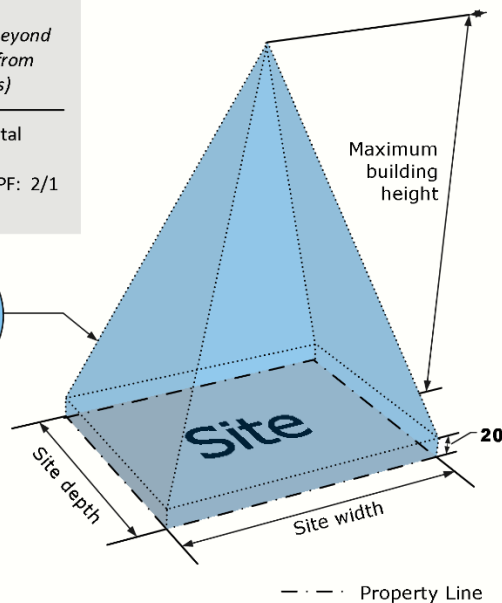
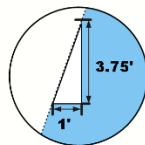
- a. In the PDZ, R-5, MX-N, MX-M, MX-L, MX-T, and PF zones, the maximum pitch of the diagonal plane may be two (2) feet vertical to one (1) foot horizontal from lines twenty (20) feet above lot lines.
- b. In the MX-M zone, the maximum pitch of the diagonal plane may be three (3) feet vertical to one (1) foot horizontal from lines twenty feet (20) above lot lines.
- c. In the MX-L zone, the maximum pitch of the diagonal plane may be three and three quarters (3.75) feet vertical to one (1) foot horizontal from lines twenty (20) feet above lot lines.
- d. In the GI zone, the maximum pitch of the diagonal plane may be one (1) foot to one (1) foot from lines twenty (20) feet above lot lines.

**Slope Angles by Zone District:**

*(Buildings shall not encroach beyond the sloping planes, measured from twenty (20) feet above lot lines)*

ML-L: 3.75 vertical/1 horizontal  
MX-M: 3/1  
PUD, R-5, MX-N, MX-L, MX-T, PF: 2/1  
GI: 1/1

Example:  
MX-L Zone  
District



**7.2.610 HS-O: Hillside Overlay****A. Purpose**

The purpose of the HS-O district is to ensure that hillside areas retain their unique character, to safeguard the natural heritage of the City, and to protect the public health, welfare, and safety. Review of development proposals for property within the overlay should recognize the various City Code requirements and the need to balance their application with the physical attributes of the property. The HS-O district may be used with any zone district in the City to meet the following objectives:

1. To conserve the unique natural features and aesthetic qualities of the hillside areas;
2. To provide safe and convenient access to hillside areas;
3. To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet development needs;
4. To ensure that new development is compatible with the natural systems, the terrain, and the geologic character of hillside areas;
5. To encourage innovative design solutions that meet the purpose of the HS-O district; and
6. To preserve wildlife habitat and wetland areas that provide wildlife migration corridors.

**B. Applicability****1. General**

- a. In case of a conflict between the provisions of the HS-O district and the WUI-O district, the provisions of the WUI-O district shall apply.
- b. The standards in the HS-O district apply on a lot-by-lot basis to single-family residential dwellings, and on a development-wide basis to other types of applications.
- c. No building or structure may be erected, reconstructed, or structurally altered on land in the HS-O district, and land in this overlay district may not be subdivided, graded, or otherwise disturbed for development, subdivision, or any other purpose, unless such construction, subdivision, disturbance, or development complies with the provisions of this Section 7.2.610.
- d. In the HS-O district, no Building Permits shall be issued and no grading, land disturbance, removal of vegetation, or construction activity may occur on any lot or parcel until:
  - (1) A Development Plan for the site is approved;
  - (2) A Hillside Site and Grading Plan for the site is approved; and
  - (3) The Final Plat is recorded.

**2. Exemption**

The provisions of this Section 7.2.610 shall not apply to:

- a. Land that is removed from the HS-O district through rezoning pursuant to the procedure in Section 7.5.703 (Zoning Map Amendment (Rezoning)).
- b. Property that is the subject of an application for a Building Permit, Development Plan, or Subdivision Plat and that the Manager, upon consultation with the City Engineer, the Stormwater Enterprise, Fire Code Official, Traffic Engineering, and Utilities, determines is not characteristic of the hillside area landscape features this Section 7.2.610 is intended to protect and that the exemption will not compromise the ability of the HS-O district to achieve its intended purposes.

- c. Lots created prior to the original adoption of these hillside regulations on June 6, 1996, and the Manager determines cannot reasonably comply with some of the standards in this Section 7.2.610, in which case the Manager may adjust or exempt the lot from the requirement of compliance with that standard at the time of Building Permit issuance.

### **C. Land Suitability Analysis**

#### **1. Purpose**

Land Suitability Analysis provides information about the physical characteristics and features of a site to assess impact of proposed development and determine buildable areas. This analysis further determines if preservation areas should be identified to better preserve unique hillside characteristics.

#### **2. Standards**

Each new Land Use Plan, Major Modification to a Land Use Plan, and Hillside Development Plan for any proposed development shall include a Land Suitability Analysis. If the applicant submits a written request for waiver of exceptions to elements of required Land Suitability Analysis, the Manager may waive those elements or approve those exceptions that are not necessary to achieve the purposes of the HS-O district. The Manager may also require additional analysis based on unique location, character, or potential impacts of development on the property.

#### **3. Components of Land Suitability Analysis**

In addition to technical requirements listed on the City's website, the Land Suitability Analysis shall include the following components

##### **a. Slope Analysis**

Identification of slope ranges for parcels in order to assess the potential number of sites and preservation areas. The evaluation for this Section should consider the intensity of the development, the ability to provide infrastructure and emergency services access. Slope analysis shall be provided in the following increments and use a contour interval of two (2) feet:

- (1) Zero (0) to eight (8) percent generally suitable for development;
- (2) Eight (8) to twelve (12) percent increased potential for engineering difficulties; moderate potential for activating site hazards;
- (3) Twelve (12) to fifteen (15) percent increased potential for engineering difficulties; moderately high potential for activating site hazards;
- (4) Fifteen (15) to twenty-five (25) percent high potential for activating hazard potential; and
- (5) Twenty-five (25) and over percent very high potential for development difficulty and severe hazard potential. Development on slopes over twenty-five (25) percent will not be supported.

##### **b. Vegetation and Wildlife**

Grasslands, scrub oak and similar shrubs, and coniferous tree cover are major components of hillside areas. Analysis shall show the physical location of vegetation and the following items:

- (1) Identify major vegetation in native ecosystems;
  - (a) Scrub Oak (Gambrel Oak);
  - (b) Deciduous and evergreen trees between four (4) inches and twelve (12) inches or greater caliper size depending on density of trees onsite; and

- (c) Native grass, ground cover, and shrub massing.
- (2) Assessment of the WUI-O district, if applicable; and
- (3) Interface of development and native wildlife habitat and migration corridors.

c. **Geology Analysis**

Development shall comply with regulations pursuant to Part 7.4.5 Geological Hazards.

d. **Analysis Package**

Composite map with the various components of the Land Suitability Analysis overlaid on a map to show a composite of opportunities and constraints, along with a written analysis of the existing site features and constraints and how the development of the site will occur in a manner which considers both the opportunities and constraints. The analysis shall also include mitigation for the site's physical constraints and hazards.

**D. Hillside Development Plan**

In addition to the normal Development Plan submittal requirements, applications for Development Plans in the HS-O district shall also include a Hillside Development Plan showing the following information in compliance with the submission and technical requirements located on the City's website.

**1. Building Lots**

The location of building lots and building envelopes on each lot shall comply with the following:

- a. Development on slopes greater than twenty-five (25) percent in building envelopes shall be avoided;
- b. Preserve significant vegetation and features in preservation easements;
- c. Allow variation in front and side yard setbacks along the street frontage where significant vegetation, geologic hazard concerns, or slopes over twenty-five (25) percent exist on the site. Approval of a Non-Use Variance pursuant to Section 7.5.525 (Non-Use Variance) is required to allow setback variation; and
- d. Only use retaining walls where necessary. Retaining walls are to be limited to four (4) feet in height with no more than two (2) piers separated by four (4) to six (6) feet.

**2. Street Type and Placement**

Streets and driveways must provide adequate vehicular access to each individual building lot. Adequate access will be evaluated based upon compliance with the following standards to the maximum extent feasible:

- a. Driveways should follow the natural contour of the land and should generally minimize the need for cut and/or fill for driveway construction. Cut and fill slopes should be limited to four (4) feet in height and no more than two (2) four- (4) foot tiers in total;
- b. Where retaining walls are used, there should be a minimum horizontal separation of four (4) feet between each tier and the face of the retaining wall shall be screened by vegetation. However, a taller single wall of up to seven (7) feet may be approved when necessary to reduce vegetation removal;
- c. Individual driveways should have a maximum slope of twenty (20) percent and shared driveways should have a maximum slope of fifteen (15) percent. When the driveway serves a required Fire Department access, the width shall be a minimum of twelve (12) feet and the maximum grade shall be twelve (12) percent;
- d. The amount of significant vegetation proposed to be removed should be minimized;

- e. Driveway locations shall facilitate emergency service response. On streets with less than twenty-eight (28) foot mat widths, driveways should be offset to facilitate emergency response; and
- f. The inclusion of shared driveways where possible to reduce grading, paving, and site disturbance.

**3. Individual Utility Service Lines**

Service lines should be located to minimize the need for grading and for disturbance of significant vegetation and natural features. The retention of the significant vegetation will be the main factor in the evaluation of the utility service line location. A proposed lot may not be approved if a satisfactory utility service line location cannot be agreed upon.

**4. Retention of the Significant Vegetation on Individual Building Lots**

On lots with significant existing vegetation the placement of the home should use existing vegetation, particularly in the front yard and streetscape areas, to soften structural mass and maintain vegetation.

**5. Hillside Development Plan Review Criteria**

In addition to the criteria in Section 7.5.515 (Development Plan), a Development Plan in the HS-O district shall comply with the following review criteria:

- a. The plan is consistent with the spirit and intent of the Hillside Design Manual;
- b. The streetscape will retain a hillside character after the street is constructed, including but not limited to retaining existing vegetation and rock features;
- c. Disturbance of the existing terrain is minimized;
- d. The visual impacts upon offsite areas been reduced or mitigated;
- e. Significant ridgelines and other prominent sites within the City have been preserved;
- f. Additional measures to mitigate environmental and visual impacts of the development have been included as necessary, based on the nature and location of the development:
  - (1) Alternate siting of structures to include increased setbacks from ridgelines;
  - (2) Use of significant vegetation to soften structural mass when building sites are located in highly visible areas;
  - (3) Designation of special height restrictions;
  - (4) Use of native vegetative cover and retaining walls faced with stone or earth-colored materials as stabilization measures for cuts and fills; and
  - (5) Alternate street placement to reduce visibility of structures.
- g. Significant natural features and the significant vegetation been placed in preservation area easements and any impacts of necessary utility easements through the preservation areas been mitigated to the maximum extent feasible. Because of the terrain in hillside areas, it is recognized that utilities and some drainage improvements may have to be located within an easement. The review will consider the necessity of locating these facilities within the preservation area easement with least amount of disturbance and impact;
- h. Geologic, soil, and other natural hazards been identified and mitigated to the maximum extent feasible; and
- i. The results of any geologic hazards study required by Part 7.4.5 (Geological Hazards) have been reflected in the plan through avoidance of, or mitigation of impacts related to, those hazards.

**E. Hillside Site and Grading Plan**

1. No construction activity, including grading or removal of vegetation, shall occur on lots or parcels within the HS-O district until a Hillside Site and Grading Plan has been approved by the Manager. The requirement for a Hillside Site and Grading Plan may be waived by the Manager if the change is determined to be a minor disturbance with no grading or removal of vegetation.
2. The Hillside Site and Grading Plan shall contain the content required by the Hillside Design Manual and the approved Development Plan and shall be consistent with the following site design review criteria:
  - a. The Plan complies with the development standards of the applicable zone district or Development Plan;
  - b. Terrain disturbance has been minimized by minimizing cut and fill, retaining natural land forms, including visually compatible cut and fill stabilization measures, and the incorporation of existing slopes and rock formations into the site design, to the maximum extent feasible. If cut and fill occurs, make every effort to limit the retaining walls to four (4) feet in height with four (4) feet horizontal separation;
  - c. Natural vegetation has been preserved and incorporated into the project design, with particular emphasis on preserving healthy and significant stands of scrub oak and pine trees and scrub oak and pine trees in front yard areas; and
  - d. Visual impacts upon off-site areas been avoided or reasonably mitigated by locating structures to avoid ridgelines and preserve a mountain or hillside backdrop, and by preserving existing vegetation and/or incorporating supplementary native landscaping to soften the structural mass of buildings located in highly visible areas.

**F. Illegal Land Disturbance, Grading, and Vegetation Removal**

1. No grading or removal of vegetation shall occur on properties subject to the HS-O district unless authorized by a City approved Hillside Site and Grading Plan.
2. In addition to any other remedies provided for in this UDC, the Manager may issue a stop work order pursuant to Subsection 7.5.904C (Stop Work Order for Hillside Site and Grading Plan) for violations of this Subsection F.

**G. Wildfire Risk Mitigation****1. Requirement**

- a. Within the HS-O district, development shall comply with the following provisions for reduction of wildfire risks when located within the WUI-O district.
- b. Wildfire risk reduction techniques may include measures such as monitored smoke alarm systems and sprinkler systems for all residential occupancies, a minimum Class B on all other occupancies, and fuels management measures within the Safety Zone of applicable new building construction.

**2. Disclosure Statements**

All Development Plans and Subdivision Plats within the WUI-O district approved on or after April 1, 1993, and Wildland Urban Interface Site Plan/Lot Grading Plans shall contain the following disclosure statements referencing Appendix K of the City of Colorado Springs Fire Prevention Code and Standards:

“Residing in or near wildland interface or intermix areas involves increased fire risks that may not apply in urban or more urbanized types of developed communities.”; and

“All lots within this development are subject to fuels management requirements. It is the responsibility of the builder to implement the fuels management procedures as defined in

Chapter 8 of the City Code for each lot. Approval inspection must be obtained from the Planning Department prior to Final inspection by the Building Department and allowing occupancy of the residence. The initial fuels management inspection must be requested from the Planning Department prior to framing inspection with subsequent approval obtained prior to building final.”

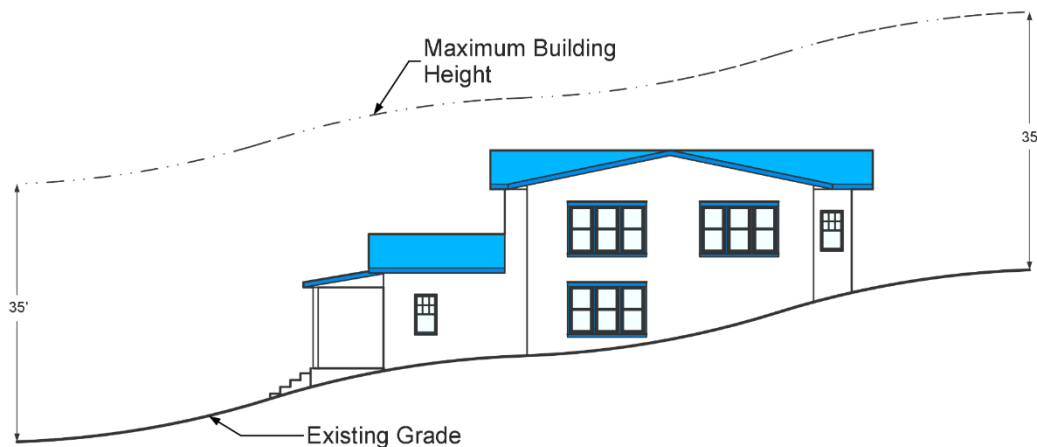
**3. Roof Materials**

A Class A roof covering (excluding solid wood roofing products) shall be installed on all residential occupancies and a minimum Class B roof covering shall be installed on all remaining occupancies (not to replace Class A where already required by the Regional Building Code) at the time a permitted roofing or reroofing application is completed.

**H. Hillside Building Height**

Within the HS-O district permitted heights are as follows:

1. Maximum building height shall be determined at the time of zoning and Development Plan review and may be reduced based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.
2. For multi-family uses, height shall be determined at the time of zoning and Development Plan review. Maximum building height will be based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.
3. For nonresidential uses, maximum structure height is as permitted in the underlying zone, subject to final determination at the time of Development Plan review. Maximum building height may be reduced based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.
4. Existing single-family zoned lots with approved, unexpired Development Plans or Subdivision Plats approved prior to the original adoption of these building height regulations on June 6, 1996, shall have a maximum permitted height of thirty-five (35) feet. In the event an approved Development Plan restricts building height to less than thirty (30) feet, the maximum height required by the Development Plan shall apply.



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## 7.2.7 PLANNED DEVELOPMENT ZONE DISTRICT

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### 7.2.701 Purpose

The purpose of the Planned Development Zone District (PDZ) is to encourage high quality developments that could not otherwise be achieved through the application of the City's standard zone districts. The PDZ District is intended to:

- A. Provide a means of developing large, undeveloped tracts of land or other unique sites with a unified approach;
- B. Facilitate creative, high-quality developments that offer an integrated mix of nonresidential uses and housing options, in conjunction with other community amenities or other benefits to the City or its citizens;
- C. Encourage flexibility in design to create a better living environment, to preserve the unique features of the site, and to provide public services in a more economic manner; and
- D. Provide a clear and reasonable plan for the phased development and completion of proposed development, consistent with the Colorado Springs Comprehensive Plan.

### 7.2.702 Eligibility for Rezoning to a PDZ District

A PDZ district is only permitted where the proposed design could not be developed using conventional zone districts or UDC standards (including available tools allowing flexibility within those districts).

### 7.2.703 Establishment and Development of a PDZ District

- A. Areas rezoned to the PDZ district shall be accompanied with a Land Use Plan which shall define specific uses and residential densities allowed within the PDZ district.
- B. An approved Development Plan is required before any Building Permits may be issued within a PDZ district.

### 7.2.704 Establishment of the Land Use Types, Mix, and Intensity of Land Uses

- A. The land use types and mix, intensity, and density (maximum gross residential density and maximum square footage for nonresidential land uses and the maximum building heights) of the development are defined by and through the establishment of the PDZ district. Specifically allowed residential and nonresidential land uses will be determined by the Land Use Plan. Development standards are determined by the Land Use Plan.
- B. Each PDZ district shall state whether integrated ADUs, detached ADUs, or both are permitted, and shall include any development standards that vary from the standards in Subsection 7.3.304E (Dwelling, Accessory).
- C. Except where a Land Use Plan or Development Plan associated with PDZ states otherwise:
  1. In portions of PDZ allowing only residential uses, WCF (Wireless Communication Facility) shall be allowed as permitted or conditional uses consistent with the uses permitted in the R-1 6 zone district.
  2. In portions of PDZs allowing nonresidential or a mix of residential and nonresidential uses, WCF uses shall be allowed as permitted or conditional uses consistent with the uses permitted in the MX-M zone district.
  3. In portions of PDZs containing residential or a mix of residential and nonresidential uses, Small Human Services Establishments shall be allowed as permitted uses.
  4. In portions of PDZs containing residential or a mix of residential and nonresidential uses, Home Occupation, Accessory uses shall be allowed as accessory to all primary residential uses.



5. In portions of PDZs containing residential or a mix of residential and nonresidential uses, structures allowed as accessory to a residential use in the R-1 6 zone district shall be allowed as accessory to all primary residential uses.
6. When the density of a residential PDZ district is equivalent to that of an R-Flex Medium or R-Flex High zone district, the application shall also comply with all applicable standards related to Compact Lots in this UDC.

#### 7.2.705 Community Amenities or Benefits Required

PDZ districts shall incorporate community amenities or benefits that support the implementation of the Colorado Springs Comprehensive Plan, and that offer significant benefits to the City and residents of Colorado Springs. PDZ districts shall provide community amenities in at least two (2) of the categories below, as determined by the Manager:

**A. High Quality Design Features**

High quality site and building design features are those that substantially exceed the minimum site and building design, landscaping, streetscape, and other requirements in Article 7.4: Development Standards and Incentives, including those in Parts 7.4.9 (Landscaping and Green Space) and 7.4.11 (Building Design and Site Features) and contribute to the overall character of the development.

**B. Community Amenities**

Community amenities may include the preservation of green space, sensitive natural areas, and other unique site features; the preservation or adaptive reuse of historic building; and the provision of active recreational facilities, such as parks, trails, recreation centers, community meeting rooms, and other gathering spaces that are accessible to residents of the development and the public; or public art that meets the criteria outlined in the Public Art Master Plan and as reviewed by the Public Arts Commission.

**C. Mix of Housing Types**

The PDZ district shall provide a mix of housing types and lot types. Housing diversity requirements may be satisfied through significant variations in lot and unit size and configuration.

**D. Sustainable Development Practices**

Sustainable development practices may include, but are not limited to, the use of Low Impact Development (LID) design features throughout the development, solar orientation of building forms and other passive energy-efficient design strategies throughout the development, green infrastructure measures, community-level renewable energy production, and district heating and cooling throughout the development.

#### 7.2.706 Amenities in Phased Projects

Green space, recreational facilities, or other community amenities to be provided shall require the applicant to provide assurance of completion. Suitable assurances may be in the form of a letter of credit, escrow or recorded agreements by the mortgage holder or owner guaranteeing the development of the required facilities. Assurances shall not be required if:

- A. Acceptable provisions are included within the development agreement that guarantee the provision of these amenities in a timely manner.
- B. Amenities are included in each construction phase of the project adequate to serve the residents and users within that phase.

## Article 7.3 Use Regulations

### 7.3.1 GENERAL

#### 7.3.101 Guidance

The permitted and conditional land uses in each base zone district are indicated in Table 7.3.2-A. Additional uses of property or restrictions on the use of property may be contained in the description of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)). If the property is in a Planned Development Zone District (PDZ), the allowable uses are contained in the Land Use Plan approved with the PDZ.

#### 7.3.102 Types of Uses Allowed in Base Districts and NNA-O District

The letter in each cell in Table 7.3.2-A: Base and NNA-O District Use Table identifies whether and how a particular land use is permitted in a particular zone district. However, the availability of a particular land use shown in Table 7.3.2-A: Base and NNA-O District Use Table may be modified by any overlay district that applies to the property, as shown in Table 7.3.2-B: Additional Overlay District Use Table and Part 7.2.6 (Overlay Districts). For the base zone districts and the North Nevada Avenue Overlay (NNA-O), the following values apply:

- A. "P" indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A. Where a use is listed as a permitted use in a zone district, that use is also available as an accessory use in the same zone district.
- B. "C" indicates that the use is permitted only after the applicant obtains conditional use approval pursuant to Section 7.5.601 (Conditional Use Permit), and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A: Base and NNA-O District Use Table.
- C. "A" indicates that the use is permitted as an accessory use only in support of a permitted or approved conditional use on the site, subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A: Base and NNA-O District Use Table.
- D. "T" indicates that the use is permitted as a temporary use, subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A: Base and NNA-O District Use Table.
- E. "R" indicates that the use is Permitted, Conditional, or Prohibited as listed in the FBZ regulating plan applicable to the property.
- F. A blank cell indicates that the use is not permitted in that zone district.

#### 7.3.103 Uses in PDZ Districts

Permitted, conditional, and accessory uses in any PDZ district approved on or before the Effective Date are those listed in the applicable approved plan for that PDZ. Permitted, conditional, and accessory uses in any PDZ district approved after the Effective Date are those listed in the approved Land Use Plan for that PDZ.

#### 7.3.104 Multiple Uses

A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that:

- A. Each use is either a permitted use or a conditional use in that zone district;
- B. A conditional use approval is obtained for any conditional use;
- C. All use-specific standards applicable to each use are met; and

- D. The development complies with all applicable density, dimensional, impervious surface, development, and performance standards.

#### 7.3.105 Unlisted Uses

When a proposed primary or accessory land use is not specifically identified as allowed in a zone district in Table 7.3.2-A: Base and NNA-O District Use Table, the use is not permitted unless the Manager determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. In making this determination, the Manager shall consider the scale, character, traffic impacts, stormwater impacts, utility demands, and potential impacts of the proposed use such as noise, vibration, glare, and dust on surrounding properties compared to similar uses allowed in Table 7.3.2-A: Base and NNA-O District Use Table. Uses may be allowed as principal permitted, conditional, or accessory uses. The Manager's interpretation shall be made available in writing in accordance with the provisions in Section 7.5.529 (Interpretation of UDC).

#### 7.3.106 Previously Permitted Uses

- A. Each use that exists on the Effective Date that is required by this UDC to obtain conditional use approval, but that was a permitted use before the Effective Date is deemed to have a conditional use approval to:
  - 1. Continue operation in structures and on land areas where the operation was conducted on the Effective Date; and
  - 2. To expand operations without the need to obtain a conditional use approval, provided that the expansion complies with all Use-Specific Standards and other requirements of this UDC.
- B. All single-family detached dwellings legally constructed prior to the Effective Date are conforming land uses regardless of whether they are listed as prohibited, conditional, or permitted uses in that zone district in Table 7.3.2-A: Base and NNA-O District Use Table.

#### 7.3.107 Required Governmental Approvals, Licenses, Permits, and Operational Rules

All uses required by any unit of local government, the State of Colorado, or the federal government to have an approval, license, or permit to operate are required to have that State approval, license, or permit in effect at all times.

#### 7.3.108 Uses in Overlay Districts

Certain uses that are listed as permitted by-right (P) or following conditional approval in a particular zone district may be restricted in certain overlay districts, as discussed in Section 7.3.202 below and as shown in Table 7.3.2-B: Additional Overlay District Use Table.

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## 7.3.2 ALLOWED USE TABLES

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#### 7.3.201 Base and NNA-O District Use Table

Table 7.3.2-A below lists the land uses available in the base zone districts and the NNA-O district, subject to the use-specific standards cross-referenced in the right-hand column of the table. Use categories are defined as: Residential Uses, Civic, Public, and Institutional Uses; and Commercial and Industrial Uses.

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use						NNA-O			Use-Specific Standards																																
		R = Allowed pursuant to regulating plan																																																			
Zone District →	Land Use ↓	Residential									Mixed-Use					Indus.			Spec P.			NNA-O																															
		A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South		Central	North																										
<b>RESIDENTIAL USES</b>																																																					
<b>Household Living</b>																																																					
	Dwelling, Single-family Detached	P	P	P	P	P	P	P	P	P	P	P	C	C													P																										
	Dwelling, Two-family (duplex)					P	P	P	P	P	P	P	P	C	P	R		C									P																										
	Dwelling, Single-family Attached					P	P	P	P	P	P	P	P	P	P	R		C								P	P	P																									
	Dwelling, Multi-family					P	P		P	P	C	P	P	P	P	R		C							P	P	P		7.3.301A																								
	Dwelling, Live/Work Unit						P	P	P	P	P	P	C	P	R		C							P	P	P																											
	Manufactured Home	P	P	P	P	P	P	P	P	P	P					R		C								P																											
	Manufactured Home Park	See Subsection 7.3.301B																																																			7.3.301B
	Short Term Rental	P	A	A	A	P	P	P	P	P	P	P	P	P	P	R		P								P	P	P		7.3.301C																							
	Tiny House Community									C	C	C	C	C		R														7.3.301D																							
<b>Group Living</b>																																																					
	Group Cooperative Living					P	P	P	P	P	P	P	C	P	R											C		C																									
	Group Living Residence, Small					P	P	C	P	P	P	P	P	P	R											P	C	C		7.3.301E																							
	Group Living Residence, Medium					C	P		C	P	P	P	P	P	R										P	C	C		7.3.301E																								
	Group Living Residence, Large						C		C	P	P	P	P	P	R										P	C	C		7.3.301E																								
	Human Services Establishment, Small	P	P	P	P	P	P	P	P	P	P	P				R										P	C	C		7.3.301E																							
	Human Services Establishment, Medium					P	P		P	P		P	P			R										P	C	C		7.3.301E																							
	Human Services Establishment, Large						P	P		P	P		P	P		R										P	C	C		7.3.301E																							
	Long-term Care Facility					P	P		C	P	P	P	C	C	P	R										P	C	C																									
<b>CIVIC, PUBLIC, AND INSTITUTIONAL USES</b>																																																					
	Adult or Child Day Care Center, Large						P			P	C	P	P	P	P	R	C	C	C							P	P	P		7.3.302A																							
	Adult or Child Day Care Center, Small						P		P	P	C	P	P	P	P	R	C	C	C							P	P	P		7.3.302A																							
	Cemetery	C	C								C		C	C		R		P	P		P																																
	Club, Lodge, and Service Organization	P	C				C		C	P		P	P	C	R	P	C	C								P	P	P		7.3.302B																							
	Correctional Facility/Juvenile Detention Facility															R																																					
	Detoxification Center	C									C		C	C																7.3.301E																							
	Funeral Services												P	P	C	R	C	C	C								C	C	C																								
	Hospice	C	C	C	C	C	P	P	C	C	C	P		P	P	P	R	C	C	C						P	C	C																									
	Hospital						C				C		P	P	P	R										P	P	P																									
	Human Services Shelter	C	C	C	C	C	C	C	C	C		C	P	P	P	R	C	C								P	C	C																									

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use						Use-Specific Standards								
		R = Allowed pursuant to regulating plan																								
Zone District →	Land Use ↓	Residential									Mixed-Use					Indus.			Spec P.			NNA-O				
		A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North
	Library, Museum, or Cultural Facility										C	P	P	P	P	R		C	C	P	P	P	P	P	P	
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R				P				P	P	P
	Public Safety Services		C	C	C	C	C	C	C	C	C	P	P	P	P	R	P	P	P	P	P			P	P	P
	Religious Institution	P	C	C	C	C	P	P	P	P	P	P	P	P	P	R	P	C	C	P				P	P	P
	School, Elementary or Secondary	P	C	C	C	C	C	C	C	C	P	C	P	P	P	P	R	C	C	C				P	P	P
	School, Higher Education	P									C	P	P	P	P	R	P	C	C	C				P	P	P
<b>COMMERCIAL AND INDUSTRIAL USES</b>																										
<b>Agriculture and Animal-Related Uses</b>																										
	Agricultural Production	P														R										
	Agricultural Sales and Service	C											P	P		R		C	C							
	Animal Care Facility	P														R		C	C							7.3.303A.1
	Commercial Feedlot	C														R										
	Greenhouse												P	P		R	P	P	P					C	P	C
	Small Animal Clinic	P											P	P	P	R	C	C	C	C						7.3.303A.1
	Stable	P	A	A	A	A										R							P			7.3.303A.2
	Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P			P	P	P
<b>Eating, Drinking, and Lodging</b>																										
	Adult Entertainment												P	P		R			P							7.3.303B.1
	Alcohol Production Uses										C		P	P	P	R	P	P						P	P	P
	Bar										C		P	P	P	R		C	C	P				P	P	P
	Bed and Breakfast						P			P	C	P	P	P	P	R		C	C					C		
	Campground or Recreational Vehicle Park	C											P	P	P	R					P	C				
	Commissary Kitchen												P	P	P	R	P	P						P	P	P
	Hookah Bar												C	P		R		C	C					P	P	P
	Hotel or Motel										C		P	P	P	R		C	C	P				P	P	P
	Restaurant										P		P	P	P	R	C	C	C	P		P		P	P	P
	Rooming or Boarding House									P	C		P	P	P	R		C	C					C		C
<b>Entertainment and Recreation</b>																										
	Entertainment or Recreation, Indoor												P	P	C	R	C	C	C	C		P		P	P	P
	Entertainment or Recreation, Outdoor	C					C				C	C	C	C	R	C	C		P		P		P	P	P	
	Semipublic Community Recreation	P	P	P	P	P	P	P	P	P	C		C	C	P	R	C	C	C					P	P	P
	Stadium or Auditorium												P	P	C	R	C	C	C		P	P		P	P	P
<b>Heavy Commercial, Storage, and Industry</b>																										

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use						Use-Specific Standards									
		R = Allowed pursuant to regulating plan																									
Zone District →	Land Use ↓	Residential									Mixed-Use					Indus.			Spec P.			NNA-O					
		A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
	Construction Sales and Services												P	P	R		P	P						C	C	C	
	Heavy Industry															R			P								7.3.303D.1
	Junkyard															R		C	P								7.3.303D.2
	Light Industry															R	P	P	P	P				C	P	P	
	Mining and Mineral Extraction	C									C		C	C	C	R	C	C	C	C							7.3.303D.3
	Plant-Based Extraction – Hazardous															R		P	P						C		7.3.303D.4
	Plant-Based Extraction – Nonhazardous												C	C		R	C	P	P								7.3.303D.4
	Self-storage										C		P	P	C	R	P	P	P	P	P			C	C	C	7.3.303D.5
	Special Industry															R			C								
	Stockyard															R			P								
	Warehousing and Wholesaling												C	C	C	R	P	P	P	P				C	P	P	
<b>Industrial Hemp</b>																											
	Industrial Hemp Products Manufacturer – Hazardous															R		P	P								7.3.303E
	Industrial Hemp Products Manufacturer – Nonhazardous											C	C		R	C	P	P									7.3.303E
	Industrial Hemp Cultivation Facility											C	C		R	C	P	P									7.3.303E
<b>Marijuana-related Services</b>																											
	Marijuana Consumption Club Facility															R											7.3.303F.3
	Medical Marijuana Cultivation Facility											C	C		R	C	P	P									
	Medical Marijuana Products Manufacturer – Hazardous															R		P	P								
	Medical Marijuana Products Manufacturer – Nonhazardous											C	C		R	C	P	P									
	Medical Marijuana Store												P	P		R	A	A	A								7.3.303F.4
<b>Office</b>																											
	Medical Office										P	P	P	P	P	P	P	P	P	P				P	P	P	
	Office										P	P	P	P	P	R	P	P	P	P				P	P	P	7.3.303H
	Vocational or Skills Education										P	C	P	P	P	R	P	P	P	P				P	P	P	
<b>Retail Sales and Services</b>																											
	Adult Retail												P	P		R			P								7.3.303G.1
	Commercial Center												P	P	P			C	C	P							
	Liquor Sales												P	P		R		C	C					P	P	P	
	Personal or Business Service, Large										C		P	P	P	R	P	P	P	P				P	P	P	
	Personal or Business Service, Small										A	C		P	P	P	R	P	P	P	P			P	P	P	

**Table 7.3.2-A**  
**Base and NNA-O**  
**District Use Table**

P = Permitted  
 C = Conditional use  
 A = Accessory to primary use  
 T = Temporary use  
 R = Allowed pursuant to regulating plan

Zone District →	Residential									Mixed-Use					Indus.			Spec P.			NNA-O			Use-Specific Standards			
	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South		Central	North	
Retail Sales, Large													P	P	C	R	C	C		P			P	P	P		
Retail Sales, Medium													P	P	P	R	P	C		P			P	P	P		
Retail Sales, Small									A	C		P	P	P	R	P	C		P			P	P	P			
<b>Transportation</b>																											
Airport																R				P						C	
Light Vehicle Staging Area										C		P	P	C	R												
Parking Lot												P	P	P	R	P	P	P	P	P			C	C	C		
Parking Structure												P	P	P	R	P	C	C	P	P			P	P	P		
Railroad Facility															R				A	A							
Transit Station												P	P	P	R	C							P	P	P		
Transportation Terminal													P		R	C	C	C	P				P	P	P		
Truck Terminal															R	P	P	P	P							C	
<b>Utilities and Communication</b>																											
Broadcasting Tower										C		C	C	C	R	C	C	C	C	C	C	C					
Utility, Major															R					P			P	P	P		
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	
WCF, Eligible Facility Request	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	7.3.303I.1
WCF, Nonstealth Freestanding Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	P	R	C	C	C	C	C	C	C	C	C	C	C	7.3.303I.1
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	7.3.303I.1
WCF, Roof/building mount on single- and two-family dwellings											C	C	C	C	C	R	C	C	C	C	C	C	C	C	C	C	7.3.303I.1
WCF, Small Cell Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	7.3.303I.1
WCF, Stealth Freestanding Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	P	P	7.3.303I.1
<b>Vehicle Related</b>																											
Automobile and Light Vehicle Repair, Minor													C	P		R	P	P	P	C			P	C	C		7.3.303J.1
Automobile and Light Vehicle Repair, Major														P		R		P	P								7.3.303J.1
Automobile and Light Vehicle Sales and Rental											C	C	P		R		C	C	P				C	C	C		7.3.303J.2
Automobile and Light Vehicle Storage														P		R		P	P								
Automobile and Light Vehicle Wash												C	P		R		C	C					P	P	P		
Fuel Dispensing Station													P	P		R	P	P	P				P	C	C		7.3.303J.3
Heavy Vehicle and Equipment Sales and Rental														C		R		P	P								
Heavy Vehicle and Equipment Repair																R		P	P								





Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use						Use-Specific Standards									
		R = Allowed pursuant to regulating plan																									
Zone District →	Land Use ↓	Residential									Mixed-Use					Indus.			Spec P.			NNA-O					
		A	R-E	R-1 9	R-1 6	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
	Wind Energy System, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	A	7.3.304Q
<b>TEMPORARY USES</b>																											
	Construction Office or Yard, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	R	T	T	T	T	T	T	T	T	T	T	7.3.305A
	Garage Sale, Temporary	T	T	T	T	T	T	T	T	T						R								T	T	T	7.3.305B
	Mobile Vending Truck, Temporary															R	T	T	T				T	T	T		7.3.305C
	Outdoor Display of Goods, Temporary											T	T	T	T	T	T	T	T					T	T	T	7.3.305D
	Outdoor Festival or Amusement, Temporary	T									T	T	T	T	T	R	T						T	T	T		7.3.305E
	Real Estate Sales or Business Office, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	R	T	T	T	T				T	T	T	7.3.305F
	Seasonal Sales, Temporary	T														R	T	T	T					T	T	T	7.3.305G
	Vendor in Commercial Retail Center, Temporary											T	T	T	T	R								T	T	T	7.3.305I

**7.3.202 Additional Overlay District Use Table**

Table 7.3.2-B: Additional Overlay District Use Table below lists the land uses available in the Streamside Overlay (SS-O) and Airport Overlay (AP-O) districts. The uses in Table 7.3.2-B: Additional Overlay District Use Table supplement and supersede, but do not replace, the use indications for each base zone district listed in Table 7.3.2-A: Base and NNA-O District Use Table. In case of a conflict between Tables 7.3.2-A (Base and NNA-O District Use Table) and 7.3.2-B: Additional Overlay District Use Table, the provisions of Table 7.3.2-B shall apply. (In the NNA-O district, permitted uses supersede the permissions in the base zone district and are listed in Table 7.3.2-A.)

- A. If a use is permitted by-right in the base zone district, it continues to be permitted by-right in the overlay district. If a use is prohibited in the base zone district, it is prohibited in the overlay district. The Use-Specific Standards cross-referenced in the right-hand column of the same use in Table 7.3.2-A: Base and NNA-O District Use Table continue to apply.
- B. A “C” indicates that if permitted by-right (P) or permitted as a conditional use (C) in the base zone district, the use is permitted only after the applicant obtains conditional use approval pursuant to Section 7.5.601 (Conditional Use Permit), subject to the Use-Specific Standards cross-referenced in the right-hand column of the same use in Table 7.3.2-A: Base and NNA-O District Use Table.

Overlay District →		AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
Land Use ↓	SS-O					
<b>RESIDENTIAL USES</b>						
<b>Household Living</b>						
Dwelling, Single-family Detached	P	[2]				P
Dwelling, Single-family Attached	P	[2]				P
Dwelling, Two-family (duplex)	P	[2]				P
Dwelling, Multi-family	P	[2]				P
Dwelling, Live/Work Unit	P	[2]				P
Manufactured Home	P	[2]				P
Manufactured Home Park	Requires PDZ Approval					
Short Term Rental	P	[2]				P
Tiny House Community	P	[2]				P
<b>Group Living</b>						
Group Cooperative Living	P	C		P	P	P
Group Living Residence, Small	P	C		P	P	P
Group Living Residence, Medium	P	C		P	P	P
Group Living Residence, Large	P	C		P	P	P
Human Services Establishment, Small	P	C		P	P	P
Human Services Establishment, Medium	P	C		P	P	P
Human Services Establishment, Large	P	C		P	P	P
Long-term Care Facility	P	C		P	P	P
<b>CIVIC, PUBLIC, AND INSTITUTIONAL USES</b>						
Adult or Child Day Care Center, Large	P	C		P	P	P
Adult or Child Day Care Center, Small	P	C		P	P	P
Cemetery	P	P		C	P	P
Club, Lodge, and Service Organization	P	C		P	P	P
Correctional Facility/Juvenile Detention Facility		C		P	P	P
Detoxification Center	P	C		P	P	P
Funeral Services	P	C		P	P	P
Hospice	P	C		P	P	P
Hospital	P					P
Human Services Shelter	P	C		P	P	P
Library, Museum, or Cultural Facility	P	C		P	P	P
Park	P	[3]		C	P	P
Public Safety Services	P	C		P	P	P
Religious Institution	P					P
School, Elementary or Secondary	P					P
School, Higher Education	P					P
<b>COMMERCIAL AND INDUSTRIAL USES</b>						
<b>Agriculture and Animal-Related Services</b>						
Agricultural Production	P	C		P	P	P
Agricultural Sales and Service	P	C		P	P	P
Animal Care Facility		C		P	P	P
Commercial Feedlot		C		P	P	P
Greenhouse	P	C		P	P	P
Small Animal Clinic	P	C		P	P	P
Stable	P			C	P	P

<b>Table 7.3.2-B                      Additional Overlay District                      Use Table</b>		P = Permitted use if by-right in base zone district C = Conditional use if permitted by-right in base zone district A = Accessory T = Temporary Use				
		SS-O	AP-O [1]			
Land Use ↓	Overlay District →	ADNL	RPZ	APZ-1	APZ-2	ANAV
Urban Agriculture		P	C		P	P
<b>Eating, Drinking, and Lodging</b>						
Adult Entertainment		P	C		P	P
Alcohol Production Uses		P	C		P	P
Bar		P	C		P	P
Bed and Breakfast		P	C		P	P
Campground or Recreational Vehicle Park		P	C		P	P
Commissary Kitchen		P	C		P	P
Hookah Bar		P	C		P	P
Hotel or Motel		P	[4]			P
Restaurant		P	C		P	P
Rooming or Boarding House		P	C		P	P
<b>Entertainment and Recreation</b>						
Entertainment or Recreation, Indoor		P	C		P	P
Entertainment or Recreation, Outdoor		P	[5]	[5]	P	P
Semipublic Community Recreation		P	C		P	P
Stadium or Auditorium		P			C	P
<b>Heavy Commercial, Storage, and Industry</b>						
Construction Sales and Services		C	C		P	P
Heavy Industry			C		P	P
Junkyard			C		P	P
Light Industry		C		[6]	P	P
Mining and Mineral Extraction			C		P	P
Self-storage		C	C		P	P
Plant-Based Extraction – Hazardous		C			P	P
Plant-Based Extraction – Nonhazardous		C	C		P	P
Special Industry			C		P	P
Stockyard			C		P	P
Warehousing and Wholesaling		C		[6]	P	P
<b>Industrial Hemp</b>						
Industrial Hemp Products Manufacturer – Nonhazardous		C	C		P	P
Industrial Hemp Products Manufacturer – Hazardous		C	C		P	P
Industrial Hemp Cultivation Facility		P	C		P	P
<b>Marijuana-related Services</b>						
Marijuana Consumption Club Facility		P	C		P	P
Medical Marijuana Cultivation Facility		P	C		P	P
Medical Marijuana Products Manufacturer – Nonhazardous		C	C		P	P
Medical Marijuana Products Manufacturer – Hazardous		C	C		P	P
Medical Marijuana Store		P	C		P	P
<b>Office</b>						
Medical Office		P	[4]	P	[7]	P
Office		P	C		P	P
Vocational or Skills Education		P	C		P	P
<b>Retail Sales and Services</b>						

<b>Table 7.3.2-B Additional Overlay District Use Table</b>		P = Permitted use if by-right in base zone district C = Conditional use if permitted by-right in base zone district A = Accessory T = Temporary Use					
		SS-O	AP-O [1]				
Land Use ↓	Overlay District →	ADNL	RPZ	APZ-1	APZ-2	ANAV	
Adult Retail		P	C		P	P	P
Liquor Sales		P	C		P	P	P
Personal or Business Service, Large		P	C		P	P	P
Personal or Business Service, Small		P	C		P	P	P
Retail Sales, Large		P	P		[7]	P	P
Retail Sales, Medium		P	P		[7]	P	P
Retail Sales, Small		P	P		[7]	P	P
<b>Transportation</b>							
Airport		P	C		P	P	P
Light Vehicle Staging Area		P	C		P	P	P
Parking Lot		C	C		P	P	P
Parking Structure		C	C		P	P	P
Railroad Facility		P	C		P	P	P
Transit Station		P	C		P	P	P
Transportation Terminal		P	C		P	P	P
Truck Terminal			C		P	P	P
<b>Utilities and Communication</b>							
Broadcasting Tower		P	C		P	P	P
Utility, Major		P	C		P	P	P
Utility, Minor		P	C		P	P	P
WCF, Eligible Facility Request		P	C		P	P	P
WCF, Nonstealth Freestanding Facility		P	C		P	P	P
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings		P	C		P	P	P
WCF, Roof/building mount on single- and two-family dwellings		P	C		P	P	P
WCF, Small Cell Facility		P	C		P	P	P
WCF, Stealth Freestanding Facility		P	C		P	P	P
<b>Vehicle Related</b>							
Automobile and Light Vehicle Repair, Minor		C	C		P	P	P
Automobile and Light Vehicle Repair, Major		C	C		P	P	P
Automobile and Light Vehicle Sales and Rental		C	C		P	P	P
Automobile and Light Vehicle Storage		C	C		P	P	P
Automobile and Light Vehicle Wash		C	C		P	P	P
Fuel Dispensing Station		C	C		P	P	P
Heavy Vehicle and Equipment Sales and Rental		C	C		P	P	P
Heavy Vehicle and Equipment Repair		C	C		P	P	P
Heavy Vehicle Storage		C	C		P	P	P
<b>Waste and Recycling</b>							
Landfill			C		P	P	P
Recycling Collection Center, Large			C		P	P	P
Recycling Collection Center, Small		P	C		P	P	P
Recycling Processing Center			C		P	P	P
Waste Transfer Station			C		P	P	P
<b>ACCESSORY USES</b>							
Antenna or Satellite Dish, Accessory		A	C		A	A	A

Overlay District →		AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
<b>Land Use ↓</b>	<b>SS-O</b>					
Beehive, Accessory	A	C		A	A	A
Carport or Garage, Accessory	A	C		A	A	A
Drive-through, Accessory	A	C		A	A	A
Dwelling, Accessory, Detached	A	C		A	A	A
Dwelling, Accessory, Integrated	A	C		A	A	A
Electric Vehicle Charging	A	C		A	A	A
Family Suite, Accessory	A	C		A	A	A
Geothermal Energy Equipment, Accessory	A	C		A	A	A
Greenhouse, Accessory	A	C		A	A	A
Home Adult or Child Day Care, Large, Accessory	A	C		A	A	A
Home Adult or Child Day Care, Small, Accessory	A	C		A	A	A
Home Occupation, Accessory	A	C		A	A	A
Marijuana, Home Cultivation, Accessory	A	C		A	A	A
Outdoor Display of Goods, Accessory	A	C		A	A	A
Outdoor Seating or Dining, Accessory	A	C		A	A	A
Outdoor Storage, Accessory	C	C		A	A	A
Playhouse, Accessory	A	C		A	A	A
Solar Collector, Accessory	A	C		A	A	A
Swimming Pool, Accessory	A	C		A	A	A
Transit Shelter, Accessory	A	C		A	A	A
Wind Energy System, Accessory	A	C		A	A	A
<b>TEMPORARY USES</b>						
Construction Office or Yard, Temporary	T	C		T	T	T
Garage Sale, Temporary	T	C		T	T	T
Mobile Vending Truck, Temporary	T	C		T	T	T
Outdoor Display of Goods, Temporary	T	C		T	T	T
Outdoor Festival or Amusement, Temporary	T	C		T	T	T
Real Estate Sales or Business Office, Temporary	T	C		T	T	T
Seasonal Sales, Temporary	T	C		T	T	T
Vendor in Commercial Retail Center, Temporary	T	C		T	T	T
<b>Notes</b>						
[1] Certain uses may be permitted in the ADNL subzone with proper building design and minimal outdoor uses (see page 14 of AC150/5050-6).						
[2] Residential uses are prohibited within a noise subzone of 65 DNL or greater.						
[3] Public Assembly areas, noise-sensitive cultural activities, and nature exhibits are not permitted.						
[4] Conditional use review is required for proposed development in an area with greater than 65 DNL.						
[5] A golf course is permitted by-right in ADNL and conditional in APZ-1; all other uses in this category are conditional in ADNL and permitted by-right in APZ-1.						
[6] Warehousing and outdoor storage only, with no permanent occupancy.						
[7] Retail and office square footage to be determined through Development Plan review.						

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## 7.3.3 USE-SPECIFIC STANDARDS

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### 7.3.301 Residential Uses

#### A. Dwelling, Multi-family

In the MX-N zone district, this use is limited to no more than ten (10) dwelling units in a single structure.

#### B. Manufactured Home Park

This use is only permitted when included in a PDZ district meeting the requirements of Part 7.2.7 (Planned Development Zone District) approved by City Council pursuant to Section 7.5.704 (Zoning Map Amendment (Rezoning)).

#### C. Short Term Rental

##### 1. Purpose and Intent

The purpose and intent of the Short Term Rental Permit is to facilitate the permitting of Short Term Rental subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.

##### 2. Permit Required

- a. A Short Term Rental may not operate without a Short Term Rental Permit from the City pursuant to Section 7.5.510 (Short Term Rental Permit).
- b. It shall be unlawful for any person to operate any Short Term Rental without a valid Short Term Rental, as approved by the Manager.
- c. The Short Term Rental Permit does not run with the property but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.
- d. The Short Term Rental Permit is valid for one (1) year from the date of issuance. The permit may be renewed for additional one (1) year periods.

##### 3. General Standards and Review Criteria

A Short Term Rental shall comply with the following standards, which must be met at the time of permit application and at all times thereafter:

- a. The sleeping quarters for Short Term Rental tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.) that do not contain finished living space; in commercial or industrial spaces such as retail stores or warehouses; outdoors (e.g., tent, etc.); or in a recreational vehicle.
- b. The maximum number of units that may be used as Short Term Rental is as follows:
  - (1) For properties with up to four (4) dwelling units, one (1) unit within each lawful dwelling unit on a property, up to a maximum of four (4) Short Term Rentals per property.
  - (2) For multi-family buildings held in common ownership, each owner shall be limited to two (2) Short Term Rentals per property. Entities under common control shall be considered a single owner for the purpose of evaluating ownership of dwelling units.
- c. The owner shall obtain a Sales Tax license from the City Sales Tax Office and shall not be indebted or obligated in any manner to the City.

- d. The owner shall maintain weekly residential trash collection services and comply with Section 6.4.104 (Preparation for Collection) of this Code.
- e. The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the Short Term Rental. Proof of liability insurance is not required if Short Term Rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000 under terms acceptable to the Manager.
- f. The owner shall not be classified as a repeat offender or a chronic repeat offender pursuant to Section 7.5.907 (Penalties) and shall not have had a Short Term Rental Permit revoked within the preceding two (2) years.

**4. Location Requirements**

- a. Except as provided in Subsection c below, no non-owner occupied Short Term Rental shall be located within five hundred (500) feet of another non-owner occupied Short Term Rental.
- b. Except as provided in Subsection c below, no non-owner occupied Short Term Rental shall be located in the R-E, R-1 9, or R-1 6 zone districts or single-family PDZ districts.
- c. Where an owner occupied Short Term Rental is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive the requirements in Subdivisions a and b above for the owner for up to one (1) year if the service member receives orders to report to a temporary duty station outside of El Paso County.

**5. Operating Requirements**

All Short Term Rental owners and tenants shall comply with the following rules and regulations:

- a. All short-term tenants shall comply with all applicable noise, housing, public health, fire, and safety ordinances of the City.
- b. Parking in private driveways shall be used first, with overflow parking on the street where permitted. Parking on-site in non-driveway areas (i.e., front yard areas, parkways, and rear yards) shall be prohibited.
- c. No meals shall be prepared for or served to the short-term tenants by the owner or the owner's agents.
- d. Use of the Short Term Rental for any commercial or large social events or gatherings, such as weddings, is prohibited.
- e. The Permit with all local contact information and emergency safety information shall be prominently displayed within the Short Term Rental.
- f. The City issued Short Term Rental Permit number shall be used in all rental marketing materials.
- g. During the term that a Short Term Rental is occupied by a short-term tenant, the owner or the local contact person designated by the owner shall be available at all times for the purpose of responding within one (1) hour to complaints regarding the condition or operation of the Short Term Rental or the conduct of short-term tenants. If the local contact person designated by the owner changes, the owner shall update the permit on file within three (3) days.

- h. Maximum overnight occupancy of a Short Term Rental shall be limited to two (2) occupants per bedroom, plus an additional two (2) occupants per dwelling unit. The maximum overnight occupancy per dwelling unit shall be fifteen (15) occupants.

#### **D. Tiny House Community**

##### **1. Project Size**

- a. The minimum size of a Tiny House Community is twenty thousand (20,000) square feet and the maximum size is two (2) acres.
- b. **Minimum Lot Area/Dwelling Unit**
  - (1) Each Tiny House Community shall contain a defined area for the use of each dwelling unit.
  - (2) Each defined area for a Tiny House shall contain at least one thousand (1,000) square feet of land area or one-and-one half (1½) times the gross floor area of the Tiny House, whichever is larger.
- c. No defined area for a Tiny House may contain any area within a 100-year floodplain, within a mapped geological hazard area where residential uses are restricted pursuant to Part 7.4.5 (Geological Hazards), where residential uses are restricted pursuant to Part 7.4.8 (Floodplains), or within a designated vehicle circulation route.

##### **2. Density and Green Space**

- a. Maximum residential density is twenty-five (25) Tiny Houses per acre.
- b. A shared Green Space containing a minimum of ten (10) percent of the project area shall be provided.

##### **3. Setbacks and Separation**

- a. No designated area for a Tiny House shall be located within ten (10) feet of an adjacent Residential of Mixed-Use zone district or within twenty (20) feet of any public right-of-way adjacent to the project site.
- b. No Tiny House may be located within ten (10) feet of another Tiny House, measured by the shortest distance between the two (2) Tiny Houses.

##### **4. Maximum Building Height**

The maximum height of a Tiny House and of any common area structure in a Tiny House Community is twenty (20) feet.

##### **5. Installation**

Each Tiny House shall be installed on a permanent foundation and shall be connected to City water, sewer, and electric utilities before occupancy for any period of time.

##### **6. Landscaping, Buffering, and Screening**

- a. Any area between individual areas designated for Tiny Houses and the side and rear lot lines of the Tiny House Community shall comply with Part 7.4.9 (Landscaping and Green Space).
- b. Laundry drying yards and outdoor storage yards shall be screened from view from any adjacent public right-of-way in compliance with Part 7.4.9 (Landscaping and Green Space).

##### **7. Stormwater**

Each Tiny House Community shall comply with Parts 7.4.6 (Grading and Erosion Control) and 7.4.7 (Stormwater).



**8. Parking**

Each Tiny House Community site shall contain one (1) parking space per designated Tiny House dwelling site, unless the Manager determines that some or all of such spaces are not necessary due to the intended use or operation of the Tiny House Community or restrictions on resident motor vehicle ownership contained in recorded covenants on the Tiny House Community property.

**9. Access and Circulation**

- a. A pedestrian path at least five (5) feet wide shall be provided from at least one (1) adjacent public street to each designated Tiny House site. Required paths may be located in public access easements, and each path shall conform to the City's adopted pathway standards unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
- b. Any public and private streets within the Tiny House Community shall be designed and constructed to the City's adopted street standards and specification, unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.
- c. Each Tiny House Community shall comply with all adopted standards for fire access required to protect each Tiny House.

**10. Utility Easements**

Each Tiny House Community shall comply with all adopted City standards for the location and width of utility easements unless the Colorado Springs Utilities Chief Executive Officer, City Engineer, Stormwater Enterprise Manager, or utility provider determines that due to anticipated low levels of utility use or the close proximity of designated Tiny House sites, utility easements of different sizes or in different locations will provide equivalent safety, durability, and opportunities for utility maintenance.

**11. Accessory Structures**

- a. Each Tiny Home Community may include up to one hundred and fifty (150) square feet per unit for accessory structures, including mail boxes, enclosed bike storage, laundry, groundskeeping, personal storage, or common rooms.
- b. Personal storage space may be attached to the tiny home unit or configured as a single storage building for all residents.
- c. If accessory structures for individual tiny homes are permitted, each such structure shall be located within the defined area for the tiny home to which it relates, as defined in Subsection 1.b(2) above.
- d. These standards and limitations do not apply to gazebos or outdoor pavilion spaces provided for residents and guests of the Tiny Home Community.

**12. Management**

Applicants proposing a Tiny House shall enter into a development agreement with the City requiring the condominium or other property owner's association to maintain all streets, utilities, and infrastructure that are not dedicated to and accepted by the City.

**E. Group Living Residence, Human Services Establishment, or Detoxification Center**

**1. Separation Requirement**

- a. No Group Living Residence Use or Detoxification Center shall be located within one thousand (1,000) feet of another Group Living Residence or Detoxification Center.

- b. This spacing requirement shall not apply between two (2) establishments licensed by the State as assisted living.

## 2. District-Specific Use Limitations

- a. A Development Plan is required for a Human Services Establishment (Medium or Large only) use, including a Drug and Alcohol Treatment Facility, Family Care Home, Human Services Residence, Large Family Care Home, and a Residential Childcare Facility; or the following that house or are designed to accommodate more than eight (8) residents: a Hospice, a Human Services Facility, a Domestic Violence Safe House, a Family Support Residence, a Human Services Shelter, or a Detoxification Center use.
- b. In the PDZ district, after October 1, 2012, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of the establishment of the zone district.
- c. In the FBZ district, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of regulating plan approval.

## 3. Permit Requirements

- a. If an establishment requires an administrative permit prior to obtaining state licensing and meets the requirements for the permit, the Manager shall issue a provisional permit that allows occupancy of the establishment for six (6) months. The provisional permit shall become an administrative permit upon the award of the State license or may be renewed one time for a subsequent period of six (6) months.
- b. If the use of an operation as authorized under the administrative permit is terminated, or if the operation is otherwise discontinued for a period of twelve (12) months, the administrative permit shall expire.

## 4. Review Criteria

Where these uses, excluding Human Services Establishments, small and medium, require approval of a Development Plan pursuant to Section 7.5.515 (Development Plan) or a Conditional Use Permit pursuant to Section 7.5.601 (Conditional Use Permit), the criteria for approval shall include the following (in addition to the review criteria otherwise applicable to the type of approval being requested).

- a. The site provides adequate space for active outdoor recreation, if needed.
- b. The proposed site provides adequate space for passive outdoor recreation.
- c. Recreation areas are located to minimize noise impacts on adjacent properties.
- d. Landscaping, berms, fences, or walls are provided to buffer the site if needed.
- e. Physical alterations to the exterior of the existing structure and landscaping and any signs are in keeping with the character of the neighborhood and kept to a minimum.
- f. The establishment been designed and located to assure the security of the establishment itself, adjoining properties, and the neighborhood in general.

## 5. Domestic Violence Safe House Review Criteria and Requirements

An administrative permit shall be approved for a Domestic Violence Safe House if the following criteria are met:

- a. An eligible operator of a Domestic Violence Safe House shall be an entity or corporation registered in the State of Colorado.
- b. Upon receipt of the operator's mission statement and a request for an administrative permit, and any other information determined necessary by the Manager to ascertain the adequacy

of a proposed location for a Domestic Violence Safe House, the Manager shall review the request pursuant to the applicable criteria in this Subsection 7.3.301E.5. There is no requirement for public notification or public hearing prior to the Manager's review or decision.

- c. The Manager shall review the application and, within thirty (30) days after receipt of the completed request, issue a decision on the application.
- d. The operator of a Domestic Violence Safe House that receives an administrative permit must pass a fire inspection prior to initiating operation of the safe house.
- e. The Manager and any other municipal employee or elected official who may become aware of the location of a Domestic Violence Safe House shall hold confidential the location of the Domestic Violence Safe House.
- f. Information and documents pertaining to a Domestic Violence Safe House may only be released to the City Attorney, the Fire Chief, and the Police Chief. This information and documentation shall not be disseminated further to City personnel or other governmental personnel except by joint determination and concurrence of the Mayor, City Attorney, and Police Chief, or by court order. For purposes of this Subsection 7.3.301E.5, "court" means a court with competent jurisdiction over the City.

#### **7.3.302 Civic, Public, and Institutional Uses**

##### **A. Adult or Child Day Care Center**

1. This use shall be located on a collector street with direct access to a Major or Minor arterial roadway and shall meet all requisite state and City licensure requirements.
2. In the A or R-E zone districts, an Adult or Child Day Care Center, Small shall only be permitted as accessory to a principal residential use.
3. In the A zone district, an Adult or Child Day Care Center, Large shall only be permitted as accessory to a principal residential use.
4. This use shall provide the minimum square footage of indoor and outdoor space pursuant to state requirements. No part of the required outdoor space shall be situated within any front building setback. The required outdoor space shall be screened from adjacent residential properties when necessary to reduce play area sounds.

##### **B. Club, Lodge, and Service Organization, Religious Institution, and School, Elementary or Secondary**

1. The minimum lot area for a Club, Lodge, Service Organization, or Religious Institution shall be two-and-a-half (2.5) acres if the principal auditorium in the use has a capacity of no more than three hundred (300) people, or four (4) acres if the capacity is larger than three hundred (300) people.
2. All principal and accessory buildings shall be set back at least fifty (50) feet from the property line.

#### **7.3.303 Commercial and Industrial Uses**

##### **A. Agriculture and Animal-Related Services**

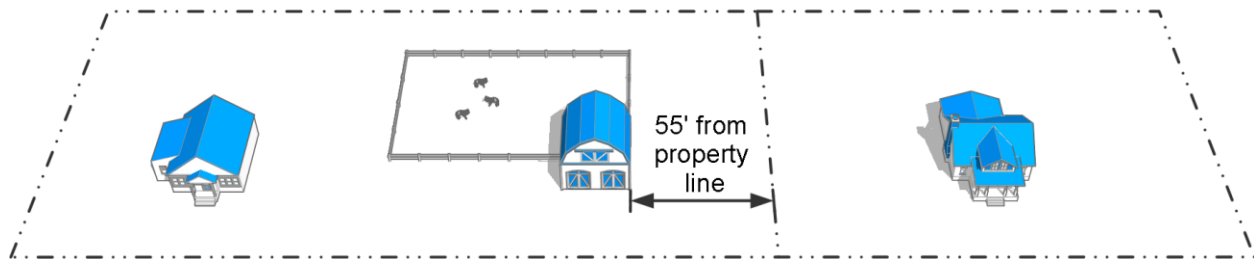
###### **1. Animal Care Facility and Small Animal Clinic**

- a. Each building and any associated animal run shall be constructed at least fifty-five (55) feet from any property line.
- b. Except in the A zone district, all activities shall be conducted within a totally and permanently enclosed, soundproofed building.

- c. In the A zone district, outdoor veterinary activities require conditional use permit approval pursuant to Section 7.5.601 (Conditional Use Permit).

## 2. Stable

- a. All buildings and corrals involved in the use of the property as a stable shall be constructed at least fifty-five (55) feet from any property line.
- b. When the stable is an accessory structure to another primary use of the property:
- (1) The stable is only permitted on a lot containing at least thirty-seven thousand (37,000) square feet of gross area; and
  - (2) The use shall comply with the requirements of Sections 6.7.106 (Animals Kept on Premises; Sanitary Requirements) and 6.9.101 (Hoofed Animals Kept on Premises; Sanitary Requirements) of the City Code.



## 3. Urban Agriculture

### a. Structures

- (1) Cold frames are limited to a maximum height of three (3) feet and shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district.
- (2) Accessory greenhouse and hoop house structures are limited to a maximum height of ten (10) feet, shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district, and may not cover more than twenty-five (25) percent of the rear lot.
- (3) Agricultural stands are limited to a maximum height of ten (10) feet and shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district.

### b. Operational Standards

- (1) Produce grown on the property may be sold only in accordance with the standards for cottage food sales in Subsection 7.3.304.4 (Standards for Cottage Food Sales).
- (2) The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use and shall comply with all City regulations regarding illicit discharges.
- (3) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant, and compost piles shall not exceed four (4) feet in height.
- (4) No outdoor work activity that involves power equipment or generators may occur between 7:00 p.m. and 7:00 a.m. the next day.

**c. Soil Quality**

- (1) Food products may be grown in soil native to the site if the applicant can provide documentation to the El Paso County Public Health Department that a composite sample of the native soil, consisting of no less than five (5) individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Colorado; and either:
  - (a) Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or
  - (b) Documentation that a composite sample of the native soil, consisting of no less than five (5) individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Colorado. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.
- (2) As an alternative to meeting the standards in Subsection (1) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

**B. Eating, Drinking, and Lodging Establishments**

**1. Adult Entertainment**

No Adult Entertainment Use shall be located within one thousand (1,000) feet of another Adult Entertainment use, an Adult Retail use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City).

**2. Alcohol Production Uses**

In the MX-N zone district, the gross floor area of the use shall not exceed five thousand (5,000) square feet.

**3. Commissary Kitchen**

Accessory uses for retail or educational purposes shall be conducted within the same building as the principal permitted use and shall not occupy more than twenty (20) percent of the gross floor area of the principal building.

**4. Restaurant**

- a. In all zone districts, the Bar Area of a Restaurant may not exceed thirty-five (35) percent of the Restaurant's gross floor area.
- b. In the MX-N zone district, the following standards apply:
  - (1) The gross floor area of the use shall not exceed five thousand (5,000) square feet.
  - (2) An outdoor seating area shall not be located within ten (10) feet of any property line of a lot containing a primary residential use or that is within a residential zone district.
- c. In the PK zone district, a restaurant must be incidental to another permitted or conditional use.

**C. Entertainment and Recreation****1. Entertainment or Recreation, Outdoor**

In the R-5, R-Flex High, and MX-T zone districts, only golf courses and related facilities are allowed and require conditional use permit approval pursuant to Section 7.5.601 (Conditional Use Permit).

**2. Stadiums/Auditoriums**

In the PK zone district, Stadiums/Auditoriums shall be limited to 250,000 square feet, minus parking areas.

**D. Heavy Commercial, Storage, and Industry****1. Heavy Industry**

A garbage service company use shall be entirely contained within a building or yard enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times.

**2. Junkyard**

The yard shall be kept in good repair and be maintained to prevent nuisances and avoidable adverse impacts on adjacent properties at all times. Stacking height maximums and the proximity of stacked materials to lot lines shall comply with any additional requirements of the Fire Code Official.

**3. Mining and Mineral Extraction**

- a. Open-pit mining, surface mining, and underground mining with activities above ground is allowed as a conditional use only in the A zone district.
- b. Temporary surface, open pit mining, and underground mining with activities underground are allowed with conditional use approval pursuant to Section 7.5.601 (Conditional Use Permit) in all other districts where mining and mineral extraction is allowed.
- c. This use will be allowed only if the applicant can demonstrate at the time of applying for a conditional use permit pursuant to Section 7.5.601 (Conditional Use Permit) that, in addition to other criteria that would otherwise apply to approval of a conditional use permit:
  - (1) The property values of the land surrounding the conditional use will not be substantially reduced;
  - (2) The mode and quality of life in any area of the City will not be adversely affected by the proposed mining operation;
  - (3) The noise attributable to the mining operation will be in conformance with Section 9.8.104 (Permissible Noise Levels) of this Code;
  - (4) The dust attributable to the mining operation will be within state and federal standards;
  - (5) The road and highway traffic attributable to the mining operation will not adversely affect the City traffic system by causing unreasonable congestion or excessive deterioration of such system;
  - (6) The mining operations will not cause or create adverse drainage and sewage problems;
  - (7) An underground mining operation will not unreasonably interfere with the present or anticipated surface used by causing subsidence, vibrations, or dust;

(8) The mining operation is in conformance with the Colorado Springs Comprehensive Plan and the Master Plan for Extraction of Commercial Mineral Deposits that was adopted July 1, 1975; and

(9) The mining reclamation plan and time schedule are acceptable to the City.

- d. Following conditional approval of this use, the mining operator is required to post a bond with the City in an amount set by the City that is sufficient to ensure that the mining reclamation plan is carried out.
- e. For use, storage, and handling of explosives, contact the Fire Code Official. All dynamite shot plans must be reviewed by the Fire Code Official.

#### **4. Plant-Based Extraction**

- a. This use shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
- b. The design and operation of each Hazardous Plant-Based Extraction facility shall comply with all Fire Code Official requirements.

#### **5. Self-Storage**

- a. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles which shall be stored only in exterior areas screened from view from any street frontage.
- b. Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- c. The storage of hazardous materials is prohibited.
- d. Loading docks may not be located on a side of the facility adjacent to a residential zone district.
- e. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Part 7.4.9 (Landscaping and Green Space).
- f. If the facility is within an MX-N zone district, all storage shall be contained within a fully enclosed structure that:
  - (1) Is at least a two (2) story structure with storage units on upper floors with access doors to storage units accessed from interior hallways; and
  - (2) Does not have any garage doors or access doors to any storage unit facing any public street, park, or green space, unless the doors are screened from all visible public streets, parks, and green spaces.
- g. The use of shipping containers for permanent structures is subject to Development Plan review and architectural review pursuant Part 7.4.11 (Building Design and Site Features).
- h. Exterior façade treatment shall be consistent within the developed area including materials and colors.

#### **E. Industrial Hemp**

- 1. An Industrial Hemp use:
  - a. Is prohibited within a residential zone district or dwelling unit;
  - b. Shall hold valid licenses or registrations from the United States Department of Agriculture (USDA) and Colorado Department of Agriculture (CDA), as applicable; and

- c. Shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

2. Outdoor grow facilities are prohibited.

## F. Marijuana-Related Services

### 1. Prohibition of Other Marijuana Uses

- a. Except as expressly permitted in this UDC, the following uses are prohibited on all property within the City:
  - (1) Operating a retail marijuana establishment.
  - (2) Transferring or permitting the transfer of marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product.
  - (3) Growing, cultivating, or processing marijuana or medical marijuana except in compliance with the requirements of this UDC.
- b. In addition to any other competent evidence identifying a substance as marijuana, or marijuana concentrate, results of the field test known as the “Duquenois-Levine Reagent System” shall be admissible in evidence and shall be prima facie evidence of whether the substance tested was marijuana or marijuana concentrate.
- c. Outdoor grow facilities are prohibited.

### 2. General Standards

- a. An MMJ Facility is prohibited within a residential zone district or dwelling unit except as allowed by Subsection 7.3.304J (Marijuana, Home Cultivation, Accessory),
- b. An MMJ Facility shall hold valid local and state medical marijuana business licenses and local and state Sales Tax licenses, as applicable.
- c. On-premises use, consumption, ingestion, or inhalation within an MMJ Facility is prohibited.
- d. An MMJ Facility shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

### 3. Marijuana Consumption Club Facility

- a. No new uses of the Marijuana Consumption Club (MCC) Facility type are allowed.
- b. Existing uses of this type are allowed only if prior to September 22, 2015, an existing use was lawfully operating pursuant to the “similar use determination” of the Manager, dated May 28, 2014. Those MCC Facilities operating pursuant to the similar use determination shall be considered nonconforming uses under this UDC, shall be licensed by the City, and shall cease operations no later than March 22, 2024. Any MCC Facility operating after March 22, 2024, shall be considered an unlawful use under this UDC.
- c. No MCC Facility shall operate or permit any person upon the licensed premises without a ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.



**4. Medical Marijuana Store**

This use shall be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Medical Marijuana Store. This minimum distance shall be measured from the nearest portion of the building used for the Medical Marijuana Store to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Medical Marijuana Store using a route of direct pedestrian access.

**G. Retail Sales and Service**

**1. Adult Retail**

No Adult Retail Use shall be located within one thousand (1,000) feet of another Adult Retail use, an Adult Entertainment use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City).

**H. Office**

1. When adjacent to an Attached and Detached Single-Family and Two-Family Dwelling zoning or use, a data center office use shall adhere to the Buffer 2 standards in Table 7.4.9-C.
2. Parking for data center office uses shall be 1 (one) per 1,000 (one thousand) sf of GFA.

**I. Utilities and Communication**

**1. Wireless Communication Facility**

**a. Purpose**

The purpose of these use-specific standards is to accommodate the communication needs of residents and businesses while protecting the public, health, safety, and welfare of the community. In particular, the purpose of these standards is to:

- (1) Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
- (2) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to stealth design techniques and undergrounding of the equipment associated with WCFs where technologically feasible;
- (3) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;
- (4) Encourage the use of wall-mounted panel antennas;
- (5) Encourage Roof Mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise technologically feasible;
- (6) Encourage the location of Towers in non-residential areas in a manner that minimizes the total number of Towers needed throughout the community;
- (7) Encourage, strongly, the Collocation of WCFs on new and existing sites;
- (8) Encourage owners of Antennas and Towers to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;
- (9) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently; and

(10) Effectively manage WCFs in the right-of-way.

b. **Permit Required**

No person shall construct, establish, or build a WCF without first having obtained a lease (as applicable), a pole attachment master license agreement (as applicable), a Building Permit, and a WCF Permit pursuant to Section 7.5.513 (WCF Permit).

c. **Applicability**

The requirements of this Section apply to all WCF applications, non-eligible modifications, Small Cell Facilities, and Micro Cell Facilities. The requirements of this Section do not apply to:

- (1) Amateur radio antenna, Over-the-Air Receiving Device (OTARD), and residential television reception/antenna towers except as provided in Subsection d below.
- (2) Any WCF for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this Section, other than the requirements of Subsection d below. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Subsection d below.
- (3) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Manager.
- (4) A temporary WCF installed for providing coverage of a special event such as news coverage or a sporting event, subject to a Temporary Use Permit.

d. **Operational Standards**

(1) **Federal Requirements**

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

(2) **Permission to Use Right-of-Way**

Only Small Cell Facilities (including Micro Cell Facilities) are permitted in the right-of-way. No other WCF sites are permitted in the right-of-way. For Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City. Attachment of Small Cell Facilities on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. Prior to, or concurrently with, seeking land use approval for Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City.

(3) **Operation and Maintenance**

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in the Regional Building Code, other applicable codes such as safety codes, and any federal requirements in effect at the time of original installation or modification. If, upon inspection at any time, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Manager may extend such compliance period not to exceed ninety (90) days from the date of said

notice. If the owner fails to bring the WCF into compliance within said time period, the Manager may remove it at the owner's expense.

**(4) Abandonment and Removal**

If a WCF has not been in use for a period of six (6) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing six (6) months. Any WCF that has not operated for a continuous period of twelve (12) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within sixty (60) days of receipt of written notice from the City. If such WCF is not removed within said sixty (60) days, the Manager may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the City. The owner of the property and owner of the WCF shall be jointly responsible for the removal of a WCF that is abandoned or is unused for a period of twelve (12) months.

**(5) Hazardous Materials**

No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.

**(6) Collocation**

No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Manager, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

**e. Site Selection Considerations**

**(1)** An applicant shall consider the following types of sites as locations for WCFs. This list is not in order of priority:

- (a) On existing structures such as buildings, water tanks, existing towers, signs, or similar features;
- (b) On City-owned or Colorado Springs Utilities sites that have been identified as appropriate locations for WCFs, provided:
  - (i) The proposed WCF will not have an adverse impact upon the operational or security requirements for the site; and
  - (ii) The site can accommodate a WCF in a manner that lessens the visual impact and increases the land-use compatibility over privately held sites within the same vicinity.
- (c) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest screening potential.

**(2)** Applicants are discouraged from locating Small Cell Facilities within a right-of-way that is less than fifty (50) feet wide or that is adjacent to residential structures or vacant land that is zoned or master planned for residential uses.

**f. Design Standards****(1) General**

The requirements set forth in this Subsection f shall apply to the location and design of all WCFs governed by this UDC. WCFs shall be designed and located to minimize impacts on surrounding neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of this UDC.

**(2) Stealth Design Techniques and Concealment Elements**

- (a) All WCFs and any transmission equipment shall, to the extent technically feasible, use Stealth Design Techniques including but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.
- (b) Stealth Design Techniques may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, or community features). Should the Manager determine that WCFs are located in areas of high visibility, they shall (where possible) be designed to minimize their profile (e.g., stealth design, camouflages, placed underground, depressed, or located behind earth berms).
- (c) Stealth Design Techniques may include the use of Alternative Tower Structures if the Manager determines that such design meets the intent of this UDC and better serves the community.
- (d) The visible exterior surfaces of all WCFs shall be constructed out of, or be finished with, non-reflective materials.

**(3) Collocation**

Except for Small Cell Facilities in the right-of-way, WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF, to the extent it is technologically feasible based upon construction, engineering, and design standards, and except where such collocation would materially compromise the design intent of the WCF, including stealth design. Collocation requirements for Small Cell Facilities may be addressed in a master license agreement or in regulations established pursuant to these WCF standards (Subsection 7.3.303.1 (Wireless Communication Facility)).

**(4) Lighting**

WCFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, or if the WCF is mounted on a Support Structure primarily used for lighting purposes. If lighting is required, the Manager may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties or environs. All lighting shall comply with the requirements of Part 7.4.12 and shall be shielded or directed to the maximum extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

**(5) Noise**

Noise generated on the site shall not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards during repairs for a reasonable period of time not to exceed two (2) hours without prior authorization from the City.

**(6) Landscaping and Fencing**

- (a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the property below the requirements of Part 7.4.9 or elsewhere in the UDC.
- (b) Excluding Small Cell Facilities deployed in the right-of-way, WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from any adjacent residential properties. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived by the Manager. Where the City has requested landscaping, the Manager may require irrigation.
- (c) Where fencing or screening is required by the Manager, the fencing or screening material shall meet the standard of the zone district in which the WCF will be located. In no case may fencing material be primarily wire or metal except as allowed by the applicable zone district.
- (d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large lots with an abundance of vegetation, including trees, natural growth around the site perimeter may be sufficient to buffer.
- (e) No trees larger than four (4) inches in diameter measured at four-and-a-half (4½) feet high from the ground may be removed, unless authorized by the Manager. Authorization shall only be granted if the applicant demonstrates that tree removal is necessary, that the applicant's plan minimizes the number of trees to be removed, and that any trees removed are replaced at a ratio of two (2) to one (1). The City shall designate a tree caliper requirement for all replacement trees. Additional landscaping required by the City will be maintained at the expense of the WCF owner.

**(7) Adjacent to Residential Uses**

Adjacent to residential uses, WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential zone district boundaries. When placed adjacent to property in a residential zone district, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets. All applicable setback requirements shall be met.

**(8) Specific Design Requirements**

Additional design requirements shall be applicable to the various types of WCFs and related Accessory Equipment as specified below.

**(a) Wall-Mounted WCFs**

- (i) Wall-mounted WCFs shall be architecturally compatible with and textured and colored to match the wall or structure to which they are attached. The antennas and equipment shall blend in with the wall to the maximum extent feasible.
- (ii) The antenna shall be mounted as flush to the wall as technically practicable. The maximum protrusion of such facilities from the wall or structure face to which they are attached shall be six (6) feet.

- (iii) Panel antennas shall not extend above the wall or parapet to which they are attached.
- (iv) Wall-mounted antennas are not subject to a maximum mounting height above existing grade, provided they meet the standards above.
- (v) Accessory Equipment for wall-mounted antennas may be located on the roof of a building.
- (vi) Wall-mounted facilities and accessory equipment that meet the standards of this Subsection (a) are considered to use Stealth Design Techniques.

**(b) Roof-Mounted WCFs**

- (i) All Roof Mounted WCFs and Accessory Equipment shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level.
- (ii) Any screen walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the extent technologically feasible.
- (iii) A Roof Mounted WCF and Accessory Equipment shall not be permitted on a sloped roof unless the applicant can demonstrate that the WCF or equipment is not visible from the street or adjacent residential areas.
- (iv) Where permitted, Roof Mounted equipment that will be visible against the skyline shall be painted white, gray, or some similar light shade that blends with the sky background as viewed from adjoining streets and neighboring properties.
- (v) Roof Mounted Antennas and equipment are not subject to a maximum height when proposed on an existing structure, provided that the applicant can demonstrate that all Roof Mounted Antennas and Accessory Equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antennas and Accessory Equipment. Expansions to existing screen walls may be authorized by the Manager, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards of this Subsection (b) or that the requested modification is an Eligible Facilities Request. Roof Mounted Antenna and Accessory Equipment not meeting the screening standard of this paragraph are subject to the lesser of the maximum building height for the zone district or no more than ten (10) feet above the roof parapet.

**(c) Miscellaneous**

If an Antenna is installed on a structure other than a Tower or Alternative Tower Structure (including, but not limited to the antennas and Accessory Equipment), it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the Supporting Structure, or uses other Stealth Design Techniques so as to make the Antenna and related facilities as visually unobtrusive as technologically feasible, including for example, without limitation, painting the Antennas and Accessory Equipment to match the structure.

**(d) Alternative Tower Structures not in the Right-of-Way**

An Alternative Tower Structure not located in a right-of-way shall:

- (i) Be designed and constructed to look like a building, facility, or structure typically found in the area;

- (ii) Use camouflage or concealment to be consistent with other existing natural or manmade features near its location;
  - (iii) Be architecturally compatible with the surrounding area;
  - (iv) Be of a height and size that is minimized to the extent technologically feasible;
  - (v) Be sited in a manner that evaluates the proximity of the facility to residential structures and residential zone district boundaries for aesthetic purposes;
  - (vi) Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses for aesthetic purposes;
  - (vii) Be compatible with the surrounding topography;
  - (viii) Be compatible with the surrounding tree coverage and foliage;
  - (ix) Be compatible with the context and design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
  - (x) Minimize impact on the surrounding area of the proposed ingress and egress, if any.
- (e) **Alternative Tower Structures for Small Cell Facilities in the Right-of-Way**  
Alternative Tower Structures and associated Small Cell Facilities (including Micro Cell Facilities) may be deployed in the right-of-way through the use of a street light pole, distribution lines, utility poles, traffic signal, or similar structure. Such facilities shall remain subject to the applicable Alternative Tower Structures standards of approval noted above. Small Cell Facilities in the right-of-way are exempt from setbacks, but are subject to the following additional design criteria below:
- (i) To the extent that an Alternative Tower Structure is a stand-alone vertical structure located in the right-of-way (such as a street light pole), pole-mounted equipment should be mounted on or within the pole or in a flush-to-grade underground equipment vault;
  - (ii) To the extent reasonably feasible, the Alternative Tower Structure shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the Alternative Tower Structure;
  - (iii) The structure shall be sized to minimize the negative aesthetic impacts to the right-of-way;
  - (iv) The structure shall be designed such that Antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be materially altered;
  - (v) Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Manager such as being screened from view, and may, where appropriate and to the extent it is technologically feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault;
  - (vi) The Alternative Tower Structure shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian

access or visibility along the right-of-way, and shall comply with the Americans with Disabilities Act and every other federal, state, and local law and regulation;

- (vii) The Support Structure height (as measured from the ground to the top of the pole or structure) may not exceed the greater of forty (40) feet or five (5) feet taller than any existing utility or traffic signal pole within six hundred (600) feet of the pole or structure;
  - (viii) Unless the WCF is deployed on an existing structure in the right-of-way, new WCFs placed on poles in the right-of-way shall be separated from any other pole, Accessory Equipment, or WCF in the right-of-way by at least six hundred (600) feet;
  - (ix) To the extent technically feasible, Collocations are strongly encouraged where other Support Structures are located in proximity; and
  - (x) Equipment enclosures shall be located out of view as much as technically feasible and shall comply with the requirements of this Code (e.g., sight line criteria).
- (f) **Towers**
- (i) Towers shall either maintain a non-reflective galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;
  - (ii) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;
  - (iii) Monopole support structures shall taper from the base to the tip;
  - (iv) All Towers, excluding Alternative Tower Structures in the right-of-way, shall be enclosed by security fencing or a wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- (g) **Related Accessory Equipment**
- Accessory Equipment for all WCFs shall meet the following requirements:
- (i) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
  - (ii) Except for Small Cell Facilities in the rights-of-way, the total footprint coverage area of the WCF's Accessory Equipment shall not exceed three hundred and fifty (350) square feet per carrier, unless otherwise approved by the Manager.

**(9) Setbacks and Separation**

All zone setbacks and separation requirements shall apply to WCFs except as specifically stated otherwise in these WCF standards (Subsection 7.3.303.1 (Wireless Communication Facility)). A Tower shall meet the greater of the following minimum setbacks from all property lines:

- (a) The setback for a principal building within the applicable zone district;
- (b) Twenty-five (25) percent of the facility height, including WCFs and Related Accessory Equipment; or
- (c) Five (5) times the Tower height, including antennas, if the Tower is in, or adjacent to, a residential zone district or school site, unless a conditional use is approved.



**(10) Administrative Waiver**

- (a) Any of the WCF design standards may be waived or reduced by the Manager upon a determination that the purpose and intent of this part is better served thereby and that the application in question involves circumstances that are not generally applicable to WCFs of the same type. The Manager shall identify the specific purpose or intent, as set forth above, that is better served by the waiver and the circumstances that warrant a waiver.
- (b) If necessary to ensure that this Subsection f does not have the effect of prohibiting the provision of wireless service, any of the design standards may be waived or reduced by the Manager upon written request from the applicant that demonstrates the following waiver criteria:
  - (i) The design standard prohibits or has the effect of prohibiting the provision of wireless service through the WCF at the location because the standard will not allow the technology to function at that location;
  - (ii) There is no existing nearby alternate structure for collocation or attachment that will provide the technological functionality and which otherwise meets the design standard sought to be waived;
  - (iii) The proposal for varying from the design standard represents a reasonable and best approximation of the specific standard sought to be waived; and
  - (iv) The proposed alternative does not and will not constitute or create any public safety, health, or welfare concern.
- (c) All waiver requests made by applicants shall be in writing and supported by substantial evidence contained in a written record. Each of the criteria addressed above shall be addressed in the written request with references to supporting evidence. The Manager may require sworn affidavits be provided by qualified engineers to support any waiver requests based on technological requirements.
- (d) All waiver decisions shall be made in writing. If any design standard is approved for waiver, the WCF proposed shall nevertheless meet all other applicable design standards not specifically waived in the Manager's decision. Each waiver shall be site specific and shall not apply to any type or kind of WCF generally.
- (e) If a waiver request is denied for failure to meet any of the criteria specified above and there is no alternative for installation of the WCF at the particular location in a manner that meets the applicable design standards, then such application for the WCF for such specific location shall be denied.

**(11) Additional Design Standards**

The Manager is authorized to establish, through administrative regulations, additional design standards for WCFs in the Manager's discretion.

**J. Vehicle-Related**

**1. Automobile and Light Vehicle Repair, Minor and Major**

- a. All work on vehicles shall be done entirely within an enclosed building.
- b. Automotive parts or junk vehicles may not be stored outside.
- c. The nearest point of the building in which the repair activity occurs shall be more than one hundred (100) feet from the boundary of any residential zone district.

**2. Automobile and Light Vehicle Sales and Rental**

- a. If vehicle repair services are provided, this use shall comply with the standards in Subsection 1 above for Automobile and Light Vehicle Repair, Minor and Major.
- b. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on an approved Development Plan.
- c. Outdoor display areas for vehicles are allowed as an accessory use or conditional accessory use in those districts where Outdoor Display of Goods, Accessory is permitted in Table 7.3.2-A (Base and NNA-O District Use Table).
- d. Required maneuvering or access areas shall not be used for display or storage of motor vehicles. Display or storage areas shall be delineated on required plans.

**3. Fuel Dispensing Stations**

Fuel Dispensing Stations shall maintain a two hundred and fifty (250) feet separation from residential zone districts including R-E, R-1 9, R-1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High.

**4. Heavy Vehicle and Equipment Storage**

This use shall be entirely contained within a building or within a yard enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times.

**K. Waste and Recycling****1. Landfill**

- a. Landfills are only permitted subject to the approval of a certificate of designation by the El Paso County Public Health Department.
- b. A landfill used for medical or pharmaceutical waste shall be located at least one (1) mile from any residential zone district or residential use, and shall comply with all federal, state, and local laws and regulations regarding the disposal of medical and pharmaceutical waste.

**2. Recycling Collection Center, Large**

- a. If the property is within the LI or BP zone district, all recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.
- b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.
- c. The use of power-driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, is only permitted if shown on an approved Development Plan.

**3. Recycling Collection Center, Small**

- a. Recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.
- b. The center shall use off-site and on-site management techniques used to protect against litter and debris.
- c. The collection facilities shall not be located and collection activities shall not occur:

- (1) On any portion of the site required or designated for landscaping or other purposes;
  - (2) In any area that reduces the available off-street parking on the site below the minimum parking required by Part 7.4.10; or
  - (3) In any area that interferes with vehicular circulation or required lines of sight for vehicles entering, leaving, or circulating on the property.
- d. Power driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, shall be permitted when this use is accessory to a principal use.
  - e. In the Mixed-Use and Industrial zone districts, this use is permitted as an accessory use to any multi-family, office, commercial, industrial, institutional, or civic use.

#### 4. Recycling Processing Center or Waste Transfer Station

- a. The use shall be entirely enclosed within a building or yard enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No waste or recyclable materials shall be stored or kept at a level higher than the surrounding wall or fence.
- b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.
- c. The use shall comply with the laws, standards, rules, and regulations of the Air Quality Control Commission, the Water Quality Control Commission, and the Colorado Department of Public Health and Environment, where applicable.
- d. The collection facilities shall not be located, and collection activities shall not occur, on any portion of the site required or designated for landscaping or other purposes.

### 7.3.304 Accessory Uses

Accessory use regulations address not only the uses listed below but also the use related structures.

#### A. General Standards

##### 1. Required Setbacks

Accessory structures or uses are permitted in setbacks only as follows:

- a. Accessory structures or uses less than two hundred (200) square feet in gross floor area are allowed in the required rear-yard setback, but the structure or use may not encroach into recorded easements unless the City has granted an easement encroachment.
- b. Accessory structures or uses with more than two hundred (200) square feet in gross floor area shall comply with the following setbacks:
  - (1) In the A, R-E, and R-1 9 zone districts or if garage doors face an alley, ten (10) feet.
  - (2) In the GI zone district, zero (0) feet.
  - (3) In all other zone districts, five (5) feet unless otherwise specified in an approved Development Plan.

##### 2. Height Restrictions

In A, R-E, R-1 9, R-1 6, R-2, R-Flex Low, MX-N, MX-M zone districts, the maximum height of an accessory structure or use that is:

- a. Located in a required setback is eight (8) feet.
- b. Not located in a required setback, is sixteen (16) feet with a roof pitch of less than 6:12, or twenty (20) feet with a roof pitch of 6:12 or greater.

**3. Dimensional Restrictions**

- a. The following dimensional standards apply to all accessory structures except:
  - (1) Accessory structures used for agricultural purposes in the A zone district;
  - (2) Secondary industrial buildings in the A, LI, and GI districts; and
  - (3) Detached Accessory Dwellings, which are subject to Subsection 7.3.304E.2 (Standards for Detached ADUs).
- b. The gross floor area of the accessory structure(s) may not exceed the gross floor area of the primary structure.

**4. Use Restrictions**

- a. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- b. Vehicles may not be used as accessory structures.

**B. Beehive, Accessory**

**1. General Requirements**

Beehives are permitted as an accessory use on any lot, with the number of beehives allowed and permitted location subject to the size of the lot as identified in Table 7.3.3-A.

Table 7.3.3-A Number of Beehives Allowed and Location				
Lot size		Number of Beehives Allowed	Minimum Rear or Side Yard Setback	Minimum Front- Yard Setback
Greater than or Equal to	Less Than			
0 sf	20,000 sf	2	5 ft	Must meet minimum front- yard setback of zone district
20,000 sf	1 acre	4	15 ft	
1 acre	2 acres	5		
2 acres	3 acres	6		
3 acres	4 acres	7		
4 acres	5 acres	8		
5 acres	--	unlimited	50 ft	50 ft

**2. Flyway Barrier**

- a. If the property is less than five (5) acres in size, and the beehive is located within fifty (50) feet of any property line, a flyway barrier located no more than five (5) feet from the entrance of the beehive is required.
  - b. Each flyway barrier shall be at least six (6) feet in height and constructed of an opaque fence or fast-growing, dense evergreen vegetative material capable of reaching six (6) feet in height at maturity.
3. A fresh water supply shall be provided within five (5) feet of each beehive.

**C. Carport or Garage, Accessory**

**1. Garages**

- a. Garages shall be no larger than one thousand, six hundred and fifty (1,650) square feet for a detached single-family dwelling and no more than eight hundred (800) square feet may be dedicated per unit for an attached single-family, two-family, or multi-family dwelling.

- b. A detached garage shall have a maximum height of sixteen (16) feet if the roof pitch is less than six (6) to twelve (12), or twenty (20) feet otherwise.

## 2. Carports

### a. General Standard

Carports are allowed in the front yard setback as an accessory use to a single-family detached or two-family dwellings in the A, R-E, R-1 9, R-1 6, R-2, R-4, and single-family PDZ districts only after issuance of a permit in accord with Section 7.5.505 (Front Yard Carport Permit).

### b. Front Yard Carport Criteria

A front yard carport is permitted in the front yard setback in connection with a single-family dwelling detached or a two-family dwelling in the A, R-E, R-1 9, R-1 6, R-2, R-4, and single-family portions of PDZ districts upon a finding that the application complies with the following standards and criteria:

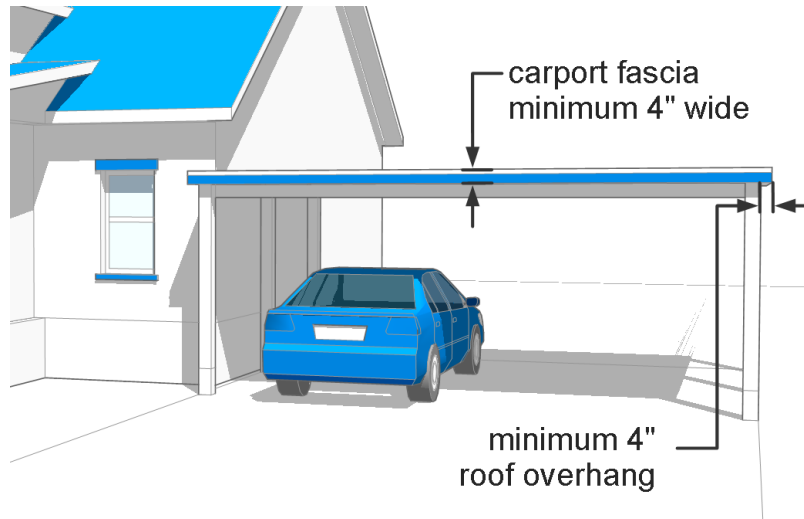
- (1) The front yard carport shall not exceed five hundred (500) square feet, or the maximum allowable parking and maneuvering area pursuant to Subsection 7.4.1008E (Driveways).
- (2) The front yard carport shall be set back at least five (5) feet from the near edge of the adjacent sidewalk, if any, and at least ten (10) feet from the near edge of the curb or roadway.
- (3) The front yard carport shall meet the same side setbacks as the principal use.
- (4) The front yard carport shall not have side panels or screens in the area between existing grade and sixty (60) inches above existing grade.
- (5) The front yard carport may have one enclosed side only if the enclosed side is a shared wall with a principal or accessory structure.
- (6) The front yard carport shall be architecturally compatible with the primary dwelling unit, in accordance with Subsection c below.
- (7) The front yard carport shall not interfere with Site Distance Line set forth in the Engineering Criteria.
- (8) The front yard carport may exceed the eight (8) foot height limit set forth in Subsection 7.3.304A.2.a (Height Restrictions) but shall not exceed twelve (12) feet at the highest point.
- (9) The front-yard carport shall comply with any applicable HP-O district or neighborhood design standards adopted by the City.
- (10) One of the following applies:
  - (a) The side and rear yards are each inaccessible/unusable due to insufficient width or size or due to steep terrain; or
  - (b) The Manager determines that use of the side or rear yards for a carport would have a material negative effect on the use and enjoyment of the applicant's property or of adjoining properties.

### c. Architectural Compatibility Standards

To be architecturally compatible with the primary dwelling unit, a front yard carport shall meet the following standards as determined by the Manager:

- (1) Not be clad in unfinished wood or galvanized metal and shall match the color of the body or trim of the primary structure;

- (2) Not be made of non-durable or flexible materials, including but not limited to, canvas, plastic, polyester, or other tentlike materials;
- (3) Have a minimum of four (4) inch wide fascia along the roofline;
- (4) Have a minimum of four (4) inch roof overhang on all sides; and
- (5) Not have roof sheeting that continuously extends downward along the sides of the carport.



d. **Anchoring**

Front yard carports that are exempt from Building Permits shall be anchored according to the manufacturer's specifications. If the manufacturer provides no specifications for anchoring, the carport shall be anchored to concrete piers extending at least thirty (30) inches below existing grade.

D. **Drive-through, Accessory**

1. In the MX-M zone district, to the maximum extent feasible, drive-through lanes shall not be located between the building façade and the primary street frontage of the lot.
2. Accessory drive-through windows shall be located a minimum of one hundred fifty (150) feet from any adjacent lot in a residential zone district or lot designated for residential use in a PDZ district that is developed or designated for a residential use.
3. No structures or equipment related to a drive-through facility (such as a speaker box, message board, or pick-up window) shall be located between the drive-through window and any adjacent residential zone district lot designated for residential use in a PDZ district that is developed or designated for a residential use.

E. **Dwelling, Accessory**

A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Part 7.4.2 (Dimensional Standards) and complies with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Part 7.3.2 (Allowed Use Tables).

1. **General Standards**

The following standards apply to detached and integrated ADUs.

a. **Owner-Occupancy**

(1) **Requirement**

In the R-E, R-1 9, and R-1 6 zone districts, except as otherwise provided in this Subsection 7.3.304E (Dwelling, Accessory), for an ADU to be occupied, the principal dwelling on the site or the ADU must be occupied by the owner of the lot.

(2) **Declaration of Restriction**

The following restrictions apply to an ADU constructed in the R-E, R-1 9, and R 1-6 zone districts.

- (a) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.
- (b) The declaration of restrictions shall require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two (2) units.
- (c) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

(3) **Zoning Enforcement Limitation**

No zoning enforcement action pursuant to Part 7.5.9 (General Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.

b. **Waiver of Owner-Occupancy Requirement**

(1) The Manager may waive the owner-occupancy requirement for temporary absences of up to two (2) years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one-(1) year extension to the original waiver upon the expiration of the original waiver.

(2) The Manager may determine failure to waive the occupancy requirement creates an unreasonable hardship if:

- (a) Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two (2) years;
- (b) The property is listed and actively marketed for sale; or
- (c) The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse, or similar circumstances.

c. **Restriction on Subdivision**

In the R-E, R-1 9, R-1 6, MX-M, MX-L, and LI zone districts and ADU-O district, the ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Part 7.4.3 (Subdivision Standards). The following restrictions apply:

(1) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

- (2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.
  - (3) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.
- d. **Off-Street Parking**

One off-street parking space shall be provided in addition to the minimum parking required for the principal structure.
  - e. **Access**

All ADUs shall have a thirty-six (36) inch-wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated. An ADU may share a clear access path with the principal dwelling unit.
  - f. **Prohibited Units**

A mobile home or recreational vehicle may not be used as an ADU.
  - g. **Number of Units**

No more than one (1) ADU shall be located on any lot.
  - h. **Conflicts**

If any provision of this Subsection 7.3.304E is found to be in conflict with any other provision of this UDC or Code, the provision that establishes the higher or more restrictive standard shall apply.
  - i. **Covenants**

The provisions of this Subsection 7.3.304E do not supersede private covenants regarding ADUs.
2. **Standards for Detached ADUs**

The following standards additionally apply to detached ADUs.

    - a. **Maximum Floor Area**

The habitable area of a detached ADU shall not exceed fifty (50) percent of the habitable area of the principal structure or one thousand, two hundred and fifty (1,250) square feet, whichever is less; except that where the habitable area of the principal structure is less than one thousand, five hundred (1,500) square feet, the maximum size of the accessory dwelling unit shall be seven hundred and fifty (750) square feet.
    - b. **Maximum Height**

The maximum height of a detached ADU, or other structure containing a detached ADU, is twenty-five (25) feet with a flat roof or roof pitch of less than 6:12 (measured to top of roof line), or twenty-eight (28) feet with a roof pitch of 6:12 or greater (measured to roof peak).
    - c. **Setbacks**
      - (1) In the rear yard, the ADU shall be setback five (5) feet, or ten (10) feet if the dwelling unit is located above the garage and the overhead door faces an alley.
      - (2) The ADU shall comply with the front-yard and side-yard setbacks of the zone district.



d. **Prefabricated Homes**

Prefabricated homes such as manufactured homes are permitted for use as an ADU if placed on a permanent foundation and connected to metered utility services.

e. **Conversion of Existing Detached Garages**

The detached garage shall meet the minimum setbacks for an accessory dwelling unit as required in this Section.

f. **Limitation in LI Zone District**

In the LI zone district, a detached ADU may only be used for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use on the site.

**3. Standards for Integrated ADUs**

The following standards additionally apply to integrated ADUs.

a. **Limited to Single-Family Detached Dwellings**

- (1) Except in the LI zone district, an integrated ADU is only allowed within a detached single-family dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.
- (2) In the MX-M and MX-L zone districts, an integrated ADU is only permitted within a single-family detached dwelling that existed as of the Effective Date.

b. **Maximum Floor Area**

The gross floor area of an integrated ADU shall not exceed fifty (50) percent of the gross floor area of the principal structure.

c. **Maximum Height and Setbacks**

The integrated ADU shall comply with the maximum height and setback requirements of the zone district.

d. **Design Standards**

- (1) In the R-E, R-1 9, and R-1 6 zone districts, an integrated ADU shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front or corner side of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. Architectural compatibility shall be determined by reviewing the design, colors, and materials ADU as compared to the primary structure.
- (2) External stairs are not allowed to provide access to a second-story accessory dwelling unit unless access into the ADU is from a second-story deck.

e. **Exterior Access**

An integrated ADU may have a separate exterior access that faces the side or rear property line.

**F. Electric Vehicle Charging**

This use shall comply with the following standards:

1. The space must not interfere with vehicular, bicycle, or pedestrian circulation or with fire lanes and emergency access to the site and must not occupy or require vehicle occupancy of any area required for landscaping, buffering, or screening of the site.
2. When accessory to any residential development, this use is allowed only for the residents and their guests and shall not be offered to the public at large.

3. When accessory to any nonresidential or mixed-use development, this use must be located in a parking structure or parking lot that serves a principal use.

#### **G. Family Suite, Accessory**

An Accessory Family Suite is permitted as an accessory use to a principal single-family detached dwelling, subject to the following requirements:

##### **1. General**

- a. An Accessory Family Suite is permitted only within a legally established single-family detached dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.
- b. An Accessory Family Suite cannot be located on the same lot as an Accessory Dwelling Unit.
- c. The total number of individuals collectively occupying both the principal dwelling unit and the Accessory Family Suite can be no more than one family. The owner shall complete and record an affidavit assuring the property owner's acknowledgement of the occupancy limitations as listed above. No zoning enforcement action pursuant to Section 7.5.904 (Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the one family requirement.

##### **2. Off-Street Parking**

One (1) off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

##### **3. Exterior Access**

An Accessory Family Suite may have a separate exterior access that faces the side or rear property line. An Accessory Family Suite with an exterior access shall have a thirty-six (36) inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated and may be shared with the principal dwelling unit.

##### **4. Internal Connectivity**

An Accessory Family Suite shall maintain interior access to the principal dwelling unit through either a common doorway, hallway, or stairway. Interior accesses may be locked if an exterior access exists.

##### **5. Maximum Floor Area**

The gross floor area of an Accessory Family Suite shall not exceed fifty (50) percent of the gross floor area of the principal structure.

##### **6. Maximum Height and Setbacks**

The Accessory Family Suite shall comply with the maximum height and setback requirements of the zone district.

##### **7. Design Standards**

An Accessory Family Suite shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story Accessory Family Suite unless access into the Accessory Family Suite is from a second-story deck.

##### **8. Restriction on Subdivision**

An Accessory Family Suite shall not be sold separately from the principal dwelling unit, nor shall the lot on which an Accessory Family Suite is situated be subdivided unless subdivision is

permissible in accordance with all provisions of Part 7.4.3 (Subdivision Standards). The following restrictions apply:

- a. Before a Building Permit may be issued for an Accessory Family Suite, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.
- b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the Accessory Family Suite separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.
- c. The declaration of restrictions shall lapse upon removal of the Accessory Family Suite. Upon request of the owner and confirmation by the City that the Accessory Family Suite has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

**9. PDZ Districts**

Accessory Family Suites shall be permitted in PDZ districts unless expressly prohibited by the PDZ ordinance. Accessory Family Suites shall not be included as separate from the single-family detached dwelling when calculating the density of a PDZ district.

**10. Covenants**

The provisions of this Subsection 7.3.304G do not supersede private covenants regarding Accessory Family Suites.

**H. Home Adult or Child Day Care, Accessory**

In-home daycare may be provided as an accessory use in dwellings provided all activities comply with all applicable state licensing requirements.

**I. Home Occupation, Accessory**

**1. Purpose and Intent**

The purpose and intent of this Subsection I is to allow owners or occupants of residential dwelling units to operate home occupations in a manner that is compatible with the residential purposes of their neighborhoods and ensure there are no adverse impacts on the residential character of the residential area.

**2. Permit Required**

A Home Occupation Permit pursuant to Section 7.5.504 (Home Occupation Permit) is required before operation of a home occupation may begin.

**3. General Standards**

- a. The home occupation shall be secondary to the residential use of the dwelling.
- b. The total area used for a home occupation shall not exceed an area equivalent to fifty (50) percent of the total first-floor area of the user's dwelling, excluding porches.
- c. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problems, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.
- d. The residents of the dwelling unit shall be the only people engaged in the activity.
- e. A maximum of one (1) non-illuminated sign no larger than two (2) square feet in area may be attached to the dwelling to identify the home occupation.

- f. The home occupation shall be conducted only within an enclosed accessory structure, attached or detached garage, or dwelling, excluding porches, and only as indicated on the home occupation permit, except that plants may be grown anywhere on the premises.
- g. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation or tangible personal property manufactured, or plants grown as a result of the home occupation and removed from the soil, shall be allowed on porches or outside of the enclosed location designated on the home occupation application.
- h. Use of the required off-street parking for the principal use shall not be impaired by the home occupation.
- i. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States Postal Service, similar parcel delivery service, or private vehicles with a maximum gross vehicle weight rating of ten thousand (10,000) pounds.
- j. Interior alterations or additions to the dwelling to accommodate the home occupation are prohibited if they eliminate the kitchen, dining area, bathrooms, living room, or all of the bedrooms of the dwelling. Exterior alterations or additions to accommodate the home occupation are prohibited if they are commercial in appearance.
- k. Sales on the premises shall be only by the residents of the dwelling, shall occur only in the location designated on the home occupation application, and shall be limited to tangible personal property manufactured in the location designated on the home occupation application or plants grown anywhere on the premises.
- l. A home-based massage therapist must be licensed by the City Clerk's office, and all client visits shall be on an appointment basis with a minimum of fifteen (15) minutes between appointments in order to limit client vehicle traffic.

#### 4. Standards for Cottage Foods Sales

For the sale of cottage foods as authorized by the Colorado Cottage Foods Act, C.R.S. § 25-4-1614, a home occupation permit is required and the standards of this Subsection I apply except where modified as follows:

- a. A home occupation may only sell cottage foods or raw, uncut fresh produce that is grown on the premises.
- b. Production of cottage foods may only occur in the location designated on the home occupation permit.
- c. Display and sales of raw, uncut fresh produce and cottage foods may only occur from April through November between 8 a.m. and dusk in the location designated on the home occupation permit from a temporary stand.
- d. A temporary stand may not exceed two hundred (200) square feet in area, and any stand structure and inventory shall be removed and stored indoors during any period when goods are not being sold from the stand.
- e. The cottage food temporary stand may include a nonilluminated sign no larger than two (2) square feet in area at the point of sale.
- f. The location of any temporary stand shall not pose a traffic sight visibility risk and it may not be located within any public right-of-way.

#### J. Marijuana, Home Cultivation, Accessory

This use shall comply with the following standards:

1. No more than twelve (12) marijuana plants or marijuana plants within a one hundred fifty (150) square foot aggregate area shall be used for the indoor growing for propagation or consumption per all single-family and two-family dwellings, regardless of the number of persons who reside in the unit.
2. No marijuana may be dispensed, except to registered patients in compliance with Article XVIII, Section 14 of the Colorado constitution.
3. All marijuana plants shall be grown in an enclosed and locked space that is limited in area to one hundred fifty (150) square feet for single-family and two-family dwellings.
4. The cultivation of marijuana is permitted only in:
  - a. Single-family and two-family zone districts, including R-E, R-1 9, R 1-6, and R-2;
  - b. Single-family and two-family PDZs; and
  - c. Single-family and two-family R-Flex Districts.
5. No marijuana plants may be cultivated outdoors.
6. No marijuana or medical marijuana products may be manufactured or sold.
7. No signs regarding medical marijuana may be displayed.
8. No more than one caregiver cultivating medical marijuana may reside in the dwelling unit.
9. The use or facility shall have a ventilation and filtration system that ensures odors from the cultivation activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
10. The person growing, cultivating, or processing marijuana within a residential or accessory structure owned by another person or entity shall be required to obtain the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the Manager may inform the property owner of the marijuana or medical marijuana related activities occurring on the property.
11. The use shall comply with applicable standards in the City of Colorado Springs Fire Prevention Code and Standards.

**K. Outdoor Display of Goods, Accessory**

This use is allowed only after Development Plan review, and areas used for outdoor display of goods shall be clearly identified on an approved Development Plan and subject to the following standards:

1. The outdoor display may not be placed in required vehicular parking, maneuvering, or access areas, and its location must be in proximity to the main entrance of the primary structure.
2. The outdoor display area shall be delineated on required plans.
3. The outdoor display shall be screened from public rights-of-way and from adjacent land uses that are in a different land use category (as shown on Table 7.3.2-A: Base and NNA-O District Use Table) than the subject property (for example, a Retail Sales, Large use in the Retail Sales and Services use category shall be screened from an Entertainment or Recreation, Outdoor use in the Entertainment and Recreation use category.) Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven (7) feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the display of vehicles for sale or rental if permitted by an approved Development Plan.

4. The display of merchandise adjacent to the entrance of the principal building is allowed if:
  - a. It is adjacent to the main structure;
  - b. It provides a minimum of five (5) feet of unimpaired sidewalk or pedestrian way width; and
  - c. It does not block fire access or impede the traffic flow in front of the building.
5. In the MX-N zone district, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.

**L. Outdoor Seating or Dining, Accessory**

1. A clear pedestrian access route within the public right-of-way at least five (5) feet in width shall be maintained to allow pedestrians unobstructed passage around the Outdoor Seating or Dining area.
2. A Revocable Permit is required for an Outdoor Seating or Dining area to be placed within public right-of-way.

**M. Outdoor Storage, Accessory**

Outdoor storage shall be allowed only following Development Plan review, and areas used for permanent storage shall be clearly identified on an approved Development Plan and subject to the following standards:

1. All outdoor storage shall be fully screened from adjacent properties and rights-of-way. Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven (7) feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the storage of vehicles for sale or rental if permitted by an approved Development Plan.
2. The maximum height of stacked materials, stacking height maximums, the proximity of stacked materials to lot lines, and requirements specific to wood products and tires shall comply with any additional requirements of the Fire Code Official.
3. In the MX-N zone district, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.
4. Shipping containers used for storage shall not be stacked.

**N. Playhouse, Accessory**

A child's playhouse that exceeds six (6) feet in height must meet all of the development standards for the zone district.

**O. Solar Collector, Accessory**

1. A solar collector may be located on the roof of a principal or accessory structure, provided that if the solar collector is not flush with the roof, the applicant shall minimize the visibility of the collector from a public street, park, or green space in a manner that does not reduce the efficiency or effectiveness of the collector, to the maximum extent feasible.
2. In residential zone districts (except the A zone district), ground-based solar collectors are only permitted in side and rear yards without street frontage unless the only location on the lot where the solar collectors can function efficiently is in a front yard or a street-facing side yard.

**P. Transit Shelter, Accessory**

1. Transit shelters within the public right-of-way are regulated by the City's public works standards, regulations, and procedures.

2. Transit shelters on private property that contain benches, shelters, or kiosks that have been placed for the convenience of patrons or transit riders are exempt from requirements of this UDC related to placement and location, but must comply with the requirements of Part 7.4.13 (Signs) regarding permitted signs.

**Q. Wind Energy System, Accessory**

1. In all residential zone districts (except the A zone district) and all mixed-use zone districts (except the MX-I zone district) ground mounted wind energy systems are permitted only in rear and side yards.
2. In the R-E, R-1 9, R -1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High, MX-N, and MX-T zone districts, roof-mounted wind energy systems are subject to the maximum height limit for primary buildings in those districts.
3. In the LI, GI, PK, and PF zone districts, roof-mounted wind energy systems are not subject to the maximum height limit for primary buildings in that district.
4. In all other zone districts, roof mounted wind energy systems may extend up to ten (10) feet above the maximum height limit for primary buildings in those districts.
5. If proposed on land within the AP-O district or within two (2) miles of the United States Air Force Academy (USAFA) or Peterson Space Force Base and respective flight training areas, additional reviews to protect air traffic safety may be required.

**7.3.305 Temporary Uses**

Temporary use regulations address not only the uses listed below but also the structures related to those uses.

**A. Construction Office or Yard, Temporary**

A construction office may be erected following issuance of and accordance with the terms and conditions in a Building Permit on the site.

**B. Garage Sale, Temporary**

A garage sale is allowed in any residential zone district up to two (2) times per calendar year and may not exceed two (2) consecutive days.

**C. Mobile Vending Truck, Temporary**

This use is allowed in any zone district and may not exceed three (3) consecutive days at a time.

**D. Outdoor Display of Goods, Temporary**

1. A retail use may display merchandise that is for sale within the building in the area immediately adjacent to the building without a temporary use permit. If the sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum five (5) feet of sidewalk width must remain available and unobstructed for pedestrian use.
2. A temporary use permit is required for display of merchandise in areas not immediately adjacent to the building or within a parking lot or adjacent area.

**E. Outdoor Festival or Amusement, Temporary**

This use may be permitted for up to fifteen (15) days.

**F. Real Estate Sales or Business Office, Temporary**

This use may be provided in either a model home or a modular building/sales trailer, provided the facility complies with the following standards:

**1. Model Home**

A permit for a temporary office in a model home may be approved subject to the following conditions:

- a. The use shall be limited to two (2) years, with an option for a two (2) year extension.
- b. A Building Permit shall be obtained before the model home is built.
- c. A gravel or paved parking area with at least one (1) off-street parking space for each four hundred (400) square feet of office gross floor area shall be provided.
- d. On-street parking shall be restricted to the frontage of the model home lot or adjacent lots owned by the builder.

## 2. Modular Structure, Short-Term Use

A permit may be approved for a modular building to be used as a temporary office for no more than six (6) months if, prior to issuance of a temporary use permit, all required Building Permits have been obtained, and the applicant agrees to remove the modular building from the site when the permit expires.

## 3. Modular Structure, Long-Term Use

A permit may be approved for a modular building to be used as a temporary office for long-term use if the subject to the following conditions:

- a. The use shall be limited to two (2) years, with an option for a two (2) year extension.
- b. A Building Permit and temporary use permit shall be obtained before the modular structure is installed.
- c. The modular structure shall comply with the following appearance requirements:
  - (1) The tires and frame shall be entirely screened by skirting;
  - (2) Exterior materials and colors shall be similar to those used on facades of primary structures in the surrounding area and shall be maintained in good condition; and
  - (3) Entry decking and access ramps shall be provided and meet all requirements of the Regional Building Code.
- d. Landscaping such as planters, flower boxes, or potted plantings shall be installed pursuant to an approved landscape plan in order to soften the appearance of the modular structure, and water conserving landscaping is encouraged.
- e. The modular structure shall be connected to water, wastewater, and electric utilities.
- f. A gravel or paved parking area with at least one (1) off-street parking space for each four hundred (400) square feet of office gross floor area shall be provided.
- g. On-street parking shall be restricted to the frontage of the model home lot or adjacent lots owned by the builder.
- h. The applicant shall remove the modular structure from the site when the temporary use permit expires.
- i. The following signs are permitted, provided they are removed when the temporary use permit expires:
  - (1) One (1) freestanding sign, not to exceed thirty-two (32) square feet in sign area, placed within the boundaries of the subdivision in which it is located upon private property or within public right-of-way if an approved revocable permit has been issued. If multiple model homes or sales facilities are operated out of the same subdivision, the use of a consolidated sign is encouraged.
  - (2) Two (2) off-site traffic signs, not to exceed four (4) square feet in sign area, placed upon private property or within public right-of-way if an approved revocable permit has been issued.



- (3) One (1) wall or low-profile sign, not to exceed six (6) square feet in sign area, to be located on the lot with the modular building.

**G. Seasonal Sales, Temporary**

1. Seasonal sales of agricultural or seafood products are allowed for up to four (4) months per year.
2. Seasonal sales of Christmas trees and related holiday items are allowed for up to sixty (60) days per year.

**H. Shipping Container, Temporary**

A permit is required for the use of a shipping container for storage of construction materials, and may be approved if the following standards are met:

1. The shipping container must be located on the same property as the construction project for which it provides storage;
2. The shipping container may only be located on such property lot during the time at least one (1) approved Building Permit for the construction project is in effect and must be removed following completion or expiration of all Building Permits for that project.
3. Temporary shipping containers shall not be stacked.
4. Shipping containers shall be located on an improved surface and shall not encroach within established setbacks.

**I. Vendor in Commercial Retail Center, Temporary**

The location of a Temporary Vendor in a Commercial Retail Center requires that the property owner obtain a permit, which may be approved if the following standards are met.

1. The owner of the retail establishment must consent to the temporary use.
2. Special emphasis shall be placed on the impact the temporary vendor use will have on the ability of the site to continue to comply with the parking, fire lane, pedestrian, and vehicular circulation requirements.
3. No commercial retail center shall be allowed to contain more than three (3) temporary vendors, at the same time.
4. Signage for temporary vendors shall comply with Subsection 7.4.1307E (Temporary Signage Criteria).
5. Any tents or temporary buildings shall be subject to the approval of the Fire Code Official and Regional Building Department for compliance with the City of Colorado Springs Fire Prevention Code and Standards and Regional Building Code.
6. Temporary uses involving the sale of food products shall be subject to the approval of the El Paso County Public Health Department.
7. Temporary use permits for this use shall expire within (twelve) 12 months of the date of issuance but may be administratively renewed upon submittal of a new temporary use application and a finding that the application continues to comply with all relevant criteria.

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## Article 7.4 Development Standards and Incentives

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### 7.4.1 APPLICABILITY

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#### 7.4.101 General Information

Each type of development standard described in this Article 7.4 shall generally be applied, and compliance with those standards may be reviewed at any point in the development application and review process, unless otherwise stated in this UDC.

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### 7.4.2 DIMENSIONAL STANDARDS

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#### 7.4.201 General Dimensional Standards

The following four tables, Tables 7.4.2-A through 7.4.2-D, establish the dimensional standards for the agricultural and residential, mixed-use, industrial, public and semi-public, and North Nevada Avenue Overlay (NNA-O) zone districts established in Article 7.2: Zone Districts. In case of conflict between the dimensions shown in this Section 7.4.201 and the dimensions shown for individual zone districts in Article 7.2: Zone Districts, the dimensions in this Section shall control. Accessory structures shall meet the required minimum setbacks and maximum heights applicable to primary structures unless otherwise noted in Section 7.4.203 (Exceptions and Encroachments) or otherwise noted in this UDC. Maximum heights of structures may be further limited by the FAA's regulations on Safe, Efficient Use, and Preservation of the Navigable Airspace, 14 CFR Part 77, particularly on lands close to Colorado Springs Airport and the United States Air Force Academy.

**A. Single-Family and Two-Family Residential Zone Districts**

Dimensional standards for the A, R-E, R-1 9, R-1 6, and R-2 zone districts are shown in Table 7.4.2-A (Single-Family and Two-Family Residential District Dimensional Standards).

Table 7.4.2-A Single-Family and Two-Family Residential District Dimensional Standards							
NOTE: Different standards in overlay districts supersede standards in this table.							
DU = Dwelling Unit    AC = Acre    SF = Square Feet    ADU = Accessory Dwelling Unit							
ADU-I = Integrated ADU    ADU-D = Detached ADU    AFS = Accessory Family Suite							
Zone District	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5
<b>Lot Standards</b>							
<b>Residential density (maximum)</b>	N/A	N/A	N/A	N/A	N/A	8 du/ac	25 du/ac
<b>Lot area (minimum)</b>							
Single-Family Detached	5 ac	20,000 sf	9,000 sf	6,000 sf	5,000 sf	5,000 sf	4,000 sf
Single-Family Attached	N/A	N/A	N/A	N/A	3,500 sf	3,000 sf	2,200 sf
Two-Family (Duplex)	N/A	N/A	N/A	N/A	7,000 sf	6,000 sf	6,000 sf
Multi-Family – one-story structure	N/A	N/A	N/A	N/A	N/A	2,500 sf per du	1,400 sf per du
Multi-Family – two-story structure	N/A	N/A	N/A	N/A	N/A	2,000 sf per du	1,100 sf per du
Multi-Family – three-story structure	N/A	N/A	N/A	N/A	N/A	1,500 sf per du	900 sf per du
Multi-Family – four-story structure	N/A	N/A	N/A	N/A	N/A	N/A	800 sf per du
<b>Lot width (minimum)</b>	200 ft	100 ft	75 ft	50 ft	50 ft	50 ft	50 ft
<b>Lot Coverage</b>							
<b>Maximum</b>	N/A	30%	35%			45%	50%
<b>Lots containing any building(s) equal to exceeding 18 ft in height</b>	N/A	N/A	N/A	40%	40%	N/A	N/A
<b>Lots containing only buildings less than 18 ft in height</b>							
5,000 – 6,500 sf lot	N/A	N/A	N/A	55%	55%	N/A	N/A
6,501 – 7,500 sf lot	N/A	N/A	N/A	50%	50%	N/A	N/A
7,501 – 8,500 sf lot	N/A	N/A	N/A	45%	45%	N/A	N/A
8,501+ sf lot	N/A	N/A	N/A	40%	40%	N/A	N/A
<b>Setbacks</b>							
<b>Front (minimum)</b>	25 ft						
House – General (from property line)		25 ft	25 ft	15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less	10 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less	20 ft	20 ft
Garage – General (from back of sidewalk) [1]		20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
House and Garage adjacent to collector, parkway, or arterial street (from property line) [2]		25 ft	25 ft	25 ft	25 ft	20 ft	20 ft

**Table 7.4.2-A  
Single-Family and Two-Family Residential District Dimensional Standards**

NOTE: Different standards in overlay districts supersede standards in this table.

DU = Dwelling Unit    AC = Acre    SF = Square Feet    ADU = Accessory Dwelling Unit

ADU-I = Integrated ADU    ADU-D = Detached ADU    AFS = Accessory Family Suite

Zone District	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5
Side – Interior (minimum) [2] [3] [4]	10 ft	10 ft	5 ft; 15 ft combined both sides	5 ft	5 ft	5 ft.	5 ft.
Corner Lot – Side Street (minimum)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	15 ft
Rear (minimum) [2] [5]	35 ft	25 ft					
House and Attached Garage or Carport, General			20 ft	15 ft	15 ft	15 ft	15 ft
Detached Garage or Carport accessed from alley or rear access easement			5 ft	5 ft	5 ft	5 ft	5 ft
<b>Height</b>							
Building height (maximum) [2]	35 ft	35 ft	35 ft	35 ft	35 ft	40 ft	50 ft

**NOTES:**

- [1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).
- [2] A school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.
- [3] In districts with 5 ft. side setbacks, the side setback may be reduced to 3 ft. if Colorado Springs Utilities and the Stormwater Enterprise Manager determine that adequate utilities and drainage can be provided.
- [4] 5 ft. side setback does not apply where two permitted structures share a common wall.
- [5] 5 ft. rear setback applies to SFA/SFD/2F dwellings where parking is accessed from an alley and no driveway parking is provided on the lot.

**B. Flex Residential Zone Districts**

Dimensional standards for the R-Flex Low, R-Flex Medium, and R-Flex High zone districts are shown in Table 7.4.2-B (Flex Residential District Dimensional Standards).

<b>Table 7.4.2-B                      Flex Residential District Dimensional Standards</b>				
NOTE: Different standards in overlay districts supersede standards in this table				
DU = Dwelling Unit	SFD = Single-Family Detached DU	2F= Duplex	MF = Multi-family DU	O = Other
SFA = Single-Family Attached DU				
Zone District	R-Flex Low Residential Uses [1]	R-Flex Medium Residential Uses [1]	R-Flex High Residential Uses [1]	R-Flex Low, Medium & High Non-Residential Uses [1]
<b>Lot Standards</b>				
Residential density range of area included in Land Use Plan	Up to 6 du/ac	5 – 16 du/ac	15 – 30 du/ac	N/A
Lot area (minimum)	2,000 sf per du	1,500 sf per du	SFA/SFD/2F: 1,000 sf MF: N/A	N/A
Lot width (minimum)	25 ft per du	20 ft per du	SFA/SFD/2F: 16 ft per du  MF: N/A	N/A
<b>Setbacks</b>				
<b>Front (minimum)</b>				
Structure – General	10 ft	10 ft.	SFA/SFD/2F: 10 ft. MF: 20 ft	Min: 5 ft Max: 20 ft
Street-loaded garage for SFA/SFD/2F	20 ft. from back of sidewalk [3]	20 ft. from back of sidewalk [3]	Not permitted	N/A
Side (minimum) [2]	Interior: 1 ft.; 6 ft. combined both sides; or 0 ft if attached	Interior: 1 ft.; 6 ft. combined both sides; or 0 ft if attached	SFA/SFD/2F: Interior: 1 ft.; 6 ft. combined both sides; or 0 ft if attached  MF: 10 ft [3]	10 ft
Corner Lot – Side Street (minimum)	15 ft	15 ft	15 ft	20 ft
Rear (minimum) [3]	10 ft	10 ft	SFA/SFD/2F: 10 ft.  MF: 20 ft. [3]	15 ft
Detached garage or carport	5 ft. from property line adjacent to the alley or from the edge of any access easement	5 ft. from property line adjacent to the alley or from the edge of any access easement	5 ft. from property line adjacent to the alley or from the edge of any access easement	N/A
<b>Height</b>				
Building height (maximum) [2]	35 ft.	45 ft.	65 ft.	45 ft
<b>Other</b>				
Front parking setback (minimum)	N/A	N/A	N/A	20 ft

<b>Table 7.4.2-B</b> <b>Flex Residential District Dimensional Standards</b> NOTE: Different standards in overlay districts supersede standards in this table				
DU = Dwelling Unit SFD = Single-Family Detached DU SFA = Single-Family Attached DU 2F= Duplex MF = Multi-family DU O = Other				
Zone District	R-Flex Low Residential Uses [1]	R-Flex Medium Residential Uses [1]	R-Flex High Residential Uses [1]	R-Flex Low, Medium & High Non-Residential Uses [1]

**NOTES:**

- [1] For residential uses, the standards apply as noted in the columns for the R-Flex Low, R-Flex Medium, and R-Flex High zone districts in the columns labeled “Residential Uses” for each district. For permitted or conditional non-residential uses in any of the R-Flex districts, the standards in the last column of this table shall apply.
- [2] A hospital, school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.
- [3] Setbacks for MF apply only to the perimeter of the parcel/zone district boundary.

**C. Mixed-Use Zone Districts**

Dimensional standards for the MX-N, MX-T, MX-M, MX-L, and MX-I zone districts are shown in Table 7.4.2-C (Mixed-Use District Dimensional Standards).

<b>Table 7.4.2-C Mixed-Use District Dimensional Standards</b>					
<b>NOTE: Different standards in overlay districts supersede standards in this table.</b>					
<b>Zone District</b>	<b>MX-N</b>	<b>MX-T</b>	<b>MX-M</b>	<b>MX-L</b>	<b>MX-I [1]</b>
<b>District Standards</b>					
District area (minimum) [2]	N/A	N/A	2.5 ac	10 ac	N/A
<b>Lot Standards</b>					
Lot area (minimum)	N/A	[3]	N/A	N/A	N/A
Lot width (minimum)	N/A	50 ft	N/A	N/A	N/A
<b>Setbacks [6]</b>					
<b>Front</b>					
Minimum	5 ft	25 ft	20 ft	N/A	N/A
Maximum	20 ft	N/A	N/A or as stated in Development Plan	N/A	N/A
<b>Side (minimum) [4]</b>	10 ft	5 ft	20 ft	N/A	20 ft
<b>Corner Lot – Side Street (minimum) [4]</b>		15 ft		N/A	30 ft
<b>Rear (minimum) [4]</b>	15 ft	25 ft	15 ft	N/A	20 ft
<b>Height</b>					
<b>Building height (maximum) [4] [5]</b>	45 ft	60 ft	50 ft	General: 65 ft Lot with arterial frontage: 85 ft	65 ft
<b>Other</b>					
<b>Front parking setback (minimum)</b>	20 ft	N/A	20 ft	20 ft	20 ft

**NOTES:**

- [1] For single-family detached dwellings, the dimensional standards of the R-1 6 zone district apply (see Table 7.4.2-A). For two-family dwellings, the dimensional standards of the R-2 zone district apply (see Table 7.4.2-A). For all other residential uses, the dimensional standards of the R-5 zone district apply (see Table 7.4.2-B).
- [2] Applies to land zoned into district after the Effective Date except for parcels adjacent to the zone.
- [3] Minimum lot size is as follows: SFD: 5,000 sf; SFA: 3,500 sf per lot, 2F on 1 lot: 7,000 sf; MF: 1,000 sf of lot per DU for a one-story structure; 800 sf of lot per DU for a two-story structure; 700 sf of lot per DU for a three-story structure; and 600 sf of lot per DU for a four-story structure. There is no minimum lot size for nonresidential uses.
- [4] A hospital, school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum. This shall not apply when adjacent to an Attached and Detached Single-Family and Two-Family Dwelling zoning or use.
- [5] Height bonuses may be available in some zone districts pursuant to Subsection 7.4.202C.1 (Building Height). Regardless of any height bonus earned, if the property is adjacent to a lot in a Residential zone district or a PDZ district designated for residential use, where the maximum height is 35 feet or less, the maximum height of any portion of a building within 75 feet of the property line of the adjacent lot is 35 feet.
- [6] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

**D. Industrial, Public and Semi-Public, and Overlay Districts**

1. Dimensional Standards for the BP, LI, GI, and NNA-O zone districts are shown in Table 7.4.2-D (Industrial, Public and Semi-Public, and NNA-O District Dimensional Standards).
2. In the PF zone district and the APD zone district, there is no lot width minimum; all other development standards are determined by the review of the Land Use Plan or Development Plan, as applicable, at the time the district is established based on anticipated impacts of the facility.
3. In the PK zone district, all development standards are determined by a Park Master Plan approved by the Parks Board.

**Table 7.4.2-D  
Industrial, Public and Semi-Public, and NNA-O District Dimensional Standards**  
NOTE: Different standards in overlay districts supersede standards in this table.

Zone District	South: NNA South sector			Central: NNA Central sector			North: NNA North sector		
	BP	LI	GI	NNA-O					
				South	Central	North			
<b>District Standards</b>									
District area (minimum) [1]	10 ac	N/A	N/A	Per base zone district					
<b>Lot Standards</b>									
Lot area (minimum) [2]	N/A	N/A	[3]	Per base zone district					
Lot width (minimum)	N/A	[3]	[3]	Per base zone district					
<b>Setbacks [10]</b>									
Front (minimum)	20 ft [4]	20 ft	20 ft	0 – 15 ft [5]	15 – 80 ft [5]	15 – 60 ft [5]			
Side (minimum) [6]	10 ft [4]	[7]	[7]	5 ft [8]	15 ft [8]	15 ft [8]			
Corner Lot – Side Street (minimum) [6]	20 ft [4]	[7]	[7]	15 ft [8]	25 ft [8]	25 ft [8]			
Rear (minimum) [6]	25 ft [4]	[7]	[7]	5 ft [8]	5 ft [8]	5 ft [8]			
Adjacent to residential	100 ft [4]	[7]	[7]	N/A	N/A	N/A			
<b>Height</b>									
Building height (maximum) [6]	45 ft [9]	60 ft [9]	80 ft [9]	Per base zone district					
<b>Other</b>									
Front parking setback (minimum)	20 ft	[4]	20 ft [4]	Per base zone district					



**Table 7.4.2-D  
Industrial, Public and Semi-Public, and NNA-O District Dimensional Standards**

NOTE: Different standards in overlay districts supersede standards in this table.

South: NNA South sector		Central: NNA Central sector		North: NNA North sector		
Zone District	BP	LI	GI	NNA-O		
				South	Central	North

**NOTES:**

- [1] Applies to land zoned into district after the Effective Date. Does not apply to additional land added to adjacent land already in the district after the Effective Date.
- [2] Lot sizes may be established to accommodate only the proposed buildings if all of the required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained tract. In this case, the minimum lot area and minimum setbacks from the platted lot lines shall be determined in conjunction with the review of the Development Plan and all buildings must comply with the standard building setbacks measured from the periphery of the project boundaries.
- [3] Development standards are determined by the review of the Land Use Plan or Development Plan, as applicable, at the time the district is established.
- [4] Or as established in PIP-1, PIP-2, or Land Use Plan or Development Plan approved prior to the Effective Date. Listed setbacks only apply to property lines adjacent to public streets and to side and rear lines adjacent to properties in a different zone district, unless otherwise established in a Land Use Plan or Development Plan.
- [5] Front setback build-to zone.
- [6] A school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.
- [7] Minimum building and parking lot setbacks shall be determined by compliance with the landscape requirements in Article 7.4.
- [8] Zero (0) foot setback is permitted if part of overall Land Use Plan or Development Plan.
- [9] Height bonuses may apply subject to Subsection 7.4.202C.1 (Building Height). Regardless of any height incentives earned, if the lot is adjacent to a lot in a residential zone district or a lot designated for residential use in a PDZ district, the maximum height of any portion of a building within 75 feet of the property line of an adjacent lot is 35 feet.
- [10] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.

**7.4.202 Incentives**

This Section 7.4.202 identifies two (2) different types of incentives that can be earned in all zone districts except the FBZ district when applications for development or redevelopment promote key planning goals from the Colorado Springs Comprehensive Plan. Incentives in the FBZ district are available pursuant to Subsection 7.2.306G (Regulatory Incentives). Applicants in zone districts other than the FBZ district that meet the standards in either Subsection A or Subsection B below are eligible to receive the incentives listed in Subsection C below.

**A. Sustainability and Resilient Development Incentive**

**1. Purpose**

The purpose of this Subsection A is to implement the Colorado Springs Comprehensive Plan guidance to encourage development that is sustainable and resilient.

**2. Eligibility**

A project seeking the sustainable and resilient development incentives established in this Subsection A shall be located in a Mixed-Use or Industrial zone district and shall satisfy at least one (1) of the following two (2) options below:

**a. Option 1**

Demonstrate compliance with at least four (4) of the following six (6) criteria:

**(1) Stormwater**

The development site shall provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., vegetated swale) or

other green infrastructure measures that exceed the requirements of Step 1 in the Drainage Manual that can infiltrate eighty (80) percent of the water quality storage volume.

**(2) Light Colored Hardscaping**

At least eighty (80) percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of twenty-nine (29) or greater.

**(3) Covered Parking**

At least sixty-five (65) percent of parking spaces shall be provided under a cover or roof that has a three- (3) year aged SRI of at least thirty-two (32) or is covered by energy generation systems, such as solar thermal collectors or photovoltaics. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project. Parking spaces within a parking structure shall count toward meeting this standard.

**(4) Cool or Vegetated Roof**

Provide a roof meeting the standards in Subsections (a), (b), or (c) below.

**(a) Cool Roof**

Install a cool roof on at least sixty-five (65) percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 7.4.2-E. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 7.4.2-E.

**Table 7.4.2-E  
Minimum Solar Reflectance Index (SRI)**

Roof Type	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	30	32

**(b) Vegetated Roof**

Install a vegetated roof on at least sixty-five (65) percent of the total roof surface using native or adapted plant species.

**(c) Combination Roof**

Install a combination cool roof and vegetated roof with each portion meeting the applicable standards in Subsections (a) and (b) above and together covering at least sixty-five (65) percent of the roof surface.

**(5) Solar Energy**

Install on-site solar panels covering an area anywhere on the building or lot equal to fifty (50) percent of the total roof area of all primary buildings, or an area equal to an amount required to provide one hundred (100) percent of estimated annual average electricity used in all primary buildings, at the applicant’s option. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

**(6) Building Efficiency**

Design the project to achieve improved building energy performance beyond the minimum required building code standards by demonstrating that the project qualifies for a minimum of fifteen (15) points from the LEED version 4.1 BD+C Optimize Energy Performance credit.

**b. Option 2**

Submit proof acceptable to the City that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

- (1) Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;
- (2) Another verified third-party sustainability program producing equal or greater sustainability benefits as LEED Silver Certification, as determined by the Manager.

**B. Transit-Oriented Development Incentives**

**1. Purpose**

The purpose of this Subsection B is to implement Colorado Springs Comprehensive Plan guidance to encourage transit use and transit-oriented development in Colorado Springs.

**2. Eligibility**

- a. The property shall be located in the MX-T, MX-M, MX-L, or MX-I zone district and shall be located within six hundred and sixty (660) feet of an arterial-arterial street intersection, an arterial-collector street intersection, or a collector-collector intersection.
- b. At least one of the intersecting arterial or collector streets must have bus service or bus rapid transit service with a peak service frequency of twenty (20) minutes or less.
- c. At least twenty-five (25) percent of the gross floor area of the building or development (including bonus height area) shall contain residential primary uses, and at least twenty-five (25) percent of the gross floor area of the building or development (including bonus height area) shall contain non-residential primary uses. If the development is to be built in phases, the Land Use Plan or Development Plan shall include a commitment to build at least this minimum mix of uses.
- d. At least fifty (50) percent of the gross floor area in the development shall be located in primary structures on lots with frontage on the intersecting arterial or collector streets.
- e. All primary structures on lots with frontage on the intersecting arterial or collector streets shall be built no further than twenty (20) feet from the front property line along at least seventy-five (75) percent of the lot frontage.
- f. No surface parking lot may be located within twenty (20) feet of the intersecting arterial or collector streets.

**C. Additional Allowances for Incentive Developments**

For projects that satisfy either the Sustainable and Resilient Development standards in Subsection A above or the Transit-oriented Development incentives in Subsection B above, the following incentives are available.

**1. Building Height**

- a. The maximum height of the primary structure height shall be increased as follows.
  - (1) One (1) additional floor of building height, not to exceed twelve (12) feet, for projects in the MX-M zone district.
  - (2) Two (2) additional floors of building height, not to exceed twenty-four (24) feet, for projects in the MX-L or MX-I zone districts.
- b. The two (2) incentives may not be combined to earn more than twelve (12) feet of additional height in the MX-T or MX-M zone district or more than twenty-four (24) feet of additional height in the MX-L or MX-I zone district.

- c. The height incentive may not be used on any portion of a building within seventy-five (75) feet of the property line of an adjacent property as follows:
  - (1) For a property with a multi-family or non-residential land use, the height incentive may not be used on any portion of a building located within seventy-five (75) feet of any property line adjacent to a lot in the R-E, R-1 9, R-1 6, or R-2 zone districts or a lot designated for attached or detached single-family or two-family dwellings in a PDZ district.
  - (2) For a property in a Mixed-Use or Industrial zone district, the height incentive may not be used on any portion of a building located within seventy-five (75) feet of any property line adjacent to a lot in a residential zone district or a PDZ district that is developed with, or designated for development with, a residential use.

**2. Parking**

The number of required off-street parking spaces required by Part 7.4.10 (Parking and Loading), may be reduced by an additional ten (10) percent.

**D. Incentive Procedure**

The Manager shall determine whether an application complies with the requirements of this Section 7.4.202. If the Manager has confirmed that the application complies with the requirements for one (1) or more incentives under this Section, but the underlying application is subject to approval by the of the Planning Commission or City Council, the decision-making body shall consider the application through the applicable decision-making criteria in Article 7.5: Administration and Enforcement assuming that all approved incentives will be constructed, and shall not condition its approval on removing or limiting an earned incentive.

**7.4.203 Exceptions and Encroachments**

**A. Setback Exceptions**

Every part of a required setback shall be unobstructed from ground level to the sky, except as shown in Table 7.4.2-E, but none of the listed exceptions shall authorize the encroachment of any development or structure across property lines or into a public right-of-way.

Table 7.4.2-E Authorized Exceptions to Setback Requirements	
Type of Exception	Extent of Exception
Accessory structures or uses that are less than 200 square feet and less than 8 feet in height	Anywhere in rear yard and/or side yard but not into a recorded easement, unless the City has granted an easement encroachment.
Accessory structures or uses that are 200 square feet or larger	May not encroach into any setback required by Section 7.4.201 (General Dimensional Standards) except as required by Subsection 7.3.304A.1 (Required Setbacks).
Architectural features (cornice, eaves, belt course, sill canopy, or other similar features, not including a bay window or vertical projection)	Up to 30 inches but not closer than 2 feet to any property line.
Bay windows, window wells, and vertical projections from side wall plane	Permitted, but not closer than 2 feet from any property line.
Chimneys	Permitted up to 2 feet
Fences or walls	Permitted within a required setback if 7 feet or less in height rearward of front building façade, or 4 feet or less in height forward of front building façade, but not within a Site Distance Line, and does not block access to utility meter equipment.
Fire escape and stairway	Permitted, but not closer than 2 feet from any property line.
Flagpoles	Up to 3 permitted in front yard setback.

Table 7.4.2-E Authorized Exceptions to Setback Requirements	
Type of Exception	Extent of Exception
Little libraries or mailboxes	Permitted in street facing front or side yard, provided the base area of structure does not exceed 2 square feet.
Motor vehicle parking or storage	Permitted subject to all applicable requirements of this UDC, including without limitation restrictions on parking, circulation easements, landscaping, buffering, and screening.
Parking lot light pole	Except where adjacent to R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts.
Recreational vehicle parking or storage	Must comply with Section 9.6.504 (Junk, Inoperable, Unlicensed, and Recreational Vehicles) of the City Code.
Stoops 20 square feet or less	Permitted in any front or side setback.
Uncovered decks and patios, which do not exceed 18 inches in height measured from the finished floor to any adjacent point of the existing grade	Permitted, but limited to 50% of each required side yard or rear yard area.

**B. Height Exceptions**

1. No building or structure or part of a building or structure shall exceed the maximum building height within any zone district as shown in Tables 7.4.2-A through D, unless authorized in Table 7.4.2-F below or elsewhere in this UDC.
2. Building features that extend beyond the maximum building height pursuant to Table 7.4.2-F shall be designed or screened to minimize visibility from the R-E, R-1 9, R-1 6, R-2, and R-Flex Low zone districts, and from any portion of a PDZ district developed or designated for attached or detached single-family or two-family dwelling structures. Screening may not extend taller than the permitted exception to the maximum building height.

Table 7.4.2-F Authorized Exceptions to Height Requirements	
Structure, Feature, or Use	Maximum Height and Conditions
Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas	As determined by the Manager as necessary to comply with Federal Communications Commission regulations and guidance, provided that the height of the antenna structure may not exceed the distance of the antenna structure from the nearest property line to the base of the structure.
Chimneys, flues, vents, cupolas with a footprint of 36 square feet or less, parapet walls, and other similar features	May exceed the maximum height of the applicable zone district by 5 feet. Additional requirements and separations may be required if located within the WUI-O district.
Flagpoles	Maximum height of 45 feet or the height allowed in the zone district, whichever is greater.
Mechanical equipment such as vents, cooling towers, elevators and mechanical penthouses, and accessory water tanks	May exceed the maximum height of the applicable zone district by 5 feet.
Religious institution spires and towers and satellite dishes	May exceed the maximum height of the applicable zone district, provided the largest horizontal cross-section of the spire or tower does not exceed 5 percent of the footprint of the primary structure from which it rises.
Solar collector, accessory	In all Mixed-Use and Industrial zone districts, may exceed the maximum height of the applicable zone district by 5 feet. In all residential districts, may exceed the maximum height of the applicable zone district by 18 inches. For attached or detached single-family and two-family dwellings: 18 inches. For multifamily development, permitted nonresidential development in residential districts, and in Mixed-Use and Industrial zone districts, 5 feet.

Table 7.4.2-F Authorized Exceptions to Height Requirements	
Structure, Feature, or Use	Maximum Height and Conditions
Television or CB radio antennas and lightning protection systems	Excepted from all height limitations
Wireless Communication Facilities (WCF)	See Subsection 7.3.303.1 (Wireless Communication Facility)

## 7.4.3 SUBDIVISION STANDARDS

### 7.4.301 General Provisions

#### A. Purpose

The purpose of this Part 7.4.3 is to:

1. Promote the health, safety, convenience, and general welfare of the citizens of the City.
2. Set forth appropriate standards for subdivision design that will:
  - a. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Colorado Springs Comprehensive Plan.
  - b. Provide for lots of adequate size, configuration, and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.
  - c. Promote design flexibility.
  - d. Provide for streets of adequate capacity and that with appropriate improvements will handle anticipated traffic flow.
  - e. Preserve the significant natural features and environmental quality of the City.
3. Set forth appropriate standards for utilities and services that will:
  - a. Provide an efficient, adequate, and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.
  - b. Ensure that adequate stormwater infrastructure, sewage disposal, and other utilities, services, and improvements needed to serve the subdivision of land are provided. It is the developer’s responsibility to ensure that an adequate stormwater outfall is provided for the site as determined by the Stormwater Enterprise Manager.
  - c. Provide for the undergrounding of all public utility lines up to thirty-five thousand (35,000) volts except as otherwise provided in Subsection 7.4.303C (Undergrounding of Utilities).
4. Assure the provision of adequate and safe circulation that will:
  - a. Ensure safe and effective emergency response.
  - b. Minimize traffic hazards through appropriate street design and provide for safe and convenient vehicular, bicycle, and pedestrian traffic circulation.
  - c. Provide for adequate vehicular access to adjacent properties and the subdivider’s remaining holdings.
  - d. Assure that street rights-of-way are provided for in accord with the Major Thoroughfare Plan and Engineering Criteria.

- e. Provide for safe and convenient pedestrian access throughout the community.
  - 5. Assure adequate public facilities are provided that will:
    - a. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, trails, schools, utilities, and other types of community facilities.
    - b. Ensure that public facilities are provided in compliance with the Colorado Springs Comprehensive Plan.
    - c. Ensure adequate law enforcement and fire protection services.
  - 6. Ensure the appropriate development of the community through the implementation of the goals and policies of the Colorado Springs Comprehensive Plan.
- B. Territorial Limits of Regulations**
- 1. **Area Inside City Limits**  
This UDC shall apply to all land located within the City limits.
  - 2. **Area Outside City Limits**  
All layouts of proposed subdivisions outside the City but within the territorial limits of any written agreement between the City and El Paso County shall be submitted to the City for recommendations relating to subdivision design, traffic, circulation, and the Colorado Springs Comprehensive Plan.
- C. Compliance Required**
- No person shall subdivide any tract of land that is located within the City except in conformity with the provisions of this UDC, and jurisdiction under this Part 7.4.3 and those parts of Article 7.5 (Administration and Enforcement) addressing review and approval of proposed subdivisions shall also extend to and cover any major street plan adopted under the provisions of this UDC to the extent of the territorial limits established under the State statutes.

#### 7.4.302 Design Standards

- A. Application**
- The design standards established in this Section 7.4.302 shall be applied by the Planning Commission or staff assigned to perform an administrative review in evaluating a proposed plat of subdivision.
- B. Conformity with Colorado Springs Comprehensive Plan**
- The plat shall be consistent with the Colorado Springs Comprehensive Plan.
- C. Remnants of Land**
- The plat shall not create parcels of land that do not meet the standards for a developable lot in the zone district where the property is located, unless those parcels are designated as “tracts” and adequate assurance is provided to incorporate the tracts into usable lots in future developments.
- D. Block Standards**
- The layout of each block shall conform to sound subdivision design principles and the length, width, and shape shall comply with:
- 1. Requirements for lot size in the zone district where the property is located;
  - 2. Any applicable overlay district requirements regarding avoidance of sensitive lands including those standards related to land near streams, floodplains, hillsides, and in the WUI-O district in Part 7.2.6 (Overlay Districts);

3. Applicable standards related to the provision of utilities, grading, erosion control, and stormwater, including without limitation those standards in Parts 7.4.6 (Grading and Erosion Control) and 7.4.7 (Stormwater) and the Engineering Criteria; and
4. The provision of safe and effective emergency responses as well as applicable standards for safe, convenient access and circulation for motor vehicles, bicycles, and pedestrians, including the standards for access and connectivity in Part 7.4.4 (Access and Connectivity) and the Engineering Criteria.

#### E. Lot Standards

##### 1. General

The size, shape, and orientation of lots shall be appropriate to the proposed subdivision location and to the type of development contemplated and shall conform to requirements of this Code, including without limitation the requirements for lots, access, and connectivity in the zone district in which the property is located.

##### 2. City Limits Line

No lot shall be divided by a City limit line.

##### 3. Access

Each lot in a new or replatted subdivision shall be provided with satisfactory access to a dedicated public street pursuant to the Engineering Criteria.

##### 4. Double Frontage

Double frontage lots, other than corner lots, are not permitted unless approved by the Manager, Planning Commission, or City Council based on considerations of public safety, land use efficiency, or topographic constraints.

##### 5. Flag Lots

Flag lots may be allowed where warranted by physical conditions of landform, existing lot pattern, or unusual size or shape of parcel(s). The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than twenty (20) feet wide at any point and side lot utility easements not less than five (5) feet wide shall be provided adjacent to the flag lot lines. If five-(5) foot-wide public utility easements are not provided along side lot lines, the stem portion of the flag lot shall be not less than twenty-five (25) feet wide. The stem portion of the flag lot shall also provide for practical vehicular and utility access and allow for adequate utility service line separations and shall not be counted towards the minimum lot area requirement of the zone district.

#### F. Residential Lot Design Adjacent to Major Street

If a frontage road is not provided for a lot with an attached or detached single-family or two-family dwelling use fronting onto an expressway, freeway, or principal or minor arterial street, the subdivider shall cause the design of the subdivision to conform to one of the alternative design treatments stated below:

1. Lots adjacent to the expressway, freeway, or principal or minor arterial street shall have vehicular access from the existing or proposed alley adjacent to the rear lot line. Fire apparatus shall have vehicular access from the existing or proposed alley adjacent to the rear lot line subject to Colorado Springs Fire Code Official approval; or
2. Lots adjacent to the expressway, freeway, or principal or minor arterial street shall have vehicular access from the minor street adjacent to an approved double frontage lot. Fire apparatus shall have vehicular access from the existing or proposed alley adjacent to the rear lot line subject to Colorado Springs Fire Code Official approval.



**G. Compact Lot Orientation**

For Compact Lots, the following additional standards for lot orientation and related pedestrian access shall apply:

**1. Greenway Oriented Units**

- a. Greenway Oriented Units shall be oriented to have primary pedestrian access off of a courtyard or green space, with the entry façade oriented to the courtyard or green space. Pedestrian connections shall be provided through the greenway to provide access to parking and the street system.
- b. Spacing between dwelling units shall be a minimum of thirty (30) feet.

**2. Street Oriented Units**

Street Oriented Units shall be oriented to have primary pedestrian access off of the adjacent private or public residential street or alley.

**H. Easements**

**1. Utility Easements**

- a. Utility easements shall be provided and shall not less than five (5) feet wide on both sides of all side lot lines and seven (7) feet wide on both sides of all rear lot lines
- b. Where the right-of-way is fifty (50) feet or less in width, a five (5) foot wide utility easement shall also be provided adjacent to the right-of-way;
- c. The standards in subsections 1.a and 1.b may be adjusted by the Colorado Springs Utilities Chief Executive Officer, City Engineer, or the Manager.
- d. All required public drainage, public utility, and other public improvement easements shall be placed on the Final Plat prior to recording.

**2. Drainage Easements**

All existing and, to the maximum extent feasible, proposed drainage easements for stormwater infrastructure/conveyance shall be placed on the Final Plat and so marked prior to recording. Further, private drainage easements shall be marked "private drainage easements" on the plat, or a statement shall be placed on the Final Plat that the City is not responsible for the maintenance of said easements, prior to recording.

**3. Combined Easement for Utilities and Drainage**

Easements proposed for both utilities and stormwater shall be at least seven (7) feet wide on rear lot lines and the joint purposes of the easement shall be designated on the Final Plat prior to recording.

**4. Access and Parking Easements**

All required common access, ingress/egress, and parking easements shall be shown on the Final Plat and indicated whether public or private.

**5. Maintenance of Easements**

Except as otherwise provided by plat note or as provided in any easement granted to the City by separate instrument, the property owner shall be responsible for the maintenance of all easements granted or dedicated to the City, and all easements granted or dedicated to the City on behalf of its enterprise, Colorado Springs Utilities, or for public utilities.

**I. Railroad Rights-of-way**

Where a subdivision adjoins a railroad right-of-way, space for grade separations, buffer strips, and other protective treatments along the right-of-way shall be provided as required by the City to protect public health and safety and to mitigate adverse impacts from the railroad on nearby properties.

Spaces or treatments required by the City for these purposes may exceed those required property setbacks in the zone district where the property is located, and may exceed landscaping, screening, and buffering otherwise required by Part 7.4.9 (Landscaping and Green Space).

**J. Lots Requiring Smoke Alarms or Sprinklers**

1. A monitored smoke alarm system or a sprinkler system shall be required for all new homes on lots with lot lines that are more than six hundred (600) feet from the entrance of a cul-de-sac or lots for which the only vehicle access is a road with grades in excess of ten (10) percent. This requirement shall not apply to Subdivision Plats recorded prior to March 24, 1981, or to subdivisions for which a Development Plan was approved prior to April 1, 1993.
2. Development in the WUI-O district is also subject to the requirements of Subsection 7.2.604B (Compliance with Fire Prevention Code and Standards Required).
3. Each lot meeting the criteria of Subsections 1 or 2 above shall be identified on the Subdivision Plat.

**7.4.303 Required Improvements**

**A. Requirement to Install and Complete Improvements**

The improvements required in Subsection B below shall be constructed and installed by the subdivider prior to the final approval of the final Subdivision Plat. In advance of the completion or installation of such improvements, the subdivider shall provide acceptable assurance to secure to the City the actual construction or installation of the improvements within such period as shall be determined by the City Engineer, Stormwater Enterprise Manager, or Colorado Springs Utilities Chief Executive Officer based on considerations of public safety. Any required assurance shall be in an amount adequate to cover the cost of constructing or installing the required improvements as determined by the City Engineer, Stormwater Enterprise Manager, or Colorado Springs Utilities Chief Executive Officer.

**B. Required Improvements**

The following improvements shall be provided by the subdivider:

**1. Street Improvements and Streetlights**

The subdivider shall pay for the installation and construction of all required street improvements, pursuant to Section 7.4.304 (Street Improvements), the Code of Ordinances, and the regulations of Colorado Springs Utilities related to required easements in streets. In addition, the subdivider shall pay for costs associated with the installation and construction of all necessary streetlights as required by Colorado Springs Utilities regulations and this Code regarding the installation of streetlights. Required streetlights are included in the term street improvements.

**2. Electric, Gas, Water, Wastewater, and Stormwater Systems**

The subdivider shall pay for the design, installation, and construction of all the required electric, gas, water, wastewater, and stormwater systems necessary to serve the development in compliance with this UDC, this Code, the most recent version of the Colorado Springs Utilities Gas, Electric, Water and Wastewater Line Extension and Service Standard, the Engineering Criteria, and the rules and regulations of Colorado Springs Utilities and the Stormwater Enterprise. The Sections of the Code of Ordinances and this UDC regulating the installation and extension of water and wastewater lines are as follows:

- a. Wastewater, Water Lines, When May Be Laid: Chapter 12, Article 5 of this Code.
- b. Wastewater Permits And Connection Charges: Chapter 12, Article 5 of this Code.
- c. Taps, Service Lines And Use Of Water: Chapter 12, Article 4 of this Code.
- d. Stormwater Improvements: As required under Section 7.4.701 (Stormwater Requirements).

- e. Application for Gas & Electric Line Extension: Colorado Springs Utilities Electric Line Extension & Service Standards.

**3. Right-of-way and Public Utility/Drainage Easements Stabilization**

Stabilization of land within the right-of-way or within any public utility/drainage easement is required to the extent deemed necessary by the City Engineer and consistent with any requirements of the zone district, this UDC, and the Engineering Criteria. Prior to the final acceptance of any improvements within the right-of-way or public utility/drainage easement, the City Engineer and Stormwater Enterprise Manager shall be satisfied that no existing or potential erosion problems exist within the right-of-way, public utility/drainage easement, or on land adjacent to such right-of-way or easement that could affect the stability of the right-of-way. The subdivider shall guarantee such right-of-way and easement stabilization for a period of two (2) years from the date of probationary acceptance, and shall provide assurance acceptable to the City in an amount equal to ten (10) percent of the cost of the work as part of such guarantee. For channel improvements, the assurance will remain at one hundred (100) percent of the cost of the work during the two (2) year period following probationary acceptance. During the two (2) year warranty period, once the subdivider has achieved final acceptance, the continued maintenance of the area shall be the responsibility of the owners of the property within easements and adjacent to the right-of-way or as outlined in separate maintenance agreements acceptable to the City.

**4. Permanent Survey Monuments, Range Points and Lot Pins**

As required by State law.

**C. Undergrounding of Utilities**

Telephone lines, electric lines up to thirty-five thousand (35,000) volts, and other similar utility services shall be placed underground. Transformer, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed aboveground. The provisions of this Subsection 7.4.303C (Undergrounding of Utilities) shall not apply to existing facilities or to any Preliminary, Preliminary and Final, or Final Plat that was approved by the Planning Commission prior to March 25, 1996.

**D. Approval of Septic Tanks**

In areas where public wastewater systems are not accessible, individual wastewater disposal systems may be installed only after the approval of the Colorado Springs Utilities Chief Executive Officer in accord with this Part 7.4.3 (Subdivision Standards).

**E. Time Delay for Installation of Public Improvements**

1. Subdividers who desire to delay the installation of public improvements required by this Section 7.4.303 shall submit to the City Engineer, a request for a time delay of the installation of public improvements. The City Engineer, with concurrence from the Colorado Springs Utilities Chief Executive Officer and Stormwater Enterprise Manager as appropriate, shall review and either approve or disapprove the request based on considerations of public safety and limiting financial risks to the City.
2. If the request is approved, the City Engineer, with concurrence from the Colorado Springs Utilities Chief Executive Officer and Stormwater Enterprise Manager as appropriate, shall require the subdivider to execute an agreement for the delay of installation of public improvements, and such agreement shall be recorded.
3. If the request is denied, the subdivider may appeal to the Planning Commission in the same manner as a request for a waiver for the installation of public improvements pursuant to Section 7.5.524 (Administrative Adjustment) The Planning Commission shall treat such appeal as a request for action on a request for time delay for the installation of public improvements not as a request for a waiver for the installations of public improvements.

**F. Actual Construction of Improvements**

No construction of subdivision improvements shall be started until the improvement plan for the entire area covered by the Final Plat has been approved by the City Engineer, with concurrence from the Colorado Springs Utilities Chief Executive Officer and Stormwater Enterprise Manager as appropriate. After the improvement plans have been filed, and the approval of the City Engineer, with concurrence from the Colorado Springs Utilities Chief Executive Officer and Stormwater Enterprise Manager as appropriate, has been obtained, the subdivider shall construct the required improvements subject to obtaining the required permits from the City Engineer and Colorado Springs Utilities (for wastewater and water systems).

**G. Acceptance of Improvements**

All required subdivision improvements, as specified in this Section 7.4.303 and other applicable City ordinances and regulations, shall be fully constructed by the subdivider and approved by the City Engineer, Stormwater Enterprise Manager, and Colorado Springs Utilities Chief Executive Officer, and a written notice of approval shall be transmitted to the subdivider. The approval of the improvements by the City shall be contingent upon the subdivider guaranteeing and being responsible for any defects of the improvements for a two (2) year period after written acceptance by the City, pursuant to Section 7.4.306 (Assurances and Guarantees for Public Improvements).

**7.4.304 Street Improvements****A. Minor Streets**

The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all minor streets as shown on the Final Plat.

**B. Major Streets**

The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all major streets shown on the Final Plat. Such construction and dedication of major streets may be the subject of partial reimbursement by the City as set forth below.

**C. Access and Connectivity**

All required street improvements shall comply with the access and connectivity standards in Part 7.4.4.

**D. Construction of Street Improvements**

A subdivider seeking Final Plat approval or a developer or redeveloper of property may be required by any adjacent governmental entity, as a condition of the approval of the subdivision or development of the property, to make improvements to streets or pedestrian and bicycle access facilities and streetlights adjacent to or outside the land development to carry traffic generated by the development. These improvements shall include, but not be limited to, constructing or otherwise improving streets and bicycle or multiuse paths; dedicating additional rights-of-way; widening; constructing transit facilities such as shelters and pull-out lanes; constructing curb and gutter; and installing medians, sidewalks, acceleration or deceleration lanes, traffic control devices, or streetlights.

**E. Cost Recovery for Street Improvements from Benefitting Property Owners****1. Eligibility for Cost Recovery**

Whenever any street improvements listed in Subsection D above are made by a subdivider or developer of land (a "developer"), the developer is entitled to fair share cost recovery of the cost of the improvements, less any City reimbursement, from the owner or owners whose property is adjacent to the improvements as the adjacent property is subdivided, developed, or redeveloped within twenty-five (25) years after acceptance of the improvements by the City. The date of acceptance of the improvement will be the date that the City Engineer accepts the improvements on a probationary basis. However, if a developer has not achieved final acceptance of the improvements by the City within thirty (30) months after probationary acceptance of the improvements, the developer's recovery right for the improvement involved will be voided.

## 2. Processing Cost Recovery Agreements

- a. The provisions of Subsection 7.4.304D (Construction of Street Improvements) shall apply to all cost recovery agreements in effect on June 1, 1995, and cost recovery agreements approved after that date. The City Engineer is authorized to record any cost recovery agreements not previously recorded with the El Paso County Clerk and Recorder. The City Engineer is also authorized to cooperate with developers who have existing cost recovery agreements on file to implement a system for indexing such agreements and notifying affected property owners of such agreements.
- b. A developer wishing to obtain cost recovery for improvements constructed that benefit other adjacent property owners shall file a cost recovery statement with the City Engineer not later than twelve (12) months after the date the improvement was accepted on a probationary basis. Such statement shall be accompanied by copies of paid receipts or other satisfactory evidence of payment of the costs claimed for the improvement; any expenses incurred after probationary acceptance are not recoverable. The City Engineer shall then review the cost recovery statement for reasonableness and appropriateness of the costs claimed, and may request backup for any such costs. The City Engineer may make such adjustments as it determines are necessary if the costs are in excess of reasonable and necessary costs at then-prevailing rates. If the City Engineer does not notify the party submitting the cost recovery statement in writing of any adjustments to the costs listed in the statement within sixty (60) days after the statement was submitted (or, if backup documentation is requested within thirty (30) days, then within sixty (60) days after the requested backup documentation is submitted), then the costs in the statement will be deemed approved as submitted. The City, at the expense of the developer, shall notify all property owners who will be affected by the cost recovery agreement by certified mail that a cost recovery statement, which may affect their property, has been submitted to the City Engineer.
- c. The developer will assist the City Engineer, as needed, in determining the property owners adjacent to the improvements that are subject to the cost recovery to be notified and in obtaining the names and addresses of such properties. When the costs subject to cost recovery have been approved as provided above, the City Engineer shall notify all affected property owners that the developer's application has been approved and provide to all affected property owners a copy of the notice of cost recovery. The notice shall advise all affected property of their right to review the application and file an objection, and contain the following information:
  - (1) Price per lineal foot;
  - (2) The amount of lineal foot per parcel; and
  - (3) The legal description and current parcel numbers of each parcel subject to the cost recovery.
- d. The owner of a property that is subject to a cost recovery application may file with the City Engineer a written objection to the notice of cost recovery and cost recovery application within ten (10) days of proof of mailing. Following filing of an objection, the City Engineer shall review the objection and the application and make a recommendation to the Public Works Director, who shall issue an opinion on the objection within twenty-five (25) days of the objection being filed with the City Engineer. The opinion of the Public Works Director shall be final.
- e. Once the objection period has expired, the City Engineer shall execute a Cost Recovery Agreement on the standard form approved by the City. After execution, the Cost Recovery Agreement shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. The Developer shall pay all costs of recording.

**3. Repayment of Costs**

During the cost recovery period, an application for a Subdivision Plat or Building Permit from owners whose properties are subject to the cost recovery provisions of this Subsection 7.4.304E, shall not be approved until a fair-share cost recovery for the cost of the improvements has been made to the developer or its assign, as follows:

- a. The City Engineer shall determine the fair share cost recovery on a front foot basis. The fair share allocation shall be determined by dividing the costs subject to recovery by the number of lineal feet of property line that is adjacent to the improvements.
- b. On January 1 of the year following acceptance of the improvements by the City and each year thereafter on January 1, the cost recovery amount shall be increased by three (3) percent simple interest.
- c. The City Engineer shall not approve any such plat if it leaves unplatted strips along the roadway subject to cost recovery, the plat fails to plat portions of such owner's property that are reasonably necessary for effective use of the property being platted, or the plat is otherwise configured so as to avoid the reasonable fair share payment by such owner.
- d. All liability for improvement costs shall be limited to twenty-five (25) years after acceptance of the improvements by the City.
- e. When all cost recovery costs have been paid, a signed notarized copy by the developer or its assign for the release of the Cost Recovery Agreement shall be submitted to the City Engineer and shall state that payment has been made in full and that all parties agree to the release of the Cost Recovery Agreement from the property involved. The cost of recording shall be charged to the owner of the property being released. The release shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. During the cost recovery period, approval of plats or Building Permits for the land adjacent to the improvements shall be conditioned upon payment of the fair share of the improvement cost as determined by the City Engineer, if the City Engineer determines that such improvements would have been required to be installed by the subsequent developer.

**4. Address for Payments, Unclaimed Payments**

It is the responsibility of the developer notify the City Engineer in writing of any changes in address for notices and payments pursuant to the Cost Recovery Agreement. If the City Engineer mails a notice of cost recovery specifying the amount of cost recovery and the property involved (a "cost recovery notice") to the developer by certified mail using such developer's most recent address in the City Engineer's files, and no response is received within thirty (30) days, then the City Engineer shall be authorized to execute on behalf of such developer and record a release of the Cost Recovery Agreement from the property paying the cost recovery. If the cost recovery involved is not claimed by the developer within twelve (12) months following mailing of the cost recovery notice, then the cost recovery involved will be paid to the City's general fund, and the developer will forfeit all rights to those funds.

**5. Improvements Already in Place**

If the improvements are already in place, and if the City Engineer determines that such improvements would have been required to be installed by any developer adjacent to the improvements, as a condition of development, the developer may be required as a condition of approval of development to pay to the City a fair share, as determined on a front foot basis of the original costs of the improvements, subject to three (3) percent simple interest factor each year and subject to the twenty-five (25) year limitation, if no Cost Recovery Agreement is in effect or a Cost Recovery Agreement is invalid for any reason.

**6. Cost Recovery by the City and Other Governmental Entities**

Nothing in this Subsection E is intended to preclude or prohibit the City or another governmental entity from entering into and being a party to cost recovery agreements with landowners for public roadway improvements. In these types of cost recovery agreements, interest may not be charged on the costs of the installed or constructed public roadway improvements.

**F. Cost Reimbursement by the City**

**1. Generally**

- a. Commencing January 1, 1988, the City shall reimburse, from funds specifically appropriated for such purpose, subdividers who complete construction of major streets or portions of major streets shown on the City's Major Thoroughfare Plan. Reimbursement of the costs subject to reimbursement shall be made after the City Engineer finds and determines on the basis of actual use and community benefit that the major street or portion of a major street is meeting a community need.
- b. The City Engineer shall articulate standards to determine when a subdivider who constructs a major street or portion of a major street is entitled to costs subject to reimbursement.
- c. The Council may set aside specifically designated funds for the purpose of reimbursing a subdivider costs subject to reimbursement for a major street or street portion of a major street that the City Council desires be constructed. This reimbursement shall not be subject to the City Engineer standards for reimbursement.

**2. Costs Subject to Reimbursement**

The following costs are eligible for reimbursement by the City pursuant to this Subsection F.

- a. The fair market value of that portion of the right-of-way of a major street in excess of sixty (60) feet in width shall be a cost subject to reimbursement. The fair market value of the right-of-way dedicated to the City shall be determined as of the time of Final Plat recording in accord with the following:
  - (1) The City and the owner may agree as to the fair market value; or
  - (2) The City and the owner may apply to a court of competent jurisdiction for determination of just compensation as provided for in C.R.S. title 38, article 1.
- b. The actual costs of construction of the major street less the actual costs of:
  - (1) Grading the entire width of the major street. This is any cut, fill, repairing soft spots, moisture treating, compacting, and grading of the sub-base beneath the base course for the entire width of the street. This does not include the compaction testing and chemical treatment of the sub-base for the qualifying additional width of roadway. For items that qualify for reimbursement, it must be shown that extra work was required beyond the requirement of standard major street cross-sections.
  - (2) The installation of pavement mat and base course up to thirty-six (36) feet wide. This is standard requirement for construction of the major roadway.
  - (3) The installation of drainage structures. Major street bridges shall be treated separate and apart from roadway reimbursements. City Code covers the construction reimbursement for major street bridges.
  - (4) The installation of sidewalks. They are standard requirements for major street sections.

- (5) The installation of curb and gutter on each side of the full pavement mat, not including median curb and gutter. Full pavement mat is a continuous pavement that is between the curbs. There are two (2) pavement mats in a cross-section of a major street. The median separates the two (2) pavement mats. Therefore, curb and gutter at the outer edge of the roadway are not eligible for reimbursement. Preparation and installation of the median curb and gutter are reimbursable. Grading associated with the median curb and gutter is not eligible for reimbursement. Raised medians are a standard requirement of major street sections and are not eligible for reimbursement.
- (6) Any treatment installed in the area between the median curbs, including without limitation any type of landscaping, concrete pavement, asphalt pavement, or other types of treatment within that area between the median curbs.
- (7) The construction of any turn lanes serving other private property. This is a standard requirement of major street cross-sections.
- (8) Any item not constructed in accordance with plans approved by the City Engineer and finally accepted for maintenance by the City Engineer.
- (9) Any other item that is part of the standard requirement of major street cross-sections.

### 3. Conditions of Reimbursement

- a. The City shall reimburse only those persons or entities that own the major street right-of-way when dedicated and only those persons or entities that paid for the actual costs of construction or both, or those persons or entities who have valid assignments for such rights to reimbursement.
- b. The major street must be constructed in accord with plans approved by the City Engineer and finally accepted for City maintenance by the City Engineer.

## G. Private Streets

### 1. When Required or Permitted

- a. The Manager may require the installation and construction of private streets and the retention and maintenance of those private streets by the developer or another entity acceptable to the City when:
  - (1) The site, layout of the site, density of units or structures, or other circumstance adversely affects the ability of the City or other governmental entity to adequately provide service or effectively maintain an adequate level of service to the site;
  - (2) The public health, safety, convenience, and welfare of the citizens, would be adversely affected by requiring a public street; or
  - (3) A proposed street will not comply with one (1) or more applicable ordinance, regulation, rule, or policy concerning the standards of design or construction for a public street.
- b. The Manager may approve the installation and construction of private streets when requested by a developer if the Manager, City Engineer, and Fire Code Official determine that the proposed private street:
  - (1) Will protect the public health, safety, and welfare as well or better than if a public street were required; and
  - (2) Will be maintained by an entity with adequate financial capability to perform routine maintenance and periodic replacement needed to maintain the quality of the street at a level equal or better than that of a public street.



**2. Design and Location**

The location and design of a private street or right-of-way shall be subject to the review and approval of City Engineering and the Fire Code Official.

**3. Designation**

Each private street approved by the City shall be clearly designated as a private street on the Subdivision Plat, and the plat shall include a note clarifying that the City is not responsible for maintenance of the private street.

**4. Street Name Signs**

- a. It is the responsibility of the property owner(s) or an authorized agency on behalf of the owner(s) to erect and forever maintain permanent signs that shall identify the name of each private street or right-of-way.
- b. Each required street sign shall be of a brown background with white reflective lettering and shall, in every other respect, conform to the specifications of the "Manual on Uniform Traffic Control Devices."
- c. Each required street sign shall be erected no later than that point in time when the occupancy of one-half (1/2) of the units on the block face has occurred.

**5. Fire Apparatus Access Road Markings**

- a. It is the responsibility of the property owner(s) or an authorized agency on behalf of the owner(s) to erect and forever maintain permanent fire apparatus access road markings where required by the Fire Code Official.
- b. All fire apparatus access road markings shall comply with all requirements of the Fire Code Official.
- c. Fire apparatus access road markings shall be installed prior to the occupancy of the first structure on each roadway segment serving the structure.

**6. Inspection and Approval**

Private streets shall be inspected and approved by the Fire Code Official prior to the issuance of any Building Permit for a building receiving access from that private street.

**H. Street Names**

**1. Approval**

All street names, both public and private, shall be subject to the approval of the Planning Department, Traffic Engineering, Colorado Springs Police Department Enhanced 911 Database Coordinator, Fire Code Official, and the Building Official. For purposes of this Section 7.4.304H, the official street name list to be used in the review of street names shall be that list commonly known as the master street address guide maintained by the El Paso/Teller County Enhanced 911 Authority Board.

**2. Street Name Regulations**

The following regulations shall apply to all newly platted or renamed streets:

**a. Address Assignment**

Numeric address assignment shall be subject to the approval of the Building Official as required by Section RBC312 (enumeration code) of the Regional Building Code.

**b. Street Names**

All street names shall be established by the use of common spellings using the Latin alphabet.

c. **Directional Entries**

No directional entries shall be allowed as part of a street name, for example, but not by way of limitation, Northpointe Drive.

d. **Residential Street Names**

Residential street names shall be limited to a maximum of fourteen (14) letters, not including the street name designation. Two-word street names are permitted.

e. **Duplicate Street Names**

Duplicate street names shall not be approved regardless of the street designation, for example, but not by way of limitation, Chelton Road, Chelton Loop, Chelton Circle.

f. **Street Names Similar to Other Streets**

Street names that closely approximate the spelling or phonetically sound similar to a platted street in the El Paso County-Teller County 911 service area shall not be approved.

g. **Numeric Spelling in Street Names**

The use of street names containing numeric spelling is prohibited, for example, but not by way of limitation, Two Branch Lane, or Six Pack Avenue.

h. **Street Designators in Street Names**

A street designator (such as the use of “way” in “Aspenway” Drive) shall not be used as part of the street name.

**3. Continuity of Names**

Any street that is a continuation or a logical approximate extension of an existing dedicated street, a platted street, a deeded street, a proposed street as shown on an approved Land Use Plan or approved Development Plan, or a street on the Major Thoroughfare Plan shall bear the same street name unless the continuation is to be designated as a private street. Street names shall not change at any point along the continuation of the street. Street names may change names at approved intersections. No street shall intersect itself resulting in an intersection with the same street name.

**4. Small Culs-De-Sac**

Small culs-de-sac that have fewer than five (5) interior lots shall bear the name of the intersecting street and the property shall be sequentially numerically addressed from the block series of the intersecting street.

**5. Public Street Name Designation**

Street type abbreviations shall comply with the National Emergency Number Association (NENA) standards. Street name designations shall be as defined by Traffic Engineering and used as follows:

a. **Boulevard or Parkway**

Shall be reserved for streets designated on the Major Thoroughfare Plan that are planned to have a median divider of sufficient size to allow for landscaping.

b. **Avenue or Road**

Shall be reserved for streets of substantial continuity such as major or minor arterials of the Major Thoroughfare Plan.

c. **Street or Drive**

Shall be reserved for streets of less continuity such as collector streets.

d. **Court, Place, Circle, Way, Terrace, Lane, Loop, Trail, or Path**

Shall be reserved for streets with no continuity.

**6. Private Street Name Designations**

Any private street or right-of-way shall be designated as follows: Grove, Heights, Point, or View.

**7. Temporary Posting of Public or Private Street Name Required**

- a. In order to ensure the timely and effective delivery of public services, including emergency assistance, provision of utilities, and required inspections, it shall be the responsibility of the subdivider, a duly authorized agent, or other subsequent property owner(s) to ensure the temporary posting of street names in subdivisions or areas of the City where new construction of building(s) is occurring.
- b. Such temporary posting of a street name shall occur within forty-eight (48) hours after issuance of the first Building Permit to allow construction in a block face.
- c. Such a street name sign shall be of any material that is weather resistant, shall be lettered to be legible and weather resistant, shall be placed in a location that is convenient and visible and at the appropriate intersection, and shall be maintained until a permanent sign is installed.
- d. Temporary access to any property based on a temporary posting of a street name shall not be construed as a guarantee of continued usage of any numeric address or street name that may have been assigned at time of approval of temporary access.
- e. Temporary addressing must comply with all requirements of the Fire Code Official.

**7.4.305 Arterial Roadway Bridges**

The system for funding a portion of the costs of constructing or expanding roadway bridges for freeways, expressways, and major or minor arterial roadways bridges in the City is established in Section 7.4.702 (Drainage Basin Fee Program).

**7.4.306 Assurances and Guarantees for Public Improvements**

**A. Statement Required**

The approved Final Plat shall contain the following statement:

“No Building Permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs, Colorado Springs Utilities, and the Stormwater Enterprise or alternatively until acceptable assurances including but not limited to letters of credit, cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including but not limited to drainage, Permanent Control Measures, channels, streets, and erosion control have been placed on file with the City of Colorado Springs.”

**B. Specific Requirements Prior to Building Permit Issuance**

**1. Street Improvements**

- a. Whenever the tract of land to be platted includes or is adjacent to a major street (street with right-of-way width greater than sixty (60) feet) or a major street is necessary to serve the land to be platted, such major street shall be completed prior to the issuance of Building Permit or acceptable assurance guaranteeing the completion of the major streets shall be filed with the City.
- b. The City Engineer may authorize the issuance of Building Permits before public street improvements are installed or completed, or before public street improvements are accepted by the City, provided that the permit applicant provides acceptable assurance guaranteeing the completion of the street improvements and agrees simultaneously to construct the street improvements with the buildings for which the permits are issued and acceptable assurances are on file with the City. No buildings constructed shall be occupied,

unless otherwise approved by the City Engineer, until the City has issued Probationary Acceptance for the public street improvements.

## **2. Utilities**

- a. No Building Permits within any plat shall be issued for sites requiring utility extensions and/or service connections until all required utility plans, coordination efforts, agreements, or other specific requirements, as specified by Colorado Springs Utilities, are completed and on file with Colorado Springs Utilities.
- b. The payment of all utility development charges, recovery agreement charges, and all other Utilities charges associated with the Building Permit process shall be payable in full at the time the Building Permit is issued or as directed by City Council. Such charges shall not be waived for governmental, quasi-governmental, or any other user wishing to connect to a City utility service.

## **3. Stormwater Improvements**

- a. For the purposes of this Subsection 3, "stormwater improvements" refers to drainage, channel, Permanent Control Measure, and erosion control improvements.
- b. Whenever the tract of land to be platted includes or is adjacent to a major stormwater improvement (stormwater improvements identified in the City's Drainage Basin Planning Studies and stormwater improvement plans), or a major stormwater improvement is necessary to serve the land to be platted, such major stormwater improvement shall be completed prior to the issuance of Building Permit or acceptable assurance guaranteeing the completion of the major stormwater improvements shall be filed with the City.
- c. All other public or private stormwater improvements necessary to convey and control the quality of stormwater runoff from or through the land to be platted to protect the building sites for which the Building Permit is requested, or to protect downstream property owners, shall be installed and completed, and public stormwater improvements shall be accepted by the City, before the first Building Permit for the platted land is issued. The Stormwater Enterprise Manager may authorize the issuance of Building Permits before public or private stormwater improvements are installed or completed, or before public stormwater improvements are accepted by the City, provided that the permit applicant provides acceptable assurance guaranteeing the completion of the stormwater improvements and agrees simultaneously to construct the stormwater improvements with the buildings for which the permits are issued and acceptable assurances are on file with the City. No buildings constructed shall be occupied, unless otherwise approved by the Stormwater Enterprise Manager, until the City has issued Probationary Acceptance for the public stormwater improvements and all private stormwater improvements are installed or completed, based on documentation satisfactory to the Stormwater Enterprise Manager.

## **4. Obligations of Landowners**

The obligation to provide, construct, or install public improvements as set forth in this Code shall be the obligation of the landowner, and shall run with the land and shall be the obligation of future landowners, successors in interest, assignees, or any other persons who take title to the property or any lot or part of the property.

## **5. Return of Fees and Release of Assurance**

- a. If it becomes impossible to proceed with a development for which a Final Plat has been approved, under an order of any court or other public authority having jurisdiction, including the City, or as a result of an act of government, including but not limited to a declaration of national emergency making materials unavailable through no act or fault of the subdivider or a natural catastrophe such as flood or earthquake or similar act or occurrence over which the subdivider has no control, the subdivider may apply to the City Engineer, with

concurrence from the Stormwater Enterprise Manager as appropriate, for return of fees paid for facilities and release of acceptable assurance on file with the City. No such fee or payment paid shall be refunded or acceptable assurance released unless the recorded plat for which the fees were paid or for which acceptable assurance was filed is vacated.

- b. Upon receipt of such application, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, shall investigate the circumstances set forth in the letter of application to verify those circumstances. If the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, finds no sales of land in a subdivision with reference to the final recorded plat, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, may relieve the subdivider from the requirement of filing acceptable assurance and may release the assurance previously filed with the City and refund the fees paid upon vacation of the plat. If the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, finds that lands have been sold or developed, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, shall require the installation of all required improvements from the nearest improved street or from the nearest utility main or line of adequate capacity to such point as shall be necessary to serve the land so sold or developed. The City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, may release the assurance as to unsold and undeveloped land beyond that point, provided, however, that the existing stormwater facilities are adequate to protect existing development. No fee or payment for unsold and undeveloped land shall be refunded or acceptable assurance released unless the portions of the recorded plat covering the unsold and undeveloped land for which the fees were paid or for which acceptable assurance was filed is vacated.
- c. No Building Permit shall be issued for the construction of any improvement on the land for which a fee or acceptable assurance would otherwise be required under this Section 7.4.306 while such release is in effect.

### **C. Renewal and Update of Acceptable Assurance**

#### **1. Responsibility of Subdivider**

If assurances filed with the City expire, no Building Permits for a building site shall be issued after the date on which they expire. It shall be the responsibility of the subdivider to keep current all assurances filed with the City. The City shall have the right at any time to increase or decrease the amount of assurance in accord with the current estimates of public improvements or utilities, it being the intent of this provision that the subdivider shall pay the entire cost of all improvements, and the subdivider shall limit the subdivider's liability for those entire costs by filing assurances based upon estimates.

#### **2. Release of Assurances for Streets and Ancillary Public Improvements**

Except as provided in this Section 7.4.306, assurances for streets and ancillary public improvements shall be released upon inspection and acceptance by the City in accord with the Engineering Criteria. If upon inspection of the public improvement deficiencies are found, then only that portion of the public improvements that are found to be acceptable shall be released from assurance. An acceptable amount of assurance as determined by the City shall be maintained to cover the cost of repair or correction. Upon completion of the repair or correction to the satisfaction of the City, the balance of the assurance shall be released. In order to obtain a release of reduction of assurance filed with the City, the request must be made in writing to the City Engineer for an inspection of the improvements covered by the assurance.

**3. Release of Assurance for Channel, Permanent Control Measure, and Erosion Control Assurance**

Except as provided in this Section 7.4.306, assurances for channel, Permanent Control Measure, and erosion control improvements shall be released upon inspection and acceptance by the Stormwater Enterprise in accord with the Engineering Criteria.

**4. Subdivision Assurance**

**a. Assurances Provided**

- (1) Assurances for construction shall be provided by subdividers and other developers responsible for constructing public street and stormwater infrastructure for the City. An assurance in and on a form approved by the City Attorney and issued by a surety approved by the City Attorney, must be posted for public improvements according to the following table:

Table 7.4.3-A Assurances	
Total Assurance Obligation	Assurance Required
<b>Minor Streets and Drainage</b>	
\$200,000.00 or less	90 percent
\$200,000.01 - \$400,000.00	80 percent
\$400,000.01 - \$600,000.00	70 percent
\$600,000.01 - \$800,000.00	60 percent
\$800,000.01 or greater	50 percent
<b>Minor Streets, Channel, Permanent Control Measure, and Erosion Control Assurance</b>	
Any amount	100 percent

**Notes:**  
 "Total assurance obligation" means the sum total dollar amount of each individual construction assurance due to the City from the subdivider or developer. The assurance percentage referred to in the above table means that percentage of the total assurance obligation which is due to the City from the subdivider or developer to satisfy the subdivider's or developer's assurance obligation. By way of example, in subdivision A, a subdivider or developer has a street assurance obligation of \$100,000.00 and a separate channel assurance obligation of \$300,000.00. The subdivider's or developer's assurance percentage required to be posted would be 90 percent for the street and 100 percent for the channel.

**(2) Subdivider's Responsibility to Retain Required Amounts of Assurances**

In the event the City draws upon a subdivider's or developer's assurance percentage so that the dollar sum of assurance available to the City drops below the assurance percentage required, the subdivider or developer shall within fourteen (14) days increase dollar sum of the assurance to not less than the minimum level shown in the table above.

- (3) When an assurance for the construction of public infrastructure or private improvements is required pursuant to this UDC, the Manager or City Engineer may approve a single assurance applicable to multiple projects managed by the same subdivider or affiliated subdividers, if the following criteria are met:
  - (a) The subdivider has three or more active projects requiring public or private improvements for which assurances are required;
  - (b) The initial combined total value of public infrastructure and private improvements for active projects is \$2,000,000 or fifty (50) percent of the initial total value, whichever is greater; and
  - (c) No funds have ever been drawn by the City of Colorado Springs or any other city or county from an assurance placed on file by the subdivider or any affiliate,

nor has any surety that has issued any such assurance been required by the City of Colorado Springs or any other city or county to cause the completion of infrastructure on behalf of the subdivider or any affiliated entity.

- (4) When the Manager or City Engineer approves a single assurance applicable to multiple projects:
  - (a) The blanket assurance shall be the type and form of assurance as defined in this UDC;
  - (b) The minimum amount of the assurance shall be \$2,000,000;
  - (c) The letter of credit or surety bond shall refer to a separate agreement or list that identifies, on an on-going basis, the projects covered by the blanket assurance and lists the City as the beneficiary eligible to draw on the funds immediately upon demand and without in-person presentation in the event the improvements are not completed as required by the approved plans; and
  - (d) If the City determines at any time that the subdivider is not meeting the criteria listed above, the City may cancel the blanket assurance with the subdivider and the subdivider shall submit assurances for individual projects or phases pursuant to this UDC.

**b. Obligation**

Nothing in this Section 7.4.306 shall be deemed to relieve any subdivider or developer of the obligation to complete construction and maintenance obligations for all improvements required by this Part 7.4.3. Forfeiture of assurances under this Section 7.4.306 shall be penal and punitive, and the City shall retain all rights to use forfeited funds in a manner that it deems appropriate.

**c. Certification of Compliance**

All improvements required by this Part 7.4.3 shall be certified in compliance with the approved construction plans and specifications by a professional engineer licensed in the State of Colorado, prior to any acceptance of that infrastructure by the City and prior to commencement of any warranty period.

**7.4.307 Park Land Dedications**

**A. Purpose**

It is the policy of the City that whenever land is proposed for residential use, the owner of the land shall provide for land for park needs generated by the proposed residential use through dedication of land, payment of Park Fees in lieu of land dedication, or fulfillment of the dedication requirement by Alternative Park Land Compliance to facilitate adequate provision of park land.

**B. Applicability**

**1. General**

This Section 7.4.307 shall apply to residential development in all Subdivision Plats that have not satisfied both of the following conditions prior to August 28, 1974:

- a. The Preliminary or Final Plat must have been approved by the City Council or the Board of County Commissioners of the County of El Paso; and
- b. The Preliminary or Final Plat must have satisfied all prerequisites of plat approval imposed by this UDC and all provisions and stipulations imposed by the City Council or all prerequisites of plat approval imposed by the Board of County Commissioners of the County of El Paso.

**2. Residential Development**

The following residential uses are subject to the requirements of this Section 7.4.307 (see Part 7.3.2 (Allowed Use Tables)):

- a. All Household Living Uses;
- b. Human Services Establishments;
- c. Group Cooperative Living; and
- d. Long-Term Care Facility.

**3. Replatting or Resubdividing**

The City will consider the following factors in any replat of land platted prior to September 6, 1973, for which Park Fees were paid or land was dedicated:

- a. If the replat is to correct engineering errors (legal descriptions), it is exempt from this Section 7.4.307.
- b. If Park Fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Section 7.4.307 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Section 7.4.307 as applied only to additional residential units shown on the replat. If residential density is decreased in the replat, the provisions of this Section 7.4.307 shall not apply. No credit for land or fees previously dedicated or paid will be granted if a replat results in a decrease of residential density.

**C. Compliance Required**

- 1. As a condition of Final Plat approval or Building Permit issuance for each residential development, as applicable, in accordance with the requirements of this Section 7.4.307, every subdivider shall dedicate land for parks in accordance with the dedication requirements in Subsection D below at the time of plat, agree to pay a sum of money sufficient to provide for such needs at the time of Building Permit issuance in accordance with Subsection E below, or provide Alternative Park Land Compliance as set forth in Subsection F below.
- 2. At the time of filing of a Final Plat, the Parks Department shall indicate whether land dedication, Park Fees, or Alternative Park Land Compliance are required. If the City desires land dedication, the Subdivider shall designate the area to be dedicated by the Preliminary and Final Plat.
- 3. Approval of Accessory Dwelling Units shall pay required fees in lieu of land dedication at the time of Building Permit issuance.

**D. Park Land Dedication Requirement**

- 1. The park land dedication requirement for neighborhood parks is set forth in Table 7.4.3-B and for community parks is set forth in Table 7.4.3-C.

Table 7.4.3-B Neighborhood Park Land Dedication Requirement	
Structure Type	Dedication Requirement Per Residential Dwelling Unit
Single family detached residential structure	0.0064 acres or 281 square feet
2-4 units in residential structure	0.0052 acres or 229 square feet
5-19 units in residential structure	0.0047 acres or 204 square feet
20-49 units in residential structure	0.0043 acres or 191 square feet
50 units or more in residential structure	0.0040 acres or 178 square feet



Table 7.4.3-C Community Park Land Dedication Requirement	
Structure Type	Dedication Requirement Per Residential Dwelling Unit
Single family detached residential structure	0.0077 acres or 337 square feet
2-4 units in residential structure	0.00623 acres or 274 square feet
5-19 units in residential structure	0.00568 acres or 244 square feet
20-49 units in residential structure	0.00565 acres or 229 square feet
50 units or more in residential structure	0.00478 acres or 213 square feet

2. Any land to be dedicated for park use shall be adaptable for use as a neighborhood park or community park as determined solely within the discretion of the Parks Manager. Factors used to evaluate the adequacy of proposed park areas shall include, but not be limited to, size and shape, topography, geology, flora and fauna, access, location, and conformance with the City's Parks System Master Plan.
3. All required park land dedication shall be accomplished by plat dedication. The subdivider shall be required to convey clear title to the land to be dedicated to the City in accordance with the subdivision requirements of this UDC and the following:
  - a. The subdivider shall plat any designated park areas and shall indicate the number of acres proposed for residential uses, the number of lots, number and type of proposed dwelling units, and the number of dwelling units within each structure. The plat shall identify land dedicated to the City and reference any easement, covenant, or deed restrictions applicable to private park land. Dedication or conveyance and acceptance of the land shall state that land is to be used for park purposes.
  - b. Any easement, covenants, or deed restrictions for private park land shall be submitted to the City prior to approval of the Final Plat and shall be recorded contemporaneously with the Final Plat.

**E. Park Fees in Lieu of Land Dedication**

1. When the City determines Park Fees are required in lieu of land dedication, the Park Fees due for each lot shall be paid to the City prior to the issuance of any Building Permit for the lot.
2. Park Fees are calculated as set forth in Subsection 7.4.307H (Review Requirements).

**F. Alternative Park Land Compliance**

**1. General Requirements**

- a. The City or the subdivider may propose fulfillment of a requirement to dedicate land by Alternative Park Land Compliance. The Parks Manager shall make the final determination of whether the proposed residential development can be adequately served by Alternative Park Land Compliance. The Parks Manager's decision shall be guided by the Park Land Dedication Ordinance Criteria Manual.
- b. Parks Manager approval shall be conditioned on the execution of an Alternative Park Land Compliance Agreement. The Alternative Park Land Compliance Agreement shall be contingent upon all appropriate land use approvals by the City.
- c. If the Parks Manager denies the request for Alternative Park Land Compliance, the subdivider shall comply with this Section 7.4.307 in accordance with the requirements of Subsections D or E above. The decision of the Parks Manager of whether to approve Alternative Park Land Compliance is administrative and not subject to appeal.

## 2. Types of Alternative Park Land Compliance

One (1) or more of the following park types may be used to meet the Alternative Park Land Compliance standards:

### a. **Neighborhood Park Land Owned by Metropolitan Districts; Special Districts, and Common Interest Community Associations**

Non-City-owned land provided and intended to be used and maintained by or for the future residents of the development for park-related purposes may be credited against the requirement of land dedication for neighborhood park purposes up to a maximum of 100 percent of the dedication requirement depending upon the extent to which the land serves the overall park and recreation needs of the future residents of the development, provided that the following standards are met:

- (1) Building and parking setbacks required to be maintained under this UDC are not included in the computation of such land;
- (2) Operation and maintenance of the land is adequately provided for by written agreement with the City;
- (3) Reasonable rules and regulations are established for the land and the land remains accessible to the general public for park related uses;
- (4) The use of the land is permanently designated for park purposes, by recorded document such as an easement, covenant, or by deed restriction which runs with the land and which cannot be defeated or eliminated without the consent of the City Council;
- (5) The proposed land is reasonably adaptable for use for neighborhood park purposes, taking into consideration such factors as size, shape, topography, geology, access and location; and
- (6) The City approves a land use Development Plan or park Development Plan.

### b. **Multiuse Trail Corridors**

Land dedicated for trails that are a minimum of fifty (50) feet wide may be credited against the requirement of dedication for neighborhood and community park purposes up to a maximum of one hundred (100) percent of the dedication requirement, provided the following standards are met:

- (1) The proposed trail dedication is consistent with the multiuse trail system identified within the City's Park System Master Plan, is within the land use master planned area, and is adjacent to, or within, the developed area.
- (2) The portion of any trail dedication that satisfies neighborhood park land dedication requirements must be located within the same Geographic Service Area that serves the subdivider's residential development.

### c. **Open Space**

Land dedicated for Open Space may be credited against the requirements of dedication for neighborhood and community park purposes up to a maximum of fifty (50) percent of the dedication requirement, provided the dedicated land is consistent with the Open Space Candidate Areas identified within the City's Park System Master Plan and exhibits significant natural resources and open space values

### d. **Mini Parks, Plazas, Industrial Parks, and Other Alternative Forms of Park Lands**

Where mini parks, plazas, Industrial parks or other alternative forms of park related lands are appropriate to meet park needs, land dedicated and used for mini parks, plazas, Industrial parks or other alternative forms of park related lands may be credited against the

requirement of dedication for neighborhood park purposes up to a maximum of one hundred (100) percent of the dedication requirement. If the land is not City-owned, the requirements of Subsection a above apply.

**e. Acceptance of Park Facility Construction or Expansion of Existing Park Facilities**

If the Parks Manager determines that park facility construction or expansion of an existing park facility is needed to serve the residential development, construction of park facilities may be credited against the requirement of dedication for neighborhood or community park purposes up to a maximum of one hundred (100) percent of the dedication requirement, provided the following standards are met:

- (1) The Subdivider and the City enter into a written agreement that identifies the specific terms and conditions for construction and expansion;
- (2) The new park facility construction and expansion is not otherwise required by this UDC or other building;
- (3) A Development Plan or Park Master Plan is approved by the City;
- (4) The proposed park facility construction or expansion to be substituted for Neighborhood park dedication requirements is located within the same Geographic Service Area serving the subdivider's residential development; and
- (5) The proposed park facility construction or expansion is in conformance with and supports the City's Park System Master Plan.

**G. Expenditure of Park Fees**

Park Fees collected in accordance with this Section 7.4.307 shall be spent as follows:

**1. Neighborhood Park Fees**

Neighborhood Parks are intended to serve neighborhoods within a Geographic Service Area. Park Fees collected by the City for Neighborhood park dedication shall be applied within the same Geographic Service Area or an adjacent Geographic Service Area to the development in order to benefit the neighborhood for which the Park Fees were paid.

**2. Community Park Fees**

Community parks are intended to serve as destination parks for all City residents. Park Fees collected by the City for Community park dedication may be applied anywhere within the City to acquire, develop, or redevelop Community parks.

**H. Review of Requirements**

1. The Parks Board and the Planning Commission shall review the park land dedication requirements and household dwelling data and this part and pertinent dwelling density data once every four (4) years and make a recommendation regarding any needed amendments to City Council.
2. City Council shall establish Park Fees, by resolution, once every four (4) years. In addition to applicable Platting Fees, Park Fees shall include a benchmark average value for one acre of unplatted, undeveloped land Citywide. Beginning in the year 2021 and every subsequent four (4) years, the Parks Department shall request that the City's Real Estate Services Manager contract with a certified land appraiser doing business in the City, to conduct a study of the land value for one acre of unplatted, undeveloped land Citywide and in each of the Geographic Service Areas. The Parks Manager shall present the study to the Parks Board and to the Planning Commission. The Parks Board and Planning Commission shall each then make a recommendation for Park Fees to City Council. Park Fees shall be administratively updated to include any Platting Fees that are amended from time to time.

3. By resolution, City Council shall adopt or amend the Geographic Service Areas boundaries as necessary. City Council shall provide for at least eight Geographic Service Areas within the City, which shall be designated in a manner to ensure that park services are located in reasonable proximity to residential development.

**I. Park Land Dedication Ordinance Criteria Manual**

The City Council shall review and adopt by resolution a Park Land Dedication Ordinance Criteria Manual, which may be amended from time to time, and which provides the Parks, Recreation and Cultural Services Department policies and standard procedures regarding the administration of this Section 7.4.307.

**7.4.308 School Site Dedications**

**A. Purpose**

It is the policy of the City that whenever land is proposed for residential use, the owner of the land shall provide land for school needs generated by the proposed residential use through the dedication of land or payment of fees in lieu of land dedication, or both.

**B. Applicability**

**1. General**

This Section 7.4.308 shall apply to residential development in all Subdivision Plats that have not satisfied both of the following conditions prior to August 28, 1974:

- a. The Preliminary or Final Plat must have been approved by the City Council or the Board of County Commissioners of the County of El Paso; and
- b. The Preliminary or Final Plat must have satisfied all prerequisites of plat approval imposed by this UDC and all provisions and stipulations imposed by the City Council or all prerequisites of plat approval imposed by the Board of County Commissioners of the County of El Paso.

**2. Replatting or Resubdividing**

The following considerations will be taken in account in any replat of land platted prior to September 6, 1973, for which School Site Fees were paid or land was dedicated:

- a. If the replat is to correct engineering errors (legal descriptions), it is exempt from this Section 7.4.308.
- b. If School Site Fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Section 7.4.308 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Section 7.4.308 as applied only to additional residential units shown on the replat. If residential density is decreased in the replat, the provisions of this Section 7.4.308 shall not apply.

**C. School Land Demand**

The City has determined that the following information is a reasonable and valid basis for determining the City's school land dedication requirement.

1. The minimum acreage requirements for schools, assuming ideal site topography, are set forth in Table 7.4.3-D.

<b>Table 7.4.3-D Minimum Acreage Requirements for Schools</b>			
<b>School Type</b>	<b>School Capacity</b>	<b>School Site Requirement</b>	<b>Acreage per Student</b>
Elementary	790 students	10 acres	0.0127
Junior High School	1,000 students	20 acres	0.02
Senior High School	2,000 students	45 acres	0.0225

2. The survey area for the school population study of June 1973, set forth in Table 7.4.3-E is typical of the developing areas in the City.

<b>Table 7.4.3-E Students Per Dwelling Unit</b>	
<b>Population</b>	<b>Students per Dwelling Unit</b>
<b>Elementary</b>	
5,499 single-family and duplex at 4,032 students	0.7332
2,651 multi-family at 469 students	0.1769
<b>Junior High School</b>	
5,499 single-family and duplex at 1,691 students	0.3075
2,651 multi-family at 135 students	0.0509
<b>Senior High School</b>	
5,499 single-family and duplex at 1,139 students	0.2071
2,651 multi-family at 193 students	0.0728

3. The demand for land for school sites for new development is set forth in Table 7.4.3-F.

<b>Table 7.4.3-F Required Acres per Dwelling Unit</b>					
<b>Land Use/School Type</b>	<b>Students per Dwelling Unit</b>		<b>Acres per Student</b>		<b>Required acres per Dwelling Unit</b>
<b>Low Density</b>					
Elementary	0.7332	x	0.0127	=	0.0093
Junior High School	0.3075	x	0.02	=	0.0061
Senior High School	0.2071	x	0.0225	=	0.0046
Total Low Density					<b>0.0200</b>
<b>High Density</b>				=	
Elementary	0.1769	x	0.0127	=	0.0022
Junior High School	0.0509	x	0.02	=	0.0010
Senior High School	0.07	x	0.0225	=	0.0016
Total High Density					<b>0.0048</b>

**D. Dedication or Fee-in-Lieu Required**

**1. School Site Requirement**

- a. Based on the data presented in Subsection C above, the school site land dedication requirement is 0.0048 acres (two hundred and nine (209) square feet) per dwelling unit for residential development with a density greater than eight dwelling units per acre, and 0.02 acres (eight hundred and seventy-one (871) square feet) per dwelling unit for residential development with a density of eight (8) dwelling units per acre or less. Land to be dedicated for a school site shall meet the following criteria:

- (1) Provides adequate access;

- (2) Include a proper general configuration; and
  - (3) Contain suitable physical characteristics, such as drainage, vegetation, and soil type.
- b. The fee in lieu of land dedication is \$76,602 per acre.

## **2. Procedure for Determining Land Dedication or Payment of Fee-in-Lieu**

- a. At the time of filing a Final Plat, if the Colorado Springs Comprehensive Plan or an approved Land Use Plan or Development Plan for the for the area including the plat area indicates a site for a future school, the Subdivider shall contact the school district to determine the desire of both agencies regarding the area.
- b. At the time of filing a Preliminary or Final Plat, the appropriate school district shall indicate whether land dedication or fees in lieu of land are required for school purposes. The appropriate school district shall submit their recommendations to the Planning Department within ten (10) days of notification that a plat has been filed.

## **3. Procedure for Dedication of Land**

Dedication when required shall be accomplished by transfer of deed or dedication by plat. This must be done prior to approval of the Preliminary/Final or Final Plat. The subdivider shall be required to convey clear title to the land to be deeded or dedicated to the school district. Where the subdivider cannot convey clear title at the time of Final Plat approval, the City Council may, in its discretion, accept a contract to convey the land at a later time certain accompanied by an acceptable assurance guaranteeing payment of a sum equal to the value of the land. Where the site is under the control of a third party, a similar three-party arrangement may be made.

## **4. Procedure for Payment of Fee-in-Lieu**

Where fees are required, such fees shall be paid at the time of platting. School Site Fees shall be made payable to the appropriate school district.

## **E. Additional Information Required on All Plats**

The Final Plat shall record the manner of compliance with the provisions of this Section 7.4.308. As appropriate, the plat shall record acreage dedicated. Dedication or conveyance and acceptance of the land shall state that land is to be used for school purposes.

## **F. Cost of Development of School Site**

If land is dedicated to a school district in accordance with this Section 7.4.308, the school district shall be required to pay its share of costs incurred in the development of the school including but not limited to adjacent roads, drainage, sidewalks, and utility extensions. The payment of these costs shall be deferred until funds are appropriated and may be deferred pursuant to a recovery agreement between the landowner and the school district so that the costs need not be paid by the school district until improvements to the land are completed and the land is put to public use. If payment of costs is deferred pursuant to a recovery agreement, ten percent of the costs shall be added to the costs for each year up to fifteen (15) years.

## **G. Disposal of Surplus School Land**

If any school district which has received school site land as a result of the provisions of this Section 7.4.308 determines that the land will not be used for school purposes, the following disposal procedure shall be followed:

1. That portion of the school site adjacent to the park site that was to be used as a joint site for recreational activities by both the City and school district or that portion of the school site that can be used for recreational activities or any portion thereof that can be used for recreational activities, as determined by the Parks, Recreation and Cultural Services Manager, shall be offered to the City for park or open space purposes. If the City accepts such offer, the City shall reimburse the school district and/or the landowner in an amount equal to the amount of land times the current School Site Fee in effect at the time of the school site disposal plus any actual

costs incurred by the school district in the development of the portion of the school site acquired including but not limited to adjacent roads, drainage, or sidewalks. Ten percent of the actual costs shall be added to the actual costs for each year up to fifteen (15) years.

2. If the Parks, Recreation and Cultural Services Manager determines that the City does not desire the recreational portion of the school site or only desires a portion of the recreational portion of the school site, then the school district shall offer all of the remaining surplus school site to the person who dedicated such real property for school purposes. If the person who dedicated the property desires to acquire the land from the school district, that person shall trade, if possible, for other land the school district desires or that person shall pay the current School Site Fee in effect at the time of the school site abandonment plus any actual costs incurred by the school district in the development of the site including but not limited to adjacent roads, drainage, or sidewalks. Ten (10) percent of the actual costs shall be added to the actual costs for each year up to fifteen (15) years.
3. If there is any school site land left over after the City and original dedicating person have made their decisions regarding acquisition of such site, the school district may offer the land for sale subject to applicable State statutes, rules, and regulations.
4. Anyone other than the City that acquires surplus school site property shall be required to meet all the terms and conditions of this UDC before developing such land.

#### 7.4.309 Off-Street Bicycle Path Land Dedications

##### A. Purpose

Subdividers of land shall provide land for off-street bicycle paths in the recommended network of the Bicycle Master Plan and Parks Master Plan. It is the purpose of this Section 7.4.309 to require the dedication of land to fulfill the needs set forth in the Bicycle Master Plan and Parks Master Plan, as adopted by City Council.

##### B. Access and Connectivity

All required street improvements shall comply with the access and connectivity standards in Part 7.4.4.

##### C. Dedication of Land for Off-Street Bicycle Paths

###### 1. Bicycle Paths Located Adjacent to Arterial Streets

Where an off-street bicycle path is to be located adjacent to a major street, as shown by the Bicycle Master Plan and Parks Master Plan, the subdivider shall be required to dedicate an amount of right-of-way or provide a public access easement sufficient to accommodate the appropriate bicycle facility as directed by Traffic Engineering per the guidance of the Engineering Criteria, and the standards set in the Bicycle Master Plan.

###### 2. Bicycle Paths Not Located Adjacent to Arterial Streets

Where an off-street bicycle path is to be placed in a location that is not adjacent to a major non-arterial street, as shown by the Bicycle Master Plan, the subdivider shall be required to dedicate an amount of right-of-way and/or provide a public access easement such that a strip of land at least fourteen (14) feet in width is available for the placement of a bicycle path. The required strip of land may include a combination of available public utility or public drainage right-of-way or easement, additional dedicated right-of-way, public access easement, or a combination of the those means. The Colorado Springs Utilities Chief Executive Officer, Stormwater Enterprise Manager, and City Engineer shall determine the amount of public utility or public drainage right-of-way or easement available for this purpose. In no instance shall bicycle path improvements conflict with utility or stormwater facilities.

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## 7.4.4 ACCESS AND CONNECTIVITY

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### 7.4.401 Purpose

This Part 7.4.4 is intended to implement the policy of the City that:

- A. Streets shall be planned, located, constructed, named, and numerically addressed to promote the health, welfare, and safety of the public. Streets in the City shall provide for ease of vehicle, bicycle, pedestrian, emergency response, and public transit circulation and the lessening of traffic congestion. Streets shall be designated and constructed to provide for safe and convenient resolution of potential conflicts between alternative modes of transportation.
- B. Major streets shall provide for the rapid and relatively unimpeded movement of vehicular traffic throughout the City, while still accommodating safe and convenient movement of pedestrians on the City's arterial streets, and major streets shall be located so as to provide access to major land use or activity centers in the City.
- C. Minor streets shall provide safe and convenient vehicle, bicycle, and pedestrian access to all property in the City.

### 7.4.402 General Standards

#### A. Compliance with Life Safety Regulations

In addition to all other provisions of this Part 7.4.4, all developments shall comply with all applicable regulations and standards for fire protection, emergency vehicle access, and life safety adopted by the City, including without limitation those that may limit the number of residential dwelling units relying on a limited number of vehicle access points. If there is a conflict between the requirements of this Section and life safety or engineering standards, the Manager in consultation with the Public Works Director and managers of affected Departments shall determine which standard shall apply.

#### B. Americans with Disabilities Act

- 1. Compliance with the Americans with Disabilities Act ("ADA") and other Federal and State accessibility laws is the sole responsibility of the property owner. Therefore, compliance with this Code does not assure compliance with the ADA or any other federal or state accessibility laws or any regulations or guidelines enacted or established under or with respect to such laws. The City of Colorado Springs is not responsible for enforcement of the ADA or any other federal or state accessibility laws.
- 2. The following note shall be added to all Development Plans prior to approval:  
"The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice. Approval of this plan by the City of Colorado Springs does not assure compliance with the ADA or any other Federal or State accessibility laws or any regulations or guidelines enacted or established under or with respect to such laws. Sole responsibility for compliance with Federal and State accessibility laws lies with the property owner."
- 3. Each Development Plan submitted to the City of Colorado Springs shall illustrate the provision of ADA accessible routes in accord with the applicable ADA design standards and guidelines as published by the United States Department of Justice with clearly identified corridors reflected on the site Development Plan, as applicable.

### 7.4.403 Access and Connectivity in Subdivisions

The following standards apply to the layout and design of subdivisions approved after the Effective Date, including all streets whether public or private.



**A. Street System**

Design and development of the street system in a Subdivision Plat shall conform to the requirements of this Section 7.4.403. Whenever a tract shown on a Subdivision Plat includes or is adjacent to a major street designated on the Major Thoroughfare Plan, that section of the major street shall be dedicated and constructed in the location and at the width indicated on the plan.

**B. Street Layout**

**1. External Access**

- a. All subdivisions shall provide vehicular access to the street system outside the subdivision in accordance with the table below unless the exemptions in Subsection b below apply.

Table 7.4.4-A Minimum Subdivision Access Points			
Development Type and Size			
Residential, Structures with One- to Four Units	Residential, Structures with Five or More Units, Up to Three Stories	All Other Uses	Minimum Number of Vehicle Access Points
Fewer than 40 units	Fewer than 80 units	Fewer than 5 acres	1
More than 40 units	More than 80 units	More than 5 acres	2

- b. The Manager, City Engineer, and Fire Department may approve a subdivision with fewer access points than required in Subsection a above if the applicant demonstrates one (1) of the following:
  - (1) The provision of additional vehicular access points is not possible due to existing lot configurations, the absence of connecting streets, or environmental or topographical constraints;
  - (2) CDOT or another non-City jurisdiction will not authorize additional access points and there is no reasonable alternative that avoids the use of the CDOT or other non-City roads on which access is limited;
  - (3) Alternative access can be provided in a manner acceptable to the City that provides adequate vehicular circulation and is supported by a traffic impact study acceptable to the City; or
  - (4) All units are provided with an approved fire sprinkler system.

**2. Future Streets**

The street system shall be designed to align with and continue existing or proposed streets in adjacent lands, where the adjoining lands are developed and have rights-of-way dedicated or reserved for such connections, or where proposed roads to the adjacent lands are included on a Land Use Plan, the Colorado Springs Comprehensive Plan, or another plan approved by City Council. All such streets shall be of equal width in right-of-way and in street section with the existing or planned streets on the adjacent lands with which they align.

**C. Street Design**

**1. Basic Street Design**

Except in cases where the Major Thoroughfare Plan, Land Use Plan, or a plan adopted by City Council line specifies a greater or lesser width as a minimum, the minimum right-of-way, roadway, planter strip, sidewalk and pedestrian way widths shall comply with the standards in the Engineering Criteria.

**a. On-Street Bicycle Routes**

All streets designated by the Bicycle Master Plan or the Parks Master Plan as on-street bicycle routes shall be designed as indicated in the Engineering Criteria or pursuant to the direction of the City Engineer. The subdivider shall include with the Development Plan a master facilities plan to the Manager, City Engineer, Stormwater Enterprise Manager, and Colorado Springs Utilities Chief Executive Officer for review. The master facilities plan shall show the placement and size of all public facilities including curb, gutter, sidewalks, pavement, utility lines, and stormwater facilities and easements, and shall be approved by the Manager and City Engineer and/or Colorado Springs Utilities Chief Executive Officer.

**b. Off-Street Bicycle Paths Located Adjacent to Arterial Streets**

Where bicycle paths are to be located adjacent to arterial streets, as shown by the Bicycle Master Plan or the Parks Master Plan, the street right-of-way, bike path, and planter strip dimensions shall be designed as indicated in the Engineering Criteria or pursuant to the direction of the City Traffic Engineer. The subdivider shall submit a master facilities plan to the Manager, City Engineer, Stormwater Enterprise Manager, and Colorado Springs Utilities Chief Executive Officer for review. The master facilities plan shall show the placement and size of all public facilities including curb, gutter, sidewalks, pavement, utility lines, and stormwater facilities and easements, and shall require approval by the Manager and the City Engineer, Stormwater Enterprise Manager, and/or Colorado Springs Utilities Chief Executive Officer.

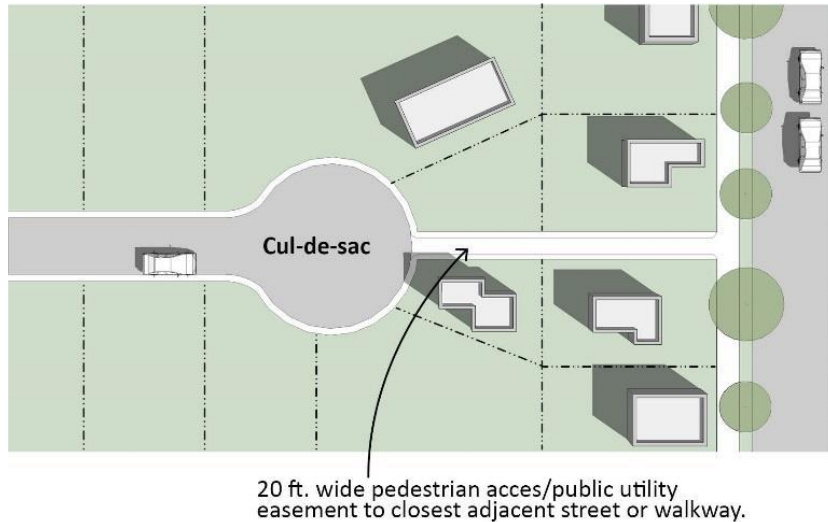
**2. Frequency of Street Intersections and Visibility**

Street intersections shall be at right angles or as nearly so as topography and other limiting factors of good design will permit. "T" or "cross" intersections shall be used wherever possible and intersections designed on a curve shall not be allowed except when topography or other limiting factors warrant. Frequency of intersections shall be as outlined in this Part 7.4.4, as applicable, and in the Engineering Criteria.

**3. Cul-De-Sacs**

- a. The maximum length of the cul-de-sac shall allow for effective fire protection in the event the entrance to the cul-de-sac is wholly or partially blocked, and for efficient provision of utilities. The Development Plan shall not include any cul-de-sac over seven hundred and fifty (750) feet in length, as measured from the curb line at the farthest end of the cul-de-sac to the centerline of the through street to which it connects, unless the applicant obtains approval of the Fire Code Official and City Engineer and/or Colorado Springs Utilities Chief Executive Officer in conjunction with the review of the Development Plan.

- b. Whenever a cul-de-sac over five hundred (500) feet is provided, a pedestrian access or public utility easement at least twenty (20) feet in width shall be provided where feasible based upon site or topography conditions between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or walkway to encourage neighborhood connectivity.



**4. Half Streets**

Half streets or portions of a street are prohibited unless specifically approved by City Engineering.

**5. Alleys**

Where provided, alleys shall be fully improved to the specifications of the Engineering Criteria, shall contain a right-of-way width of at least twenty (20) feet, and shall be certified by the City Engineer as meeting such design specifications. Where alleys are intended to be used as a fire apparatus access road, they shall also meet the requirements of the Fire Code Official for such roads.

**6. Grades**

Grades shall be as prescribed in the Engineering Criteria.

**7. Curves**

Minimum horizontal and vertical curves shall be as prescribed in the Engineering Criteria.

**8. Temporary Dead End Streets**

On stub end streets designed to provide future connection with adjoining unsubdivided areas, there shall be provided a temporary turnaround at the stub end or a temporary connection to another street if required by the City Engineer or Fire Code Official. If such a provision is required, the design for such stub end or connecting street shall be approved by the City Engineer and Fire Code Official.

**9. Vehicle Access**

Access from arterial streets into a residential development shall meet the requirements of the table below.

**Table 7.4.4-B  
Residential District Access Standards**

<b>A</b>	All residential units and associated parking spaces shall have direct vehicular access from a public street or alley or private street. Where alleys are intended to be used as a fire apparatus access road, they shall also meet the requirements of the Fire Code Official for such roads.
<b>B</b>	Vehicular access shall be from local or collector streets only, except that R-5 or R-Flex High districts may have curb cuts from an arterial street if the City Traffic Engineer determines the access is safe as supported by a traffic study.
<b>C</b>	Vehicular access to multifamily developments shall be oriented toward local or collector streets serving Mixed-Use and Industrial zone districts, rather than local or other streets that serve the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or that serve approved PDZs containing predominantly attached and detached single-family and two-family dwellings.

**D. Sidewalks and Pedestrian Curb Ramps**

The following standards shall apply to the installation of curbs, sidewalks, pedestrian walkways, and curb ramps. Additional standards related to pedestrian ways may apply.

**1. Sidewalks, Accessways, and Pedestrian Walkways**

- a. Sidewalks shall be required on both sides of all City streets as provided below and shall comply with the following standards:
  - (1) In residential developments that are not zoned PDZ and that have a density of two (2) dwelling units per acre or less, sidewalks are required on both sides of all public and private streets.
  - (2) In PDZ residential developments, sidewalks shall be required on both sides of all public and private streets.
- b. Notwithstanding Subsections (1) and (2) above, sidewalks shall be required adjacent to all developed parks and schools. Where a sidewalk is not required, an ADA-compliant Pedestrian Accessible Route must be identified and may be required to include curb ramps, sidewalks, walkways, and other compliant infrastructure.
- c. All sidewalks shall comply with the following standards:
  - (1) Sidewalks shall be constructed in accord with Engineering Criteria, subject to modification by the City Engineer based on topography or site conditions.
  - (2) All required sidewalks and pedestrian walkways shall be installed at or before the time of issuance of any Certificate of Occupancy for an adjacent property. The Certificate of Occupancy will be withheld until all sidewalks are completed.
  - (3) If required sidewalks or pedestrian walkways have not been installed at the time of issuance of the Certificate of Occupancy due to inclement weather or another reasonable delay approved by the City Engineer, then an acceptable assurance pursuant to Section 7.4.306 (Assurances and Guarantees for Public Improvements) shall be placed on file with the City Engineer prior to final inspection and issuance of the Certificate of Occupancy. The City will release assurances upon inspection and acceptance of the sidewalks.

**2. Accessways**

In the MX-M, MX-L, and MX-I zone districts, accessways that accommodate bicycles, pedestrians, and other non-motorized access and that are open to the public shall be required through and near the middle of any block that is longer than six hundred (600) feet, as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street on the opposite side of the block. Accessways shall not be required if the applicant demonstrates there is no appropriate destination at the other end (e.g., the accessway would terminate at a lake). Where required, these accessways:

- a. Shall be a minimum of fourteen (14) feet in width;
- b. May use an alley for a portion of the through connection; and
- c. Shall terminate at public sidewalks or other spaces accessible to the public.

### 3. Curb Ramps

- a. All new development requiring sidewalks shall provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons as required by the Americans with Disabilities Act.
- b. Curb ramps shall be constructed at all pedestrian crosswalks at all intersections in conjunction with the construction of the new street, or if street curbs exist, the curb (curb and gutter) shall be removed and a ramp installed.
- c. Limiting conditions or safety concerns such as physical constraints, limited sight visibility, steep grades, drainage problems with a potential for property damage or undesirable crosswalk locations, as determined by the City Engineer, may necessitate the exclusion of a pedestrian ramp. Where such conditions exist, the City Engineer may grant a waiver for such locations after written request is received detailing the request and appropriate limiting conditions or problems.

#### 7.4.404 Access and Connectivity in Development Plans

The following standards apply to the layout and design of Development Plans for development on approved subdivision lots after the Effective Date.

##### A. Multi-family Development and Mixed-Use and Business Park Districts

The following standards apply to all multi-family development and to all development in Mixed-Use zone districts and the BP zone district, and to PDZs containing multi-family, mixed-use, or business park development approved after the Effective Date.

#### 1. Vehicle Connectivity

Internal streets or driveways shall be located between multiple buildings and parking areas on a single lot or on adjacent lots included in a Development Plan, or to break up large parcels into smaller, internal "blocks," and to avoid the need to use adjacent arterial or collector streets to move between different buildings or areas of the development site. Such connections shall:

- a. Create internal "blocks" for which the perimeter of each "block" created by internal streets and external streets is no greater than two thousand, six hundred forty (2,640) feet.
- b. Include a driving surface at least sixteen (16) feet wide if designed for two-way traffic, and eight (8) feet wide if designed and signed for one-way traffic. Where intended to be used as a fire apparatus access road, they shall also meet the requirements of the Fire Code Official for such roads.

#### 2. Vehicle Access

Vehicular access lots located on arterial streets shall provide site access meeting the requirements below and the Engineering Criteria.

- a. Curb cuts shall be located pursuant to the guidelines of the Engineering Criteria, and no more than the required number of curb cuts shall be used. For redevelopment sites, existing curb cuts are encouraged to be combined and may be used if approved by the City Traffic Engineer.
- b. Vehicle entrances and exits shall be located a minimum distance from any intersecting right-of-way pursuant to guidelines of the Engineering Criteria.

- c. Vehicle entrances and exits shall be located at least five (5) feet from any side property line adjacent to a Residential zone district containing a single-family and duplex residential development, and shall be located at least twenty (20) feet from any side property line adjacent to any other type of development, except where it is possible to provide one shared access point to serve the adjacent property on the other side of that property line.
- d. Primary access points shall not require traffic entering or leaving the site to use local streets that serve the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or that serve approved PDZs containing predominantly single-family detached dwellings or two-family dwellings to the maximum extent feasible.

### 3. Pedestrian and Bicycle Access and Connectivity

#### a. Required Pedestrian Connections

The following pedestrian connections are required, shall be constructed in accordance with the standards in Subsection b below, and shall support the bicycle connections required in Subsection c below to the maximum extent feasible, as determined by the Manager.

##### (1) Between Main Entry and Public Sidewalk

Each development shall provide a safe, convenient, and accessible pedestrian connection from the main entrance of a building to a public sidewalk or internal walkway that connects to a public sidewalk.

##### (2) To Adjoining Streets

Each development shall provide pedestrian connections between internal and perimeter sidewalks at a maximum of one thousand (1,000) feet along the perimeter street (i.e. pedestrians along the perimeter sidewalks shall be able to find a sidewalk connection into the internal sidewalk system without walking more than one thousand (1,000) feet along the perimeter of such a site.), or as approved by the Manager.

##### (3) Between Multiple Primary Buildings on a Site

Development containing more than one primary building shall provide walkways that connect the principal entrances of all primary buildings.

##### (4) To Adjacent Development

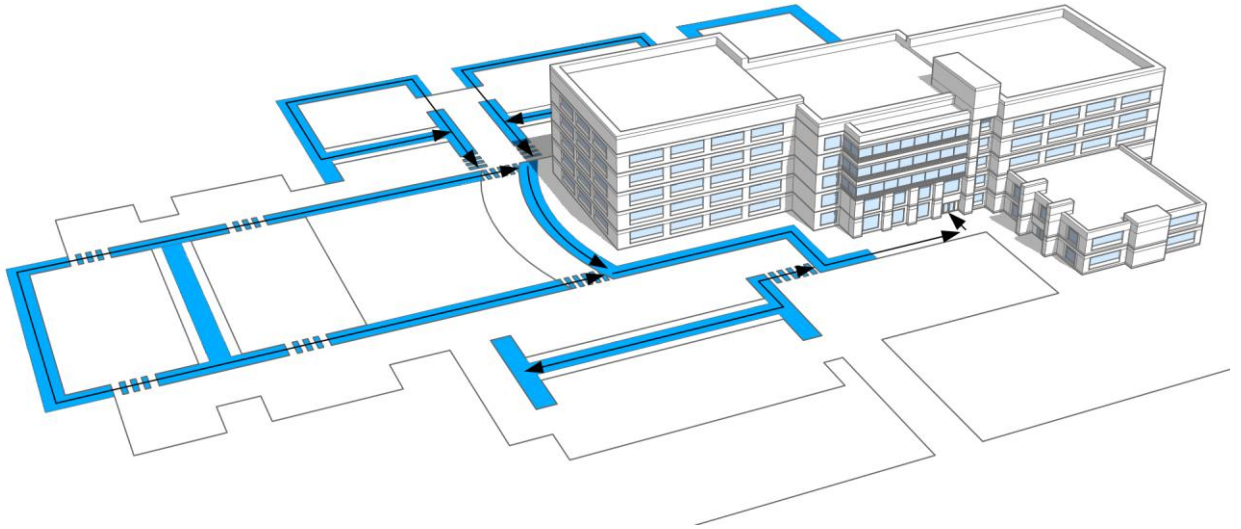
Perimeter sidewalks and internal walkways shall align and connect with any perimeter sidewalks and internal walkways on adjacent properties that extend to the boundary of such properties, to the maximum extent feasible.

##### (5) To Transit Stops

Development within two hundred (200) feet of a transit stop shall provide walkways that connect the on-site pedestrian circulation system to the transit stop, or to a public sidewalk that connects to the transit stop, along a reasonably direct route, or as approved by the Manager.

##### (6) Through Large Parking Lots

Each parking lot containing one hundred (100) or more parking spaces, any of which are located more than three hundred and thirty (330) feet from the front façade of a building, shall contain walkways designed to allow pedestrians to access the front door of the primary building without the need to walk through parking areas and minimizing the need to cross driving lanes, or as approved by the Manager. See figure below.



**b. Standards for Pedestrian Connections**

- (1) Walkways shall be a minimum of five (5) feet wide.
- (2) When a lot is adjacent to a public open space that includes existing or planned trails, a direct pedestrian connection at least six (6) feet wide from the development to the existing or planned trail shall be provided.
- (3) In a parking lot containing fifty (50) or more spaces, at each point where a sidewalk must cross a parking lot, internal street, or driveway to make a required connection, the crossing shall be clearly marked using one of these methods:
  - (a) Changing material, patterns, or paving color;
  - (b) Painting a distinctive color;
  - (c) Changing paving height;
  - (d) Decorative bollards or planters;
  - (e) Raised median walkways with landscaped buffers;
  - (f) Stamped or stained concrete or
  - (g) As otherwise approved by the Manager.

**c. Bicycle Connections**

On-site bicycle accesses that connect the on-site circulation system to existing or proposed streets, to bicycle connections, and to driveways open to the public that on adjacent properties shall be provided to the maximum extent feasible.

**B. LI and GI Zone Districts**

The following standards apply to development in the LI and GI zone districts approved after the Effective Date.

1. In Development Plans and that include primarily industrial uses, the street layout shall generally align with the arterial and collector street system to the maximum extent feasible.
2. Shared internal roadways and defined truck routes that avoid conflicts with primarily residential and commercial use areas shall be included to the maximum extent feasible.

3. Where an LI or GI zone district occurs along an arterial street frontage and residential use areas are located across the arterial street, entries serving the LI or GI zone district shall be placed out of alignment with entries to residential use areas.
4. No curb cut sized or designed for site access into an LI or GI zone district by a semi-truck tractor or trailer, or for site access by a commercial vehicle, trailer, or bus exceeding six thousand (6,000) pounds empty weight, shall be permitted on streets that separate R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts from the LI or GI zone district.
5. Access and circulation shall be designed so that loading docks and loading dock doors are internally oriented and are shared with adjacent industrial development in order to consolidate and minimize street access points, to the maximum extent feasible.

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## 7.4.5 GEOLOGICAL HAZARDS

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### 7.4.501 Purpose

The purpose of this Part 7.4.5 is to identify geologic conditions that may pose hazards to a land development project in order that avoidance or appropriate mitigation techniques are implemented. The types of geologic hazards to be identified shall include but not be limited to the following: expansive or compressible soils and bedrock and steeply dipping bedrock; unstable or potentially unstable slopes; landslide areas or potential landslide areas; debris flow and debris fans; rockfall areas; faults; areas of possible subsidence (areas of abandoned mining activity); shallow water tables; groundwater springs; flood prone areas; and landfills and areas of uncontrolled and undocumented fill.

### 7.4.502 Applicability

- A. A Geologic Hazard Study shall be required in conjunction with the City's review of the following type of applications or hazard areas:
  1. An application where any portion of the land is within the HS-O district, the SS-O district, or a 100-year floodplain;
  2. An application where any portion of the land is within Potential Landslide Susceptibility and Mine Subsidence areas on maps published by the Colorado Geological Survey; or
  3. An application where the owner, applicant, or City staff are aware that the land contains any of the following:
    - a. Existing or proposed slopes exceeding thirty-three (33) percent or that are otherwise unstable or potentially unstable;
    - b. Underground mining or subsidence activity;
    - c. A history of a landfill or uncontrolled or undocumented fill activity; or
    - d. Other geologic hazards that pose a risk to the proposed project development on land with seismicity, collapsible or compressible soils, shallow water table or springs, steeply dipping bedrock, expansive soils, or expansive bedrock that cannot be mitigated with standard foundation design/construction practices.
- B. If required by Subsection A above, a Geologic Hazard Study shall be required in conjunction with the City's review of the following type of applications:
  1. Rezoning requests when the Manager or City Engineer determine that a potential a geological hazard is present;
  2. New or updated Land Use Plans;



3. Final Plats when a geologic hazard study for the property has not previously been reviewed by the City or if assumptions and recommendations that were in place at the time a previously accepted geological hazard study are no longer valid;
  4. Development Plans (including expired Development Plans which are being reinstated) are required to submit a Geologic Hazard Study. If a previous Geologic Hazard Study was submitted with a Development Plan, but the Study was based on assumptions and recommendations that are no longer valid a new Geologic Hazard Study is required with the Development Plan submittal; and
  5. Public improvement construction drawings.
- C. The City Engineer may request a site-specific Geologic Hazard Study in conjunction with a Building Permit for a new, reconstruction, or an expansion of the building footprint or deck where no previous Geologic Hazard Study has been reviewed by the City as part of the zone change, Development Plan, or Final Plat if one of the following conditions apply:
1. Changes in drainage pattern or water flow in an area of landslide susceptibility; or
  2. Excavation or vertical penetration greater than three (3) feet in depth on existing slope of fifteen (15) percent grade or steeper.
- D. A Geological Hazard Study is not required in the following situations:
1. Replats of previous subdivisions in which buildings exist on the proposed lots and no new structures (not including fences) or new building sites are being created; or
  2. Development Plans that do not propose new building(s) or additions to existing building(s) and no significant grading is to occur on site.
- E. Where subdivision plats do not propose new building sites, the Manager and City Engineer may allow the Geologic Hazard Study to be delayed until the submittal of the Development Plan if the subdivision plat was submitted in conjunction with a Land Use Plan and the Geologic Hazard Report was determined by City Engineering staff not to be needed at time of Land Use Plan.
- F. **Geologic Hazard Waivers**
1. The requirement for a Geologic Hazard Study may be waived if the following conditions exist:
    - a. Land Use Plans, Development Plans, or subdivision plats for which Geologic Hazard Studies have been previously prepared and reviewed and which are still considered by the City Engineer as relevant. The City Engineer may request a validation letter for previously approved geologic hazard report or may require a new Geologic Hazard Study; and
    - b. A geologic hazard waiver is approved for development proposals for sites that do not exhibit characteristics listed within Subsection A.3 above.
  2. To obtain a waiver, the applicant shall submit a waiver request, which states the project meets the above noted criteria, and is prepared by a professional geologist or geotechnical engineer, who meets the qualifications listed in Section 7.4.503 (Preparation of Geological Studies and Report Guidelines) below.

#### 7.4.503 Preparation of Geologic Studies and Report Guidelines

Each required Geologic Hazard Study shall be prepared in accordance with the guidelines, criteria, policies and requirements for preparation, submittal, and review of a Geologic Hazard Study in the Engineering Criteria and shall be:

- A. Prepared by, or under the direction of, a professional geologist as defined by C.R.S. § 23-41-208, or by a qualified Professional (geotechnical) Engineer licensed by the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors; and

- B. Signed by the professional geologist and/or by the Professional (geotechnical) Engineer who prepared or certified the study.

#### 7.4.504 Scope of Study

- A. The requirements for scope of the Geological Hazard Study are included in the Engineering Criteria. In general, the Study shall be of sufficient detail and scope to:
  - 1. Identify the geologic hazards affecting the development site;
  - 2. Analyze the potential negative impacts the geologic hazards will have upon the proposed project;
  - 3. Provide mitigation techniques that will reduce to acceptable standards the risk posed to the development by any identified geologic hazards;
  - 4. Analyze potential impacts the proposed project will have on surrounding properties or public facilities related to existing geologic hazards; and
  - 5. Provide recommendations to be incorporated into the proposed project that mitigate significant potential impacts to surrounding properties or public facilities.
- B. The conclusions and recommendations of the study shall be based upon:
  - 1. Site Specific Subsurface Investigations (not required for Land Use Plan level studies);
  - 2. Site reconnaissance to identify the geologic features of the site and surrounding property;
  - 3. Review of previous geologic reports within close proximity to the subject site;
  - 4. Review of past geologic mapping in the area; and
  - 5. Conclusions drawn from the experience of the reviewing geologist or geotechnical engineer.

#### 7.4.505 Review of Geologic Hazard Studies

- A. **Geologic Hazard Studies**
  - 1. Geologic Hazard Studies will be reviewed by City staff in conjunction with the City's standard review of the application. If the City review determines that the Study submitted is incomplete or fails to comply with the City's requirements, the Study may be rejected and a new or supplemental study shall be required. The City's review shall determine whether the findings, conclusions and recommendations of the Study have been incorporated into the design of the Development Plan, Subdivision Plat, drainage plan, grading plan, street construction documents, and other public improvement construction drawings. In cases where significant geologic hazards are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project.
  - 2. Required mitigation measures shall include but not be limited to:
    - a. Changes to the proposed land use configuration;
    - b. Modification of land use types;
    - c. Modification of lot boundaries or building envelopes;
    - d. Special foundation designs;
    - e. Geotechnical engineering solutions;
    - f. Limitations on irrigated landscape designs;
    - g. Special drainage or underground utility infrastructure design; and
    - h. Avoidance.

**B. Independent Review**

City staff, Planning Commission, or City Council may, at their discretion, have geologic hazard studies independently reviewed by the Colorado Geological Survey (CGS) or by a City-approved professional geologist or qualified geotechnical consultant. This separate discretionary review shall be completed within twenty-one (21) working days of the date on which the decision to request independent review is made, shall supplement the City's review, and will be considered by the City in making a final recommendation or determination on the land development proposal application.

**C. Applicant Request for Consultant Review Panel**

1. Prior to Planning Commission consideration or final administrative decision, an applicant may request that the City convene a consultant review panel. Applicant's request shall be in writing and shall specify the issue(s) raised by independent review or City staff recommendation regarding a Geologic Hazard Study with which the applicant disagrees. Applicant's request must be filed within ten (10) days after the date of either discretionary review or staff recommendation, whichever is later.
2. The consultant review panel shall consist of three (3) members who may be either professional geologists or geotechnical engineers, or qualified Colorado Licensed Professional Engineers selected by the City Engineer who shall conduct a thorough evaluation of the geologic hazard study or independent review and may conduct site visits or request additional testing. The panel's findings shall be included in staff's recommendation on the application. The Manager may establish policies and procedures for panel review. The cost of the panel shall be borne by the applicant.

**D. Incorporation of Recommendations**

Recommendations of the geologic hazard study shall be incorporated, as applicable, into the approval of a Land Use Plan, Development Plan, public improvement construction drawings, landscaping plan, and building construction plans.

**E. Geologic Hazard Study Review**

At the discretion of the Manager, and concurrent with other City reviews, a copy of a final geologic hazard study and its related Land Use Plan, Development Plan and/or Final Plat may be provided for review to the Colorado Geological Survey, a City-approved professional geologist, or an independent professional geotechnical engineer, with an anticipated response to the City within fourteen (14) days. If the City does not receive a response to the final geologic hazard study review from the Colorado Geological Survey, independent professional geologist, or independent professional geotechnical engineer within fourteen (14) days after submission, the City shall have the authority to process any approvals or denials of the associated plan or plat.

**F. Improvement Location Certificate**

For any single-family or duplex land development proposal subject to a Geologic Hazard Study, the applicant shall submit to the Manager an improvement location certificate prior to the issuance of a Certificate of Occupancy by the Regional Building Official. The improvement location certificate shall be prepared pursuant to the requirements set forth in C.R.S. § 38-51-108. The Regional Building Official shall not issue a Certificate of Occupancy until the manager reviews the improvement location certificate for conformance with the City approved land development proposal and site plan.

**7.4.506 Disclosure Statement**

The following disclosure statement shall be placed on each Subdivision Plat, Development Plan, and other City permit, plan, or approval that is subject to a geologic hazard study:

"This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared \_\_\_\_\_ by dated \_\_\_\_\_, which identified the following specific geologic hazard on the property:

\_\_\_\_\_.  
A copy of that report has been placed within file # \_\_\_\_\_ or within the subdivision file of the \_\_\_\_\_.

Colorado Springs Planning Department. Contact the Colorado Springs Planning Department 30 South Nevada Avenue, Suite 701, Colorado Springs, CO, if you would like to review the report.”

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## 7.4.6 GRADING AND EROSION CONTROL

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### 7.4.601 Grading, Erosion, and Stormwater Quality

#### A. Purpose

The purpose of this Section 7.4.601 is to safeguard life, limb, property, and the public welfare from adverse grading and erosion impacts to private and public property.

#### B. General Requirements

1. Grading shall conform to all applicable safety requirements. An erosion control blanket shall be installed on all graded slopes three (3) to one (1) and greater. A slope stability analysis or approved alternative shall be performed for permanent slopes graded steeper than two and a half (2.5) to one (1).
2. All construction activities shall follow the applicable standards and policies and may be required to provide assurances for erosion control as set forth in the Engineering Criteria.
3. All projects shall be designed to avoid and/or minimize soil erosion, both during construction and at final stabilization.
4. All projects that propose grade changes over buried utility infrastructure shall be reviewed and approved by Colorado Springs Utilities. It is the developer’s responsibility to submit and obtain approval from Colorado Springs Utilities.

#### C. Grading and Erosion Control (GEC) Permit

1. No person shall undertake any grading on private property that will result in any of the following without first complying with the requirements of Subsection 2 below:
  - a. Construction activities disturbing one (1) or more acres;
  - b. Construction activities that are part of a larger common plan of development or sale where the larger common plan disturbs one (1) or more acres;
  - c. Any grading or construction within an open drainage channel as determined by the review engineer;
  - d. Any time a permanent control measure is constructed or substantially modified, to be defined as involving non-maintenance related activities; or
  - e. On any site as deemed necessary and required by the Stormwater Enterprise Manager.
2. Before engaging in any activity listed in Subsection 1 above, the owner of the property shall obtain a GEC Permit or an Associate GEC Permit according to conditions and process set forth in the Engineering Criteria. The following list of requirements is for reference only:
  - a. An approved GEC Plan;
  - b. An approved City Stormwater Management Plan (CSWMP); and
  - c. A passed Initial Inspection.
3. A Permanent Control Management (PCM) Plan must be approved prior to implementation of the final phase of a GEC Plan, and prior to construction of the Permanent Control Measures. The Stormwater Enterprise Manager may issue a stop work order pursuant to Subsection 7.5.904C (Stop Work Order for Hillside Site and Grading Plan) if work under the final phase of the GEC Plan is started without an approved PCM Plan. Requirements for PCM Plans are detailed in the

7.4.602: Nuisance to the Public Health, Safety and Welfare Declared

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Engineering Criteria. All PCM Plans shall be signed and bear the seal of a registered professional engineer licensed by the State of Colorado.

4. In all zone districts, a GEC Permit or Associate GEC Permit issued by the Stormwater Enterprise Manager shall authorize the approved construction activity and implementation of the approved construction control measures, except as stated in Subsections 5 and 6 below.
5. In the HS-O district, approval of a Hillside Site and Grading Plan is required in addition to a GEC Permit or Associate GEC Permit. No activity listed in Subsection 1 above may occur on lands in the HS-O district until an approval of a Hillside Development Plan has been obtained pursuant to Sections 7.2.610 (HS-O: Hillside Overlay) and 7.5.515 (Development Plan).
6. In SS-O district, approval of a Streamside Development Plan is required in addition to a GEC Permit or Associate GEC Permit. No activity listed in Subsection 1 above may occur in the SS-O district until an approval of a Streamside Development Plan has been obtained pursuant to Sections 7.2.603 (SS-O: Streamside Overlay) and 7.5.515 (Development Plan)

**7.4.602 Nuisance to the Public Health, Safety and Welfare Declared**

- A. The Stormwater Enterprise Manager, after inspection, may declare a site to be a nuisance to the public health, safety, and welfare if any one of the following conditions exist:
  1. Any fill, excavation, or grading exists that, as a result of natural or unnatural conditions, has or will result in damage to life, limb, or property;
  2. Grading or any land disturbance is taking place without an active GEC Permit or Associate GEC Permit, if required by Section 7.4.601 (Grading, Erosion, and Stormwater Quality); or
  3. The conditions of the GEC Permit or Associate GEC Permit and Permanent Control Management Plan are not implemented or are insufficient to protect public safety, property, or water resources.
- B. A nuisance to the public health, safety, and welfare shall be abated in accord with the requirements of the Stormwater Enterprise Manager, which may include, but are not limited to, submittal and implementation of a new or revised GEC Plan and/or CSWMP.

**7.4.603 Inspections**

- A. The Stormwater Enterprise Manager or City Engineer may enter upon any property at reasonable times to conduct inspections of grading and erosion control operations to determine compliance with stormwater requirements, policies, and procedures and to carry out duties in the enforcement of this Section 7.4.601, including abatement of violations.
- B. In the event the owner of any property within the City refuses to permit entry to the Stormwater Enterprise Manager when entry is sought pursuant to this Section 7.4.603, or should permission to enter the property otherwise not be obtainable from the owner, the Stormwater Enterprise Manager may make application to any Judge of the Municipal Court of the City for the issuance of a warrant to inspect the property or carry out other duties, including the abatement of violations. A sworn application for entry and inspection shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition that is in violation of the requirements of this Section 7.4.601 exists on the property, or that a violation in fact exists and must be abated. Any warrant issued shall command the owner to permit entry to Stormwater Enterprise Manager for the purposes stated in the application.
- C. The property owner or the property owner's designated agent shall perform regular inspections of all grading and erosion control operations in accord with the policies and procedures set forth in the Engineering Criteria.

**7.4.604 Responsibility and Liability**

Any person who engages in grading or erosion control is declared to be totally responsible to those persons who may have been endangered or have negative property impacts as a result of not having or not following a GEC Plan and/or CSWMP or following an incorrect GEC Plan and/or CSWMP.

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**7.4.7 STORMWATER**

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**7.4.701 Stormwater Requirements****A. Stormwater Criteria**

The property owner and developer shall comply with all stormwater requirements, policies, and procedures as set forth in the Engineering Criteria. The Stormwater Enterprise Manager is authorized to establish administrative rules and regulations, including updates to the Engineering Criteria.

**B. Drainage Reports and Plans Required****1. Drainage Reports**

Requirements for drainage reports are set forth in the Engineering Criteria. The following list of submittals is for reference only.

**a. Master Development Drainage Plan**

Acceptance of a master development drainage plan is generally required prior to Development Plan approval.

**b. Conceptual Drainage Report**

Acceptance of a conceptual drainage report is generally required prior to Development Plan approval.

**c. Preliminary Drainage Report**

Approval of a preliminary drainage report is generally required prior to plat recordation.

**d. Final Drainage Report**

Approval of a final drainage report is generally required prior to drainage design plan approval.

**e. Channel Design Report**

Approval of a channel design report is generally required prior to channel design plan approval.

**2. Drainage Plans**

Requirements for drainage plans are set forth in the Engineering Criteria. The following list of submittals is for reference only:

**a. Storm Sewer Plan**

Approval of a storm sewer plan is generally required prior to Building Permit issuance.

**b. Channel Design Plan**

Approval of a channel design plan is generally required prior to Building Permit issuance.

**c. Permanent Control Measure Plan**

Approval of a permanent control measure plan is generally required prior to approval of the last phase of grading.

**3. Assurance Required**

Prior to approval of construction drawings, assurances that comply with the requirements of the Engineering Criteria shall be posted.

**C. City Responsible for Accepted Facilities**

All stormwater infrastructure constructed or provided under this Part 7.4.7 and designated by the Stormwater Enterprise Manager as public stormwater infrastructure with public maintenance shall, upon written acceptance by the Stormwater Enterprise Manager, become the property of the City and the City shall be responsible for the operation and maintenance of the facilities.

**7.4.702 Drainage Basin Fee Program**

**A. Purpose**

The purpose of this Section 7.4.702 is to implement the City's findings and policy that:

1. There is an urgent necessity of providing storm drains and other facilities for the drainage and control of flood and surface waters including facilities to detain stormwater within areas and territories to be subdivided and developed.
2. These facilities are required for the proper and orderly development of the areas and territories in order that storm and surface waters may be properly drained and controlled and that the health, property, safety, and welfare of the City and its citizens may be safeguarded and protected.
3. It is necessary under all the attendant circumstances that the owner and developer of the subdivision shall provide the drainage facilities within each subdivision necessary for the drainage and control of surface water within that subdivision and also to provide the facilities required to convey stormwater to such outflow or discharge point as shall be indicated in the drainage basin planning study for the area within which the subdivision is located.
4. Freeway, expressway, and major or minor arterial roadway bridges are required to span these drainage basins and allow for safe and convenient circulation of people and vehicles throughout the City. Because of their high cost, it is necessary to develop an equitable system for constructing these facilities.

**B. Applicability**

**1. General**

- a. The collection of drainage, bridge, pond facility, pond land, and surcharge fees in this Section applies to land not otherwise excluded or exempted pursuant to this Section 7.4.702 and on which:
  - (1) Drainage, bridge, pond facility, and pond land fees have not been assessed; or
  - (2) The land was not included in the drainage fee calculation contained in a Drainage Basin Planning Study.
- b. No replat, approval of Development Plans or Site Plans, or Building Permit for development or construction on land described in Subsection a above shall be approved or issued until the owner has complied with the terms of this Section 7.4.702.
2. Land upon which drainage, bridge, pond facility, or pond land fees have been paid, or upon which reimbursable stormwater infrastructure has been built in accord with detailed plans and specifications accepted by the City, may be replatted, developed, or redeveloped without additional assessment of drainage, bridge, pond facility, and pond land fees if the drainage study submitted with the replat, Development Plan, Site Plan, or construction drawings indicates no new stormwater improvements are required as a result of the proposed replat, development, or redevelopment, and that conclusion is approved by the Stormwater Enterprise Manager.

**C. Drainage Basin Fee Program****1. Studies of Drainage Basins and Calculation of Related Fees**

- a. The Stormwater Enterprise Manager shall cause to be made new or updated engineering studies of drainage basins. The studies, known as drainage basin planning studies (DBPS), are to be authorized as finances become available. If public funds are not available and land development in a specific drainage basin is causing the need for a new or updated DBPS, a specific land developer(s) may be required to finance a new or updated study, subject to conditions and requirements of the Stormwater Enterprise Manager. The land developer(s) will be eligible for credit for the cost of the studies in accord with the provisions of Subsection 7.4.702C.7 below.
- b. These DBPS studies and investigations shall show the conduits, channels, natural drainage courses (sometimes called “greenbelts”), detention basins, culverts, and all other facilities that are required to provide for the control of surface waters within the basins and to carry such waters to designated points of outflow or discharge. The studies shall include an estimate of the cost of providing the stormwater facilities, which computation of costs shall include the expense of the studies. The estimated cost per acre of providing the facilities shall be determined within each drainage basin by dividing the number of unplatted acres within the drainage basin into the total cost as provided. This per acre cost shall be known as the unit drainage fee.
- c. If it is in the best interest of the drainage basin, as determined by the DBPS and approved by the Drainage Board, a detention pond land fee may be established for that basin. The DBPS will show all required acreage necessary for recommended reimbursable public detention ponds. The estimated cost per acre of providing land for the public detention reservoirs shall be determined within each basin by dividing the number of unplatted acres within the drainage basin into the total drainage credit value of the land. The credit value of the land is intended to match the City’s park land dedication fee. This per acre fee shall be known as the unit pond land fee, and shall be deposited in the same subfund as the unit drainage fees.
- d. Prior to January 1 of each year the unit drainage fee and the unit pond land fees shall be reviewed by the Drainage Board, which shall make a recommendation to the City Council as to any adjustment to the fees. In the absence of additional studies, the unit pond land fees are intended to be raised or lowered by the same percentage as the City’s park land dedication fee. Upon such recommendation the City Council shall establish by resolution the unit drainage, bridge, pond facility, pond land, and surcharge fees in each drainage basin to be effective January 1 of each year. The fees shall be reestablished in accord with changes in construction and other costs or revisions suggested by additional studies or other information obtained.
- e. If undue hardship would result to the subdivider by reason of the carriage of the water to the ultimate discharge or outflow point as shown on the DBPS, the Drainage Board may designate another discharge or outflow point at which the water will be received by an open channel, or other minimum or substitute facility to carry the water. At the discretion of the Stormwater Enterprise Manager, the subdivider may be required to prepare an amendment to the DBPS to reflect the change.

**2. Drainage Basin Boundaries**

The boundaries of the drainage fee basins have been delineated and approved by City Council. These delineations shall serve as official designations of the respective drainage basins concerned in this part, but the delineations shall be subject to revision by the Stormwater Enterprise Manager from time to time. Basin delineations are included in the City’s GIS.



### 3. Establishment of Per Acre Cost for Needed Bridge Facilities

- a. The City Engineer shall make periodic engineering studies of those roadways designated on the City Major Thoroughfare Plan as freeways, expressways, or major or minor arterial roadways in relation to the drainage basins in the City, and the City Engineer shall determine and specify on the drainage basin maps of the City proposed or expanded arterial roadway bridges.
- b. The City Engineer shall, after the completion of the arterial roadway bridge needs study, make an estimate of the cost for the expansion or construction of each arterial roadway bridge designated in each drainage basin.
- c. The City Engineer shall then estimate that portion of the total estimated cost of each arterial roadway bridge that is attributed to the width of such bridge in excess of sixty-eight (68) feet. Such estimate shall be made by determining the percentage of the arterial roadway bridge over sixty-eight (68) feet and then by multiplying the total estimated cost by such percent. The product shall be the responsibility of the City and the City Engineer's estimate shall be final. The City Engineer shall deduct from the total estimated cost, the City Engineer's estimate of that portion of the total estimated cost allocable to that portion of such bridge in excess of sixty-eight (68) feet in width. The City Engineer shall then total all remaining costs for all the arterial roadway bridges in the given drainage basin, and divide such total by the total acreage of the drainage basin and determine a per acre cost for new or expanded arterial roadway bridges in the drainage basin to be paid into the arterial roadway bridge fund established for each drainage basin.
- d. As an alternative, a per-acre cost may be developed or updated as part of a Drainage Basin Planning Study.

#### e. Review by Drainage Board and City Council

The City Engineer shall report such arterial roadway bridge per acre cost to the Drainage Board. The Drainage Board shall review the estimates of the City Engineer and then report and recommend to the City Council a per acre arterial roadway bridge cost for each drainage basin. City Council shall establish by resolution a per acre arterial roadway bridge cost for each drainage basin. Once established, such per acre cost shall be paid by each landowner during the subdivision platting process. Payment of the per acre cost shall be in cash to the applicable arterial roadway bridge fund. The funds collected shall be used only for the construction or expansion of new or expanded arterial roadway bridges as designated on the drainage basin maps by the City Engineer.

### 4. Bridge Fees and Charges

#### a. Reestablishment of Fees

The arterial roadway bridge per acre cost may be reestablished by the City Council as necessary. Such reestablishment of the per acre cost shall be based on changes in construction and other costs of revisions suggested by additional studies or other information obtained.

#### b. City's Contribution

The City will contribute to each arterial roadway bridge fund established in each drainage basin that cost per acre that is attributed to land within the drainage basin for which the City Council has approved a Preliminary/Final Plat or a Final Plat before \_\_\_\_\_. Such City contribution will be made only after the City Council has budgeted and approved such expenditure.

#### c. Reimbursement to General Fund

Should the City appropriate front-end money to facilitate the construction of new or expanded arterial roadway bridges in excess of its mandatory contribution, such excess

amount shall be paid back to the City's general fund as land within the applicable drainage basin is platted, and until the City's excess payment is accounted for. As more land is platted, payment in the drainage basin shall then be to the applicable arterial roadway bridge fund.

d. **Adjustment to Bridge Fee**

As the per acre cost for the arterial roadway bridges is determined, the Drainage Board and City Council shall adjust the unit bridge fee for the drainage basin.

e. **Arterial Roadway Changes Refunds or Credits**

Should an arterial roadway be removed from the Major Thoroughfare Plan or Drainage Board Plan Study and the corresponding arterial roadway bridge be determined to be no longer necessary, a credit or a refund, as determined by the Drainage Board, may be granted to those persons, including the City, who have contributed for such bridge.

**5. Exclusions and Exemptions**

There are excluded and exempted from the provisions of this Section 7.4.702 those lands that were subdivided and the Final Plats of which have been approved by the City Council or the Board of County Commissioners of the County of El Paso on or before April 28, 1964 provided, however, that lands that have been annexed to the City upon the conditions and understanding that the included lands would be subject to the provisions of a drainage control ordinance and the payment of drainage, bridge, pond facility, pond land, and surcharge fees shall be subject to the provisions of this Section 7.4.702 regardless of whether or not the plats for such areas have been approved.

**6. Annexed Lands**

The owner or owners of lands that have been annexed to the City upon the condition and understanding that the included lands would be subject to the provisions of a drainage control ordinance and the payment of drainage, bridge, and pond fees, whether or not the plats for those lands have been approved, and the owners of lands presently or hereafter annexing lands to the City, shall, prior to final publication of the annexing ordinance, agree in writing with the City that the lands are subject to and they will comply with the provisions of this Section 7.4.702, including the payment of all required fees. The owner or owners shall further agree in writing that the required fees shall be paid prior to the final approval of the plat or other plan for or release of land for development and that the stormwater facilities will be installed within and in connection with the subdivision of the land as required in this Section 7.4.702.

**7. Credit for Facilities**

a. **Reimbursable Stormwater Facilities**

Only reimbursable stormwater facilities are eligible for credit. Reimbursable facilities are those included in a DBPS cost estimate or specifically approved as reimbursable by the Drainage Board. To defer relevant fees or receive credit for constructed facilities, reimbursable stormwater facilities must be listed in an approved drainage report and must be considered reimbursable at the time of drainage report approval.

b. **Subdivider May Be Credited**

- (1) Upon the completion and acceptance of the stormwater facilities for a subdivision as required by this Part 7.4.7, the unit drainage bridge, pond facility, and pond land fees payable by the subdivider upon the land in the subdivision, or that portion upon of the subdivision for which final approval has been given and to which the facilities are applicable, shall be computed. If the amount of the fees is less than the cost of providing the facilities required by this Section 7.4.702, the subdivider (or, by written agreement approved by the Stormwater Enterprise Manager, any other party) shall be entitled to a credit from the appropriate basin subfund of the subdivision storm

drainage fund in the amount that the cost of providing the facilities exceeds the fees payable by the subdivider.

- (2) If the final approval is applicable to only a portion of the subdivision or tract or tracts of land owned by the subdivider and located within the drainage basin, at the option of the subdivider, the credit for the cost of the facilities' installation in excess of the applicable fees for the portion approved may be applied upon and credited to the appropriate fees upon the balance of the subdivision or tract or tracts of land owned by the subdivider, provided that the subdivider furnishes the Drainage Board satisfactory evidence that the subdivider owns the subdivision or tract or tracts of land, or has entered into a written contract to purchase the subdivision or tract or tracts of land, as of the date that application for the credit is made.
- (3) The subdivider may determine to construct stormwater facilities as required by the DBPS prior to subdividing or otherwise developing land. In that event the fees applicable to the land proposed to be subdivided or otherwise developed may, with the approval of the Stormwater Enterprise Manager, be fixed at the time the subdivider contracts for the construction of the drainage.

**c. Determination of Credit for Stormwater Facilities**

- (1) The credit to which a subdivider shall be entitled from the appropriate basin subfund of the subdivision storm drainage fund, as set forth in Subsection b above, shall be determined on the basis of the actual cost incurred in constructing the stormwater facilities, plus up to ten percent for incurred engineering expense. The subdivider shall be responsible for contracting for the construction of the stormwater facilities after receiving at least three (3) sealed bids for construction of the stormwater facilities from contractors. If the subdivider is unable to get at least three (3) sealed bids, the Stormwater Enterprise Manager shall be responsible for determining that the bid or bids received are the lowest responsible bids. The decision of the Stormwater Enterprise Manager may be appealed to the Drainage Board. The bid justification and determination shall be made prior to the start of construction of the stormwater facilities. The subdivider shall award the bid to the lowest responsible bidder within ninety (90) days after receiving the bids.
- (2) If the bids exceed the estimate of the cost of constructing the stormwater facilities as set forth in the DBPS, they shall be rejected unless the subdivider's engineer and Stormwater Enterprise Manager determine that any bid exceeding the engineer's estimate is the lowest responsible bidder unless the subdivider declares a desire to accept a higher bid. This determination shall be made prior to the start of construction of the stormwater facilities. If such is the case any credit shall be based on DBPS estimate. Any disputes pertaining to this Subsection 7.4.702C.7 shall be referred to the Drainage Board for determination.

**8. Determination of Credit for Land Used for Reimbursable Public Detention Facilities**

The credit to which a subdivider shall be entitled from the appropriate subfund of the basin involved in the subdivision storm drainage fund shall be determined on a per acre basis. The per acre land credit shall be equal to the applicable park land fee in use at the time of the associated plat recordation.

**D. Allocation of Interest Earned**

Interest earned by the investment of surplus funds that may temporarily accumulate in the storm drainage fund shall be allocated to a drainage contingency fund, which may be used to make up deficits in existing subfunds for purposes of reimbursement. Interest may also be used to fund administration and management of the basin fee structure, or for such other drainage purposes as determined by the Drainage Board with the prior approval of City Council.

**7.4.703 Stormwater Quality and Detention****A. Stormwater Quality and Detention Requirements**

1. The owner shall comply with all stormwater requirements, policies, and procedures as outlined in the Engineering Criteria.
2. The City of Colorado Springs requires use of the Four (4) Step Process for receiving water protection that focuses on reducing runoff volumes, treating the water quality capture volume, stabilizing drainageways, and implementing long-term source controls. The Four (4) Step Process shall be used as follows:
  - a. For all new and redevelopment projects with construction activities that disturb one (1) acre or greater; in addition, detention must be implemented according to the policies in the Engineering Criteria; and
  - b. For all new and redevelopment projects that disturb less than one acre but are part of a larger common plan of development or sale where the larger common plan disturbs one (1) or more acres.
3. For purposes of this Section 7.4.703:
  - a. Development is defined as any land disturbing activities excluding maintenance activities as determined by the Stormwater Enterprise Manager.
  - b. Additional requirements are located in the Engineering Criteria.

**B. Required Documentation**

1. Requirements for documentation of Permanent Control Measures are set forth in the Engineering Criteria. The following list of requirements is for reference only:
  - a. **Inspection and Maintenance (I&M) Plan**  
Acceptance of an I&M Plan is required prior to Permanent Control Measure plan approval.
  - b. **Maintenance Agreement**  
A Maintenance Agreement shall be recorded with deed records to ensure that the Maintenance Agreement is bound to the property in perpetuity prior to release of Permanent Control Measure assurance for private Permanent Control Measures.
  - c. **As-Built Plan**  
An as-built plan shall be accepted prior to release of Permanent Control Measure assurance.
  - d. **PE Certification**  
A certification of compliance with the approved Permanent Control Measure plan by a professional engineer licensed in the State of Colorado is required prior to release of Permanent Control Measure assurance.
2. The Stormwater Enterprise Manager may issue a revocable permit to owners of Permanent Control Measures installed prior to June 1, 2008, according to policies set forth in the Engineering Criteria.
3. The Stormwater Enterprise Manager may approve the implementation of a temporary Permanent Control Measure. Temporary Permanent Control Measures must follow the requirements and policies set forth in the Engineering Criteria, including requirements for recorded Maintenance Agreements and Notices.

**C. Inspection Policies**

1. Permanent Control Measures shall be inspected and maintained by the owner or owner's representative, in accordance with the provisions of this Section, Chapter 3, Article 8 of the City Code, and the Engineering Criteria. Annual inspection reports shall be submitted to the Stormwater Enterprise Manager.
2. Owner inspection requirements do not apply to Permanent Control Measures constructed prior to June 4, 2008.
3. The Stormwater Enterprise Manager may enter upon the subject private or public property at reasonable times to conduct on-site inspections or maintenance or to confirm the information in the annual inspection reports submitted by the responsible party.

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## 7.4.8 FLOODPLAINS

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### 7.4.801 Floodplain Management

Floodplain management shall be in accordance with Regional Building Code Section 313, except as modified by this UDC.

### 7.4.802 Amendments to Regional Building Code Section 313

Regional Building Code (RBC) Section 313, adopted by Section 7.4.1402, is subject to the following modifications, additions, or deletions:

- A. RBC 313.6, Definitions, is amended as follows: "Appeal: A request for a review of the Floodplain Administrator's decision or interpretation of any provision of this Section or for a review of the Drainage Board's decision on appeal, grant of relief or interpretation of any of the provisions of this Part 7.4.8."
- B. RBC 313.17.1, Appeal Board, is deleted and replaced with the following: "RBC 313.17.1, Appeals.
  1. The Drainage Board shall hear and decide appeals of decisions of the Floodplain Administrator (FPA) when it is alleged there is an error in any requirement, decision or determination made by the FPA in the enforcement or administration of this Section.
  2. Any person aggrieved by a decision of the FPA may appeal to the Drainage Board, provided a written notice of appeal, stating the grounds for appeal, is filed with the Stormwater Enterprise Manager within thirty (30) days after the date of the FPA's decision. The Drainage Board shall hear the appeal at the next available meeting, but not less than fourteen (14) days after receipt of the notice of appeal.
  3. The Drainage Board shall conduct a public hearing on the appeal and shall consider the factors set forth in Subsection 5 below. At the conclusion of the hearing, the Drainage Board shall make appropriate findings and determine whether the FPA's decision shall stand, be overturned, or modified. Unless appealed to City Council, the Drainage Board's decision shall be considered final agency action for all purposes under Colorado law.
  4. Those aggrieved by the decision of the Drainage Board may appeal the decision to City Council, provided that a notice of appeal, stating the grounds for appeal, is filed with the City Clerk within ten (10) days after the Drainage Board's decision. The City Clerk, upon receiving a perfected appeal, shall forward the record of the Drainage Board to City Council, and the matter shall be set for a public hearing at the next available City Council meeting. The City Council may hear the appeal de novo or may limit the hearing to the issues identified in the notice of appeal. At the conclusion of the public hearing, the City Council shall determine whether there is substantial evidence in the record to support the Drainage Board's decision, and if so, then the decision must be affirmed. If there is not substantial evidence in the record to support the Drainage Board's decision, the City Council may overturn the decision or modify it.

5. In passing upon appeals of the FPA's decision, the Drainage Board shall consider all technical evaluations, all relevant factors, standards specified in other Sections of the Section, and:
    - a. The danger that materials may be swept onto other lands to the injury of others;
    - b. The danger to life and property due to flooding or erosion damage;
    - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - d. The importance of the services provided by the proposed facility to the community;
    - e. The necessity to the facility of a waterfront location, where applicable;
    - f. The availability of alternate locations for the proposed use, which are not subject to flooding or erosion damage;
    - g. The compatibility of the proposed use with existing and anticipated development;
    - h. The relationship of the proposed use to the Colorado Springs Comprehensive Plan and floodplain management program for that area;
    - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
    - j. The expected heights, velocity, duration, rate of use, and sediment transport of the flood waters and the effects of wave action, if applicable, and expected at the site; and
    - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  6. Upon consideration of the factors listed in Subsection 5 above, the Drainage Board may impose conditions on the FPA's decision as it deems necessary to further the purposes of this Section.
  7. The FPA shall maintain the records of all appeal actions and report any variances to FEMA upon request."
- C. RBC 313.17.2, Condition for Variances, is deleted and replaced with the following: "RBC 313.17.2, Conditions for Pre-Construction Variances.
1. Development permits may be issued by the FPA for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or part of a local Historic Preservation District or a locally designated historic landmark, without regard to the procedures set forth in the remainder of this Subsection. Infill of vacant lots within the Historic Preservation District may be issued variances provided that the provisions of this Section are met. All other variances shall be reviewed and approved by the Drainage Board.
  2. No application for variances shall be accepted or considered for an existing structure.
  3. The Drainage Board shall conduct a public hearing on all applications for a variance. The FPA shall be given an opportunity to comment on the application and make a recommendation to the Board. The applicant shall be given an opportunity to support the request for variance and respond to any comments by the FPA. The public shall be given an opportunity to comment on the application.
  4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances shall only be issued upon the Drainage Board's finding that the application substantially complies with the following:
    - a. A showing of good and sufficient cause;
    - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in Regional Building Code Section 313.17.1.5, or conflict with existing local laws or ordinances."
  7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- D. RBC 313.18.5, Subdivision Proposals, is amended to read as follows: "RBC 313.18.5, Subdivision Proposals.
1. All proposed subdivisions shall be consistent with the need to minimize flood damage;
  2. All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
  3. All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,
  4. FEMA approved base flood elevation data and 100-year floodplain boundaries shall be provided and shown on the Subdivision Plat;
  5. If a proposed subdivision is located within three hundred (300) feet of a zone A floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on plat, or a floodplain certification letter by a professional engineer or architect licensed by the State of Colorado shall be provided stating that "Based on field verified characteristics of the property (topography, etc.), the property is reasonably safe from flooding and to the best of the engineer's knowledge if the 100-year floodplain were studied it would not enter the property in question"."

#### 7.4.803 Warning and Disclaimer of Liability

The degree of flood protection required by this Part 7.4.8 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Part 7.4.8 does not imply that land outside the areas of flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Part 7.4.8 shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Part 7.4.8 or any administrative decision lawfully made.

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## 7.4.9 LANDSCAPING AND GREEN SPACE

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### 7.4.901 Purpose

The purpose of this Part 7.4.9 is to establish requirements for the design, installation, and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive, and safe environments according to recognized water conservation principles; and that conserve, protect, and promote the unique natural identity and environment of the City; and to establish standards that:

- A. Protect and efficiently use limited water resources through water conservation including the use of xeriscape principles, standards for the selection, installation, and maintenance of organic soil amendments and plant materials, and the conservation of indigenous plant communities;
- B. Enhance the aesthetics of the City, through enhanced streetscapes, the incorporation of native and compatible introduced plants, plant communities, and ecosystems into landscape design, the screening of parking lots and objectionable uses and activities, and the incorporation of green space in ways that harmonize and enhance the natural and built environment;
- C. Improve environmental quality by reducing the urban heat island effect, conserving native plant communities and vegetation, reducing soil erosion, reducing air, water, and noise pollution by reducing the mowing and fertilization requirements of limited turf areas, and preserving ecological diversity and species habitat;
- D. Support the installation of landscapes suited to local soil, climate, water supply, and on-site conditions for improved plant growth and survivability;
- E. Protect existing vegetation, including natural plant communities, to mitigate the effects of development on the natural environment;
- F. Make the City more attractive through the physical and psychological benefits of landscaping that soften the visual harshness of urban development, by stimulating pride in the City's natural heritage, and by protecting the public health, safety, and general welfare;
- G. Safeguard and enhance the value of land and public and private investment through incorporation of landscaping into development; and retain and enhance the City's natural beauty, which is an important factor in attracting economic development;
- H. Control certain exotic plant species that have a negative effect on public health or degrade native ecosystems; and
- I. If the property is located within the WUI-O district, provides for reduced wildfire risks through the City of Colorado Springs Fire Prevention Code and Standards landscaping requirements.

#### 7.4.902 Applicability

##### A. General Standards

Except as otherwise provided by Subsection B below, the requirements of this Part 7.4.9 shall apply to all land when the following activities take place:

1. All new construction of primary structures;
2. All construction projects that increase the gross floor area of any primary structure on the lot by fifty (50) percent or more, measured cumulatively with any other activities that increased gross floor area of primary structures on the lot in the previous five (5) years;
3. If a site has sixty (60) percent or more impervious area, any site alteration that increases impervious surface area by ten (10) percent through any change other than an increase in the gross floor area of any primary structure, unless the property as a whole complies with the standards in Subsection 7.4.202A (Sustainability and Resilient Development Incentive);
4. Any change of use that results in the conversion of an attached or detached single-family or two-family dwelling to multi-family or nonresidential use;
5. The conversion of vacant land to nonresidential use that does not involve the construction of a primary structure;
6. The total redevelopment (demolition and new construction) of any primary structure on a lot; and
7. All government and utility service property zoned PF (Public Facilities);



8. Any alteration or reconfiguration of fifty (50) percent or more of existing developed landscape areas; and
9. A project that seeks a Major Modification to an approved Development Plan, including a change of use.

**B. Exemptions**

Except as provided in Subsection D below, the following are exempt from the requirements of this Part 7.4.9:

1. An individual detached single-family or two-family dwelling on its own lot;
2. Any valid, unexpired Development Plan approved prior to November 1, 1998, for which there is neither a change of use nor a major amendment to the plan;
3. Any temporary event approved in accordance with this UDC;
4. Any construction projects that increase the gross floor area of any primary structure on the lot by less than fifty (50) percent, measured cumulatively with any other activities that increased gross floor area of primary structures on the lot in the previous five (5) years;
5. Bona fide agricultural activities;
6. Currently approved Development Plans that are changed by a Minor Modification after the Effective Date of the UDC;
7. Master planned public parks, zoned PK, in conformance with Section 7.2.406 (PK: Public Parks); and
8. Medians in arterial street rights-of-way approved by the Park and Recreation Advisory Board.

**C. Land in WUI-O District**

Projects in the WUI-O district shall comply with additional requirements in Section 7.2.604 (WUI-O: Wildland Urban Interface Overlay) and related City of Colorado Springs Fire Prevention Code and Standards requirements.

**D. Land in the SS-O District**

Projects in the SS-O district shall comply with additional requirements in Section 7.2.603 (SS-O: Streamside Overlay).

**E. Special Requirements**

The following requirements shall apply to attached or detached single-family or two-family dwelling residential projects:

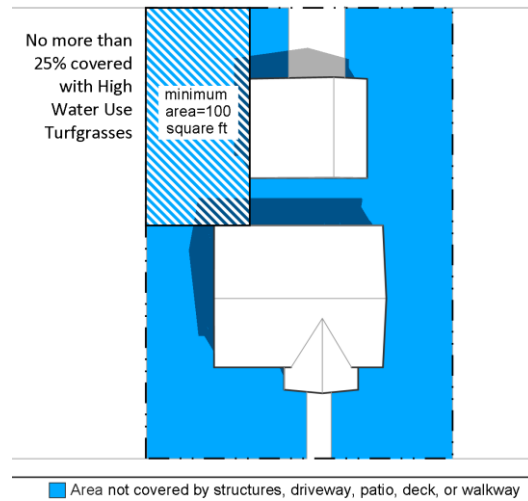
**1. Maximum High Water Use Turfgrass**

To reduce the use of the City’s limited water resources for outdoor irrigation:

a. No more than twenty-five (25) percent of the portion of a lot not covered by a primary or accessory structure or a driveway, patio, deck, or walkway, and no contiguous area less than one hundred (100) square feet in area, shall be planted with High Water Use Turfgrass. The one hundred (100) square foot limit shall not apply to the Parkway.

b. The irrigation water service connection shall be sized appropriately to accommodate irrigation during the hours and days outlined in the Water Shortage Ordinance, Chapter 12, Article 4, Part 13 of the Code of the City of Colorado Springs. All irrigation water shall be metered and have appropriate backflow prevention as identified by Colorado Springs Utilities Water Line Extension and Service Standards.

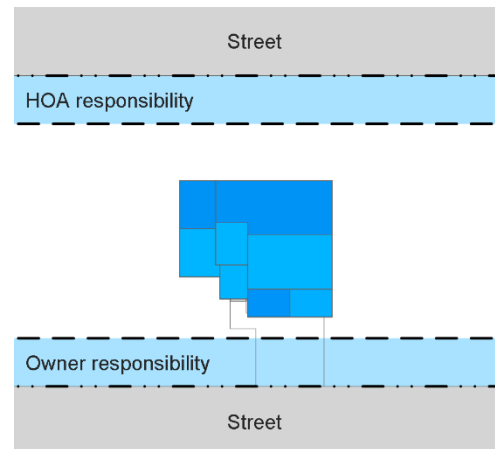
c. Any restrictive covenant that becomes effective on or after November 1, 1998, shall not require the use of High Water Use Turfgrass. This provision shall not restrict the individual and voluntary use of High Water Use Turfgrass.



**2. Double Frontage Lot Streetscape**

a. Where double frontage lots are approved as part of a Subdivision Plat, Land Use Plan, or Development Plan, installation of landscape is required in all adjacent tracts and right-of-way areas. This includes any proposed landscape improvements including irrigation system, plant material, fence, and sidewalk along the secondary frontage (generally that facing an arterial or collector street not providing access to the lot). Installation shall be the responsibility of the developer.

b. Maintenance shall be the responsibility of a homeowners’ association or other special district or association acceptable to the City, and shall be so noted on the Subdivision Plat, Land Use Plan, or Development Plan. Establishment of a landscape easement with individual lot owner responsibility is not acceptable and a creation of a landscape tract to be maintained by an entity acceptable to the Manager may be required.



**3. Common Areas**

Landscaped common areas, such as green space tracts, entrances, medians, and roundabouts in attached or detached single-family or two-family dwelling residential projects shall be installed by the developer. Responsibility for maintenance of all such common areas shall be given to a homeowners’ association or other special district or association acceptable to the City, and shall be so noted on the Development Plan, Subdivision Plat, or Land Use Plan.

**4. Dissolved Homeowners' Association or Other Special District**

Where a homeowners' association or other special district or association that is responsible for maintenance of landscaped common areas dissolves or is no longer in existence, the current owner of the landscaped common areas shall be responsible for maintenance.

**F. Preservation Areas**

1. Subdivision Plats or Land Use Plans may designate areas of land or water as preservation areas in which the following activities are prohibited unless specifically permitted by the approved Subdivision Plat or Land Use Plan.
  - a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
  - b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;
  - c. Removal or destruction of trees, shrubs, or other vegetation;
  - d. Excavation, dredging or removal of loam, gravel, soil, rock, or other mineral substance in such manner to affect the surface;
  - e. Activities detrimental to drainage, flood control, erosion control or soil conservation; or
  - f. Other acts or uses detrimental to such retention of land or water areas.
2. Some preservation areas may be further designated as "Oasis" plant communities in which indigenous plant communities are retained in their entirety, with canopy trees, understory plants and ground covers left intact and undisturbed as credit toward required landscaping on Development Plans.

**G. FBZ Regulating Plans**

Alternate landscaping standards may be included as a part of an FBZ regulating plan. In case of a conflict between the provisions of this Part 7.4.9, and the landscaping standards included in an FBZ regulating plan, the standards included in an FBZ regulating plan shall apply.

**7.4.903 Landscape Policy Manual**

- A. The Planning Department is authorized to adopt, and as necessary make revisions to, a Landscape Policy Manual containing provisions that implement and supplement the provisions of this Part 7.4.9, Section 7.5.524 (Administrative Adjustment), Section 7.5.803 (Nonconforming Site Features), and Chapter 7 of this Code, and other City regulations and standards as they relate to landscaping, irrigation, buffering, screening, fences, grading, and walls.
- B. The Landscape Policy Manual includes information about policies, procedures, standards, and maps relevant to this Part 7.4.9. In particular, the manual provides specific information on permitted and prohibited species; guides to xeriscape, Signature Landscapes, irrigation and other water-conserving forms of landscaping that are highly adapted to the microclimates of the City; information about preservation of trees including preservation areas, the Oasis landscaping concept, available credit for preservation of existing vegetation; and submission requirements for the landscape plan, irrigation plan, and other materials required to be filed with the City.
- C. Specifications, plans, and construction practices regarding the irrigation system and Total Landscape Water Budget Methodology shall comply with the Landscape Policy Manual.
- D. The provisions of the Landscape Policy Manual shall supplement but not supersede the requirements of this UDC. If there is a conflict between the standards in this Part 7.4.9 and the provisions of the Landscape Policy Manual, the provisions of this Part 7.4.9 shall apply. If the Manual addresses a topic related to landscaping, irrigation, buffering, screening, grading, fences, and walls that does not

conflict with this UDC, the applicant shall comply with all provisions, policies, and standards in the Landscape Policy Manual to the maximum extent feasible.

#### 7.4.904 General Landscape and Green Space Requirements

##### A. Required Plans and Documents

1. When Landscape and Irrigation Plans are required as part of the applications described below:
  - a. A Preliminary Landscape Plan, with applicable supporting material, shall be approved concurrently with the Development Plan review if a Final Landscape Plan is not submitted.
  - b. A Final Landscape Plan, with applicable supporting material, shall be submitted with the Development Plan or at time of Building Permit application and shall be approved before any Building Permit approval, any landscape construction, and issuance of a Certificate of Occupancy. Development within the WUI-O district shall submit the Final Landscape Plan concurrent with the Development Plan review, and the Fire Code Official shall give approval prior to any landscape installation and issuance of a Certificate of Occupancy.
  - c. An Irrigation Plan, with applicable supporting material,
    - (1) Shall be submitted with the Development Plan or at the time of Building Permit application and shall be approved before any Building Permit approval, irrigation construction, and issuance of a Certificate of Occupancy; or
    - (2) Upon request by the applicant, the irrigation plan can be submitted ninety (90) days subsequent to a Building Permit issuance and approved prior to any irrigation construction and issuance of a Certificate of Occupancy. Specifications, plans, and construction practices regarding the irrigation system shall comply with the Landscape Policy Manual.
  - d. For commercial projects less than one (1) acre in size, the Manager may require that the Final Landscape and Irrigation Plan, with applicable support material, be submitted and approved concurrent with the Development Plan review.
  - e. In the case of the conversion of land requiring a Development Plan that does not involve the construction of a structure, a Final Landscape and Irrigation Plan, with applicable support material, shall be submitted and approved concurrent with the Development Plan review.
2. Documents shall clearly and completely describe the design and any techniques and features provided to implement the design and meet the requirements of this Part 7.4.9 and the current approved Landscape Policy Manual.
3. A Landscape Architect licensed by the State of Colorado shall prepare all required landscape plans and supporting material.
4. A Landscape Architect licensed by the State of Colorado or a Certified Irrigation Designer shall prepare all required irrigation plans and supporting material.

##### B. Site Category Areas Required to be Landscaped

1. The following areas of each lot or contiguous lots in a common development are required to be landscaped in accordance with the requirements of this Part 7.4.9:
  - a. Street frontages and parkways, and double frontage lot streetscapes (see Section 7.4.905 (Street Frontage and Street Trees));
  - b. Property edge landscape buffers (see Section 7.4.906 (Property Edge Landscape Buffers));
  - c. Parking lots (see Section 7.4.907 (Parking Lot Landscaping));

- d. The interior of the development (see Section 7.4.908 (Additional Interior Landscaping)); and
  - e. Screening (see Subsection 7.4.908D.7 (Location of Landscaping)).
2. The locations and quantities of plants shall comply with the requirements established for the various category areas to be landscape as listed in Subsection B above. The site category minimum number of trees are cumulative. Areas or trees provided to meet each site category requirement may not consist of areas or trees that are proposed to meet the minimum requirements of other site categories.
- C. Any calculation of a landscaping requirement that results in a fractional number shall follow Section 7.6.202 (Fractions).

**D. Plant Materials**

**1. General**

- a. All trees and vegetation shall comply with the Landscape Policy Manual and all other standards of the Manual. Alternative or new species may be approved by the Manager provided they comply with the intent of this Part 7.4.9 and the Landscape Policy Manual.
- b. Trees shall be spaced to allow for mature growth of trees, in accordance with the Landscape Policy Manual, without interfering with maintenance or use of overhead power lines, underground utility infrastructure, structures, walks, or drives.
- c. The minimum planting or installation sizes of plant materials shall comply with Table 7.4.9-A.

Table 7.4.9-A Plant Material Requirements	
Plant Type	Minimum Planting or Installation Size
Deciduous shade tree	1.5 inch caliper measured 6 inches above ground
Deciduous ornamental tree	1 inch caliper measured 6 inches above ground; or Multi-stemmed clump form with minimum height of 4 feet
Evergreen tree	6 feet height
Evergreen and deciduous shrubs	#5 container size
Ornamental grasses	#3 or #5 container size
Ground covers and vines	2.25 or 4 inch flat-type container, #1 or #5 container size

- d. To promote species diversity, on sites with twelve (12) or more trees, no more than thirty-five (35) percent of the trees used on a site may be from a single tree species.
- e. At least forty (40) percent of site trees shall be trees that will exceed thirty (30) feet in height at maturity.
- f. Tree species with invasive roots and brittle branches shall be planted at least twenty-five (25) feet from public wastewater, water, and stormwater lines, streets, curbs, and sidewalks. These species include Elder (Sambucus), Willow (Salix) and Cottonwood (Populus).
- g. Plants with similar water needs within each site microclimate (i.e., shade, west facing, toe of slope, etc.) shall be zoned or grouped together for efficiency of water application, to prevent water waste, and to provide optimum application of water to the plants.

**2. High Water Use Turfgrass**

- a. High Water Use Turfgrass shall be hydrozoned and irrigated separately because of its unique water demand.

- b. High Water Use Turfgrass cannot be used as an infill material and should be used as a planned amenity or element, as defined in the Landscape Manual, in the designed landscape.
- c. High Water Use Turfgrass shall not comprise more than twenty-five (25) percent of the total green space area of the site, and shall not:
  - (1) Be used on slopes greater than 5:1;
  - (2) Be used in medians, parking lot islands, or parking lot planters;
  - (3) Be used in any configuration that cannot be efficiently irrigated;
  - (4) Be used in street right-of-way between curb and sidewalk or on other locations on a site that are less than seven (7) feet wide; and
  - (5) Be used in areas with a contiguous area less than one hundred (100) square feet.

### 3. Ground Cover

All landscaped areas shall consist of one hundred (100) percent ground plane coverage in living vegetation, organic mulch, or, to a limited extent, ornamental paving or rock mulch as follows:

- a. At least seventy-five (75) percent of all proposed shrub bed areas shall initially consist of plants and include organic mulch, cobble, or rock.
- b. Ornamental paving (excluding sidewalks) or rock/cobble mulch without vegetation shall not exceed twenty-five (25) percent of any site category area.
- c. Organic mulch shall be installed around each tree in shrub beds with rock or cobble mulch. In shrub beds with slopes greater than 3:1, angular rock or cobble is required.
- d. At least seventy-five (75) percent of each landscape category area shall be covered by vegetation within three (3) years of planting.
- e. Vegetative cover shall consist of ground covers, perennials, shrubs, native ornamental grasses, bulbs, and native grass mixes, or High Water Use Turfgrasses.
- f. The foliage crown of trees shall not be counted in the seventy-five (75) percent calculation of vegetative cover.
- g. Specifications, plans, and construction practices regarding native seed vegetation shall comply with City Engineering, Stormwater and Landscape Policy Manual Standards, and shall comply with requirements of the Fire Code Official if the development is located in the WUI-O district.
- h. Native seed establishment shall meet uniform coverage and gap (six (6) inch by six (6) inch) criteria with low weed content (eighty (80) percent Native Grasses to twenty (20) percent weeds, or better).
- i. Up to ten (10) percent of the area not required to be covered by living material may be covered by artificial turf if the Manager determines that the inclusions of such material will not compromise the visual appearance of the required landscape area or is necessary because of the difficulty of maintaining other types of non-living material due to site conditions.

## E. Fire Safety and Utility Constraints

### 1. Fire Department Constraints

Within three (3) feet of the circumference of a fire hydrant, plantings shall be limited to eight (8) inch mature height. Landscaping shall not restrict the use of or obscure the view of any fire hydrant, Fire Department connection, outside horn/strobe, required signage, or other safety

features. Access roadways used by the Fire Department shall remain clear and unobstructed to a minimum height of fourteen (14) feet with widths as individually prescribed for the development to protect public health and safety.

## 2. Utility Constraints

- a. Landscaping shall not interfere with the general function, safety, or accessibility of any gas, electric, water, sewer, telephone, or stormwater facilities, or other drainage or utility easements.
- b. All landscaping adjacent to, above, or beneath utilities shall comply with standards of the respective governing utility and the Landscape Policy Manual.
- c. All improvements, including landscaping, must comply with all applicable requirements of the Colorado Springs Utilities Line Extension and Service Standards, the National Electrical Code, the National Electrical Safety Code, and the "Use of Electric Line Rights-of-Way by Other Parties" prepared by the CSU Electric Utility.
- d. All trees shall be planted at least six (6) feet from fire hydrants, valve boxes, curb stop boxes, underground utility vaults/structures, gas lines, stormwater infrastructure utility poles, street light standards, and above-ground utility structures such as transformer enclosures.
- e. Trees shall be planted at least six (6) feet from underground utilities and comply with all Colorado Springs Utilities regulations regarding wet and dry utilities and tree distances.
- f. When a tree is placed under overhead utility lines, its height range at maturity shall not exceed twenty-five (25) feet and the tree species must be selected from the City Forester's "Approved Street Tree List for Colorado Springs."
- g. Water service connections for all irrigated areas shall be consistent with all Colorado Springs Utilities regulations.
- h. All irrigation water shall be metered and have appropriate backflow prevention as identified by Colorado Springs Utilities Water Line Extension and Service Standards.
- i. The irrigation water service connection shall be sized appropriately to accommodate irrigation during the hours and days outlined in the Water Shortage Ordinance, Chapter 12, Article 4, Part 13 of the City Code of Colorado Springs.

## F. Conservation of Soil and Drainage

### 1. Soil Conservation

Topsoil shall be stockpiled during construction for use in landscape areas prior to planting. At minimum, enough topsoil must be stripped and stored to provide for at least four (4) inches of spread topsoil in new landscape areas. Stripped topsoil must be stored in an area away from machinery and construction operations and care must be taken to protect the topsoil as a valuable commodity. Topsoil shall be stored in piles or rows no more than four (4) feet deep where possible; to keep soil organisms alive until the topsoil is reinstalled.

### 2. Soil Analysis

- a. In order to develop a planting plan suited to the site, an existing soil analysis report shall be conducted by an established soil analysis laboratory and be submitted with the Final Landscape Plan. The Soil analysis report shall provide at the minimum, the soil texture, percentage of organic matter, pH, total soluble salts and recommended amounts of soil amendments and fertilizers where appropriate. A report shall be provided for each type of proposed new landscape type (sod, shrub beds, and native seed).

- b. In some certain situations the existing Soil Analysis Report and amendment/fertilizer recommendations may be submitted and approved with the Irrigation Plan submittal if the Manager determines the delay will have no adverse impact on the selection or survival of required landscaping. The applicant shall request the deferral with the Final Landscape Plan and if approved by the Planning Department, all required information shall be submitted with the Irrigation Plan.
- c. A written request for waiver of the soil analysis may be approved by the City where landscape improvements are minimal and the applicant demonstrates sufficient measures will be undertaken to amend the existing soil to provide an acceptable growing medium.

### **3. Soil Amendments and Preparation**

Soil amendments to improve water drainage, moisture penetration or retention, and nutrient availability shall be provided as determined by the soil analysis. Tilling of the soil to incorporate amendments and counter any compaction or soil consolidation shall be required for all landscape planting areas. Soil preparation shall be consistent with the cultural needs of the plant species proposed for each site category and meeting Colorado Springs Utilities soil amendment requirements for establishing new plant material.

### **4. Drainage**

All drainage within landscaped areas, including the use of swales, shall comply with this UDC, the Landscape Policy Manual, and Engineering Criteria. Where existing native plant communities are to be retained, drainage patterns shall not be altered so as to be detrimental to the viability of the plants.

## **G. Maintenance**

1. Landscaping, screening, and buffers shall be maintained in compliance with the standards of this Part 7.4.9.
2. The owner is responsible for the maintenance, repair, and replacement of all required landscaping, screening, and curbing unless maintenance is assigned through covenants to another party (e.g., a homeowners' or property owners' association) with the City's approval.
3. All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal, and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.
4. Landscaped areas that lose required vegetation shall be re-vegetated and re-mulched to avoid erosion.
5. Where landscaping was installed pursuant to a Land Use Plan, Development Plan, or Landscape Plan, the landscaping shall be replaced according to any landscaping and maintenance plan associated with that approval.
6. Trees or plants that die shall be replaced by the owner as expeditiously as possible. All plant material that is in poor health or not living shall be replaced with equivalent vegetation and maintained in good health throughout the life of the project.
7. Street trees shall be maintained and kept alive and healthy. Maintaining, removing, and replacing existing street trees or other trees planted in the public right-of-way shall be the responsibility of adjacent property owners.
8. Fences, walls, and other barriers shall be maintained in good repair. All barriers that are damaged, broken, or with failing paint shall be repaired, replaced, or refinished.
9. For double frontage lots, when a tract is not platted, street rights-of-way or parkways between a property line and curb or street pavement adjoining the property shall be maintained by the adjacent landowner.



10. Stumps of removed trees and shrubs shall be ground out to four (4) inches below existing grade located on the site and rights-of-way.
11. Vegetation shall be maintained so as to inhibit the spread of noxious weeds, and to mitigate hazards, such as the spread of wildfires, slope failures, soil erosion, and increased flooding.
12. Native seed shall be maintained and provide the necessary maintenance practices to aid in the growth of the approved native seed mix and long term goal of naturalization. This includes weed control, overseeding, irrigation (if installed), and correct mowing schedules. The approved native seed mix will determine the height of the native seed grasses and should be allowed to grow and establish new seed heads and repopulate the growing area.
13. Vegetation on residential properties in the WUI-O district shall be maintained in accordance with the City of Colorado Springs Fire Prevention Code and Standards.
14. Vegetation adjacent to public sidewalks or that extend over a public or private street or alley shall be maintained with eight (8) feet of clear space between the existing grade and lowest limb for pedestrian safety.

**7.4.905 Street Frontage and Street Trees**

**A. Purpose**

The purpose of this Section 7.4.905 is to establish landscape planting areas parallel to and including adjacent street rights-of-way. The standards of this Section are intended to require plantings of trees and other vegetation to provide a pleasing continuation of vegetation along the streetscape.

**B. Landscaped Setbacks and Trees Required**

**1. Landscape Setback Requirements**

- a. Except as provided in Subsection b below, the street frontage of each property subject to this Part 7.4.9 shall provide landscaping as shown in the table below.

Table 7.4.9-B Landscape Setback and Tree Requirements			
Street Type	Front and Corner Street Frontage Landscape Setback Width, Min. (ft.) [1]	Secondary Frontage on Double Frontage Lot Landscape Setback Width, Min. (ft.)	Tree Planting Requirements
Freeway or Expressway	25	25	1 per 20 linear ft.
Principal Arterial	25	15	1 per 20 linear ft.
Minor Arterial Street	20	10	1 per 25 linear ft.
Non-Arterial Street	10	6	1 per 30 linear ft.

**NOTES:**

[1] For up to one-half (1/2) of the site frontage, the Manager may approve a reduced landscape setback if the average depth complies with the standards of this table.

- b. The following exceptions apply to the landscape setback requirement:
  - (1) Commercial driveways and sidewalks to afford limited access may cross the landscape setback.
  - (2) Parking lots and loading areas shall not be located in the required landscape setback.
  - (3) Public sidewalks may enter into a required landscaped setback or double frontage lot streetscape area if sufficient landscaping is provided and maintained in the right-of-way to adequately compensate for the resulting loss of landscaping in the setback or streetscape area.

## 2. Tree Requirements

Trees or alternate vegetation shall be planted in the landscape setback and shall comply with the following standards:

### a. General

- (1) To the greatest extent possible, trees shall be planted on center, in alignment with any similar street frontage or landscaping on adjacent lots, and within fifty (50) feet of the property line adjacent to the street.
- (2) Trees may be located in adjacent right-of-way if:
  - (a) Existing development bars placing street trees in the landscaped setback area;
  - (b) For a City street, the City Forester's street tree standards are met;
  - (c) For a state highway, CDOT and City Forester's street tree standards are met;
  - (d) There are no conflicts with utility easements, drainage facilities, or other easements; and
  - (e) Street widening is not anticipated.
- (3) A maximum of twenty-five (25) percent of required setback or streetscape trees may be substituted with shrubs or ornamental grasses as follows:
  - (a) Ten (10) shrubs with a minimum #5 container size may substitute for each tree; and
  - (b) Two (2) ornamental grass clumps with a minimum #3 container size, may substitute for each shrub.
  - (c) In the streetscape, all substituted shrubs located within the right-of-way shall be low-water-use plants or plants adaptable to low-water-use conditions.
- (4) In the rear yard of a double-frontage lot:
  - (a) Up to twenty-five (25) percent of the streetscape trees may be placed in the rear yard behind the fence or wall.
  - (b) Any substituted shrubs or ornamental grasses shall be planted in the streetscape.
  - (c) In the streetscape, all shrubs shall be low-water-use plants or plants adaptable to low-water-use conditions.

### b. Street-Oriented Lots

When individual lots for attached and detached single-family and two-family dwellings are platted with frontage on a public or private street, at least one (1) tree per lot shall be located in tree lawn that is at least seven (7) feet wide, or within the front yard of each lot.

## 3. Walls and Fences in Street Frontage Areas

- a. Walls and fences that comply with the standards of Section 7.4.910 (Fences and Walls) may be placed in the landscape setback if they comply with the following standards:
  - (1) Opaque portions of fences and walls visible from a public or private street shall not exceed a height of three (3) feet above existing grade at the base of the fence or wall, unless otherwise provided in this Subsection (3).
  - (2) The Manager may allow a retaining wall higher than three (3) feet if required due to special grading conditions, provided that the wall is visually softened by plantings of

trees or shrubs and allowance is made for the efficient operation and maintenance of utility infrastructure.

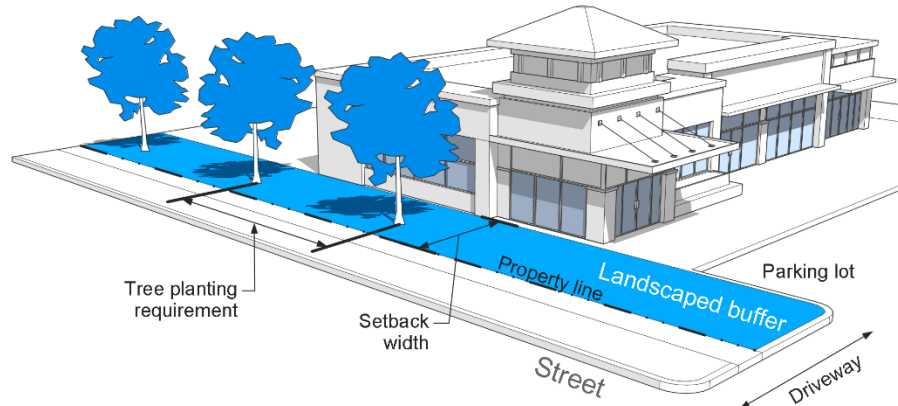
- (3) The Manager may require the installation of an opaque sound barrier between three (3) feet and eight (8) feet in height, or an applicant may propose and the Manager may approve the installation of an opaque sound barrier between three (3) feet and eight (8) feet in height, when property is located adjacent to a major street and the Manager determines that the sound barrier is necessary to mitigate adverse impacts of traffic noise on a residential or mixed-use development.
  - (4) Opaque walls and fences higher than three (3) feet shall be located outside of the required landscaped setback unless the Manager determines that location within a required landscaped setback is necessary in order for the wall or fence to serve its intended purpose.
  - (5) Walls and fences shall complement the architectural components of the site and be sufficiently low or open to permit views for security and safety.
- b. A seven (7) foot opaque wall or fence that complies with the standards of Section 7.4.910 (Fences and Walls) shall be established in the landscape setback of the rear of a double frontage lot.

**C. Street Trees in Parkways**

Street trees are required in parkways adjacent to property subject to this Part 7.4.9, subject to the following conditions:

1. A permit shall be obtained from the City Forester prior to planting any tree in the public right-of-way unless that planting is included as part of an approved Development Plan;
2. Street trees shall be selected from "Approved Street Tree List for Colorado Springs" list provided by the City Forester, or as otherwise permitted by the City Forester;
3. The planting area shall be at least seven (7) feet wide. In a section of a planting area that is less than seven (7) feet wide, rock, ground cover plantings, or decorative pavers may be used;
4. Street trees included as part of a Development Plan approved after March 11, 1986, shall be maintained by the owner of the adjacent property;
5. Trees shall be planted and maintained:
  - a. At least five (5) feet from:
    - (1) The face of a curb along arterial roads on the City Major Thoroughfare Plan;
    - (2) An attached sidewalk; and
    - (3) Any driveway.
  - b. Within the center of the planting area, except as necessary to comply with the distance requirement of Subsection a above;
6. No plantings or landscape elements within the Sight Distance Line may exceed thirty (30) inches in height. Deciduous trees may be located within these areas but branches shall be trimmed so that the lowest branch is a minimum of six (6) feet above ground.

7. To avoid Site Distance Line obstructions, new trees shall not be planted closer than forty (40) feet from any street corner.



#### D. Medians

All medians must comply with standards in the Landscape Policy Manual.

### 7.4.906 Property Edge Landscape Buffers

#### A. Purpose

The purpose of this Section 7.4.906 is to buffer existing development from adjacent new development of different types, scales, or intensities by providing visual barriers between those land uses, providing more privacy, and protecting adjacent existing uses from potential wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects of the new development.

#### B. Property Edge Buffer Standards

New development shall provide property edge buffering along rear and interior side lot lines with adjacent properties in the following situations, regardless of whether the new development is larger or smaller or more or less intensive than the existing adjacent use.

##### 1. Buffers Required

- a. A landscape buffer that complies with the standards of this Section 7.4.906 is required as indicated in Table 7.4.9-C, based on the applicant's proposed use of the subject property and the existing or designated use of the adjacent property and the following types of buffers, measured from the property line.

##### (1) Buffer 1

Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual and at least ten (10) feet in width incorporating a fence or wall meeting the standards of Section 7.4.910 (Fences and Walls) and up to seven (7) feet in height provided there are no conflicts with public utilities.

**(2) Buffer 2**

Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual at least fifteen (15) feet in width and incorporating a wall or fence meeting the standards of Section 7.4.910 (Fences and Walls) and seven (7) feet in height provided there are no conflicts with public utilities.

<b>Table 7.4.9-C Landscape Buffer Screening Requirements</b>					
<b>Adjacent Use</b>	<b>Applicant's Use</b>				
	<b>Attached and Detached Single-Family and Two-Family Dwelling</b>	<b>Multi-Family Dwelling</b>	<b>Mixed-Use</b>	<b>Commercial</b>	<b>Industrial</b>
<b>Attached and Detached Single-Family and Two-Family Dwelling</b>	N/A	2	1	2	2
<b>Multi-Family Dwelling</b>	2	N/A	1	2	2
<b>Mixed-Use</b>	1	1	N/A	1	2
<b>Commercial</b>	2	2	1	N/A	2
<b>Industrial</b>	2	2	2	2	N/A

**2. Tree Requirements**

Trees or alternate vegetation shall be planted in the landscape buffer and shall comply with the following standards:

- a. One (1) tree shall be planted for every twenty (20) linear feet of buffer length or fraction thereof;
- b. At least fifty (50) percent of the plantings shall be evergreen; and
- c. A maximum of fifty (50) percent of required buffer trees may be substituted with shrubs or ornamental grasses as follows:
  - (1) Ten (10) shrubs with a minimum #5 container size may substitute for each tree; and
  - (2) Two (2) ornamental grass clumps with a minimum #3 container size may substitute for each shrub.

**3. Additional Requirements**

- a. This Section 7.4.906 shall not require the demolition, alteration, or removal of any existing structures or utility infrastructure. However, if a structure occupying a required property edge buffer is demolished or removed, the buffer standards of this Section 7.4.906 shall be applied to the space so vacated.
- b. All buffers and screening required by this Section 7.4.906 shall be located on the lot where the development occurs.
- c. If adjacent development includes a buffer and required plantings that meet the standards of this Section 7.4.906, the applicant is only required to provide the additional buffer and/or required plantings (if any) necessary to meet the required screening standards in this Section 7.4.906. If the existing landscaping on adjacent property meets the standards in this Section as applied to the proposed use of the applicant's property, no additional buffer needs to be installed by the applicant.
- d. A Buffer 2 is required along the common property line between an adjacent nonresidential use and a vacant residentially zoned property.

- e. In the WUI-O district, buffering on residential properties shall comply with the requirements of the City of Colorado Springs Fire Prevention Code and Standards.

#### 7.4.907 Parking Lot Landscaping

##### A. Purpose

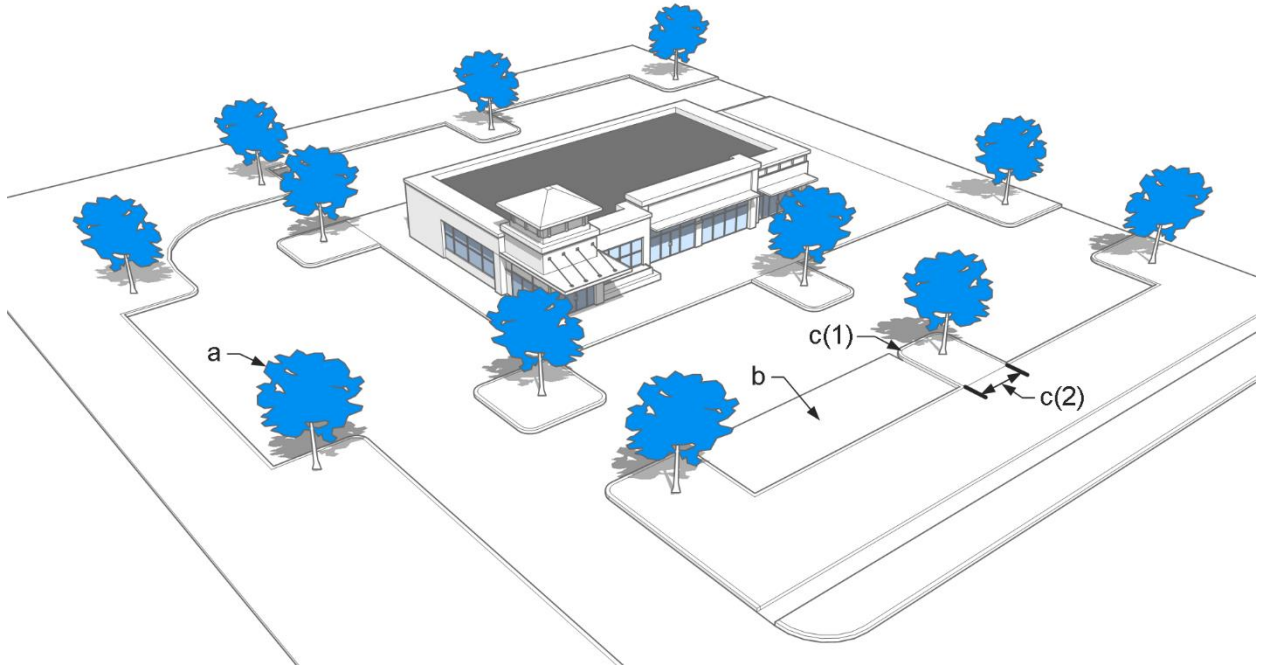
The purpose of this Section 7.4.907 is to provide landscaping areas internal to surface parking lots that provide shade, visual screening of parked cars, avoid large expanses of uninterrupted pavement, and screen adjacent properties and rights-of-way and walkways from potential headlight glare, pollution, and noise from the parking lot.

##### B. Minimum Required Plantings

###### 1. Interior Lot Plantings

Shade trees shall be provided in every parking lot with fifteen (15) or more surface vehicular parking spaces at a ratio of one shade tree for every fifteen (15) parking spaces or fraction thereof, and shall comply with the following standards:

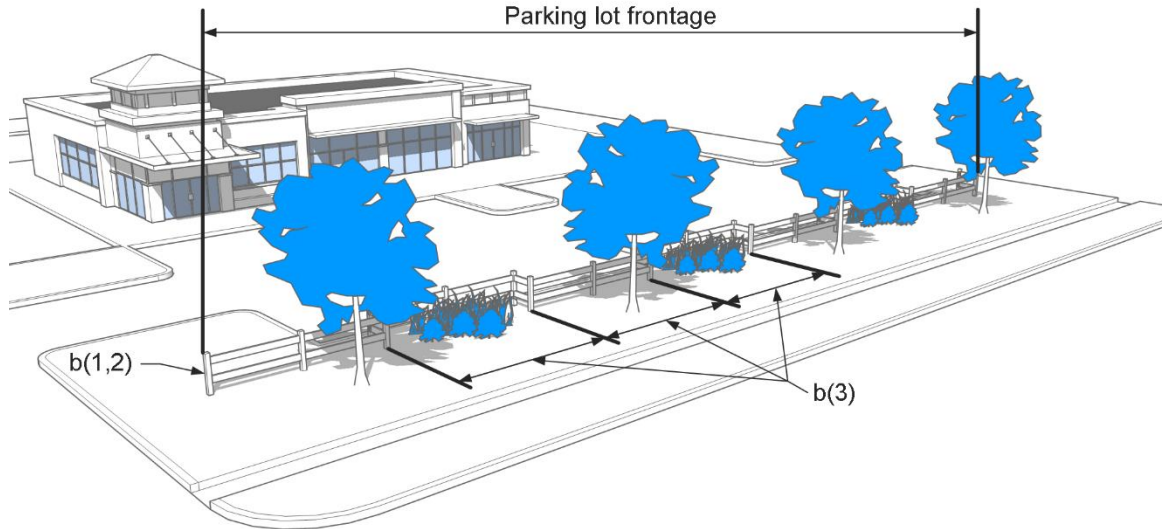
- a. Required trees shall be planted in a dispersed configuration to spread shade throughout the parking lot. On each side of each parking aisle, no more than fifteen (15) adjacent parking spaces shall be located without at least one (1) of the required trees.
- b. Required trees shall be planted so that no more than fifteen (15) adjacent parking spaces (on one side of a parking aisle) are located without at least one of the required shade trees.
- c. A planter used for tree planting shall meet the following standards:
  - (1) Each tree planting space shall be at least three hundred (300) square feet in size and shall provide at least one hundred and fifty (150) square feet of planter space (or the equivalent soil rooting volume) for each planted tree.
  - (2) Each planter shall be at least ten (10) feet in width from curb to curb.
  - (3) If soil in the parking lot has been compacted by grading operations, the soil within the planter shall be tilled, or removed to a depth of thirty (30) inches and replaced with an acceptable growing medium for the species being installed.
- d. When these standards are applied to the Heavy Vehicle and Equipment Sales and Rental use or the Automobile and Light Vehicle Sales and Rental use, each two hundred and fifty (250) square feet (or fraction thereof) of vehicle or equipment display or storage area shall be counted as the equivalent of one parking space.



## 2. Perimeter Screening Plantings

The following additional standards shall apply to screen the view of parked vehicles when viewed from public rights-of-way or adjacent properties unless the Manager determines that landscaping installed pursuant to Sections 7.4.905 (Street Frontage and Street Trees) or 7.4.906 (Property Edge Landscape Buffers), provides equal or better screening of parked vehicles when viewed from those locations.

- a. At least two-thirds (2/3) of the frontage of any applicable parking lot (exclusive of the width of any vehicular access points) when viewed from a public right-of-way or adjacent property shall be screened from view with screening that complies with the Subsection b below.
- b. The screening shall consist of a fence or wall between three (3) feet and four (4) feet in height, measured from the surface of the parking spaces that are to be screened, and that comply with the following standards.
  - (1) The fence or wall meets the standards of Section 7.4.910 (Fences and Walls);
  - (2) The fence or wall attractively complements the vegetation and berms;
  - (3) The structures include architectural articulation or visual variety when viewed from adjacent lots or rights-of-way through changes in materials, wall or fence height, or the horizontal alignment of the wall or fence, or through the planting of vines, shrubs, or trees, and those instances of articulation or variety occur at least once for each twenty (20) linear feet of wall or fence length; and
  - (4) As an alternative to Subsections (1) through (3) above, at the applicant's option, the screening may consist of vegetation or combination of plantings and berms with an eventual height of three (3) feet or more, with vegetation being needed or broad-leaved evergreen plants.

**C. Corner Visibility**

No required planting shall interfere with visibility in the Sight Distance Line.

**7.4.908 Additional Interior Landscaping****A. Purpose**

The purpose of the interior landscaping requirements is to ensure that each new multi-family residential development and nonresidential development achieves at least a minimum amount of total landscaped area, to separate building areas from parking lots, through landscaping that is adapted to the site, reflects the varying microclimates and respective building facade orientations, and visually ties the buildings and motor vehicle parking, storage, and display areas to the site and to the larger regional context.

**B. Amount of Landscaping and Green Space**

Interior landscaping shall include green space that meets the following standard to enhance residential and non-residential development, in addition to other required landscaping and buffering:

**1. General**

- a. In addition to the landscaping and buffering required by Sections 7.4.905 (Street Frontage and Street Trees), 7.4.906 (Property Edge Landscape Buffers), and 7.4.907 (Parking Lot Landscaping), residential and nonresidential development shall install the following amounts of landscaping on the interior of the site.
  - (1) All multi-family projects shall provide a minimum of fifteen (15) percent total green space. Of the fifteen (15) percent, ten (10) percent shall be active green space and five (5) percent shall be non-activated green space. If multiple residential structures are located on one lot, the requirement shall apply to the lot as a whole, and not to any defined space occupied by a single residential building.
  - (2) All nonresidential development projects shall provide a minimum non-activated green space area equal to five (5) percent of the gross site area.
- b. On heavy industrial projects where internal landscaping may be inappropriate due to the necessary configuration and use of the site, the Manager may allow some or all of the required additional interior landscaping to be relocated to the main property entrances or office areas or outside of the wall or fence on the perimeter of the property.



- c. Paved plazas may account for up to fifty (50) percent of the required landscaping area if they contain trees that provide visual relief to building elevations that form major public views of the project. Sidewalks that provide basic pedestrian circulation only shall not be credited towards the minimum internal landscaping area requirement.

## 2. Compact Development Lots

The following additional standards shall apply to Compact Lots:

- a. Each development shall provide a minimum green space area equal to ten (10) percent of the gross site area. Of the total area, fifty (50) percent shall be contiguous active green space.
- b. The Manager may consider up to a twenty-five (25) percent relief to the minimum green space requirement when the development is within six hundred and sixty (660) feet of a park that is accessible by a trail.

## C. Type of Landscaping

1. One (1) tree shall be planted for every five hundred (500) square feet of required minimum internal green space area.
2. All required trees in nonresidential projects and fifty (50) percent of the required trees in multi-family projects may be substituted by shrubs as follows:
  - a. Ten (10) shrubs, with a minimum #5 container size may be substituted for one (1) tree.
  - b. Two (2) ornamental grass clumps, with a minimum #3 container size, may be substituted for one (1) shrub.
3. In the WUI-O district, landscaping on residential properties shall comply with the requirements of the City of Colorado Springs Fire Prevention Code and Standards.

## D. Location of Landscaping

Landscaping installed in accordance with this Subsection 7.4.908D shall be placed in the following locations:

1. Adjacent to building elevations facing adjacent public rights-of-way and private streets;
2. Within a plaza or courtyard between buildings or portions of buildings;
3. In a space provided to separate building areas from parking areas;
4. As a buffer at the edge of a private stormwater water quality and/or detention facility on the same lot;
5. In an "oasis" area of the site with intensive plantings near building entrances, pedestrian gathering places, or parking lots;
6. In a similar location of the site that substantially conforms to the stated purposes of the required internal landscape area and approved by the Manager; or
7. In the WUI-O district, landscaping on residential properties shall be placed in accordance with the requirements of the City of Colorado Springs Fire Prevention Code and Standards.

## 7.4.909 Screening

### A. Purpose

The purpose of this Section 7.4.909 is to ensure that development establishes vegetative screening or walls and fences to shield loading, storage, and service areas from view from adjoining properties, public rights-of-way, and private streets.

**B. Applicability and Exceptions**

The standards in this Section 7.4.909 apply to all development except the following:

1. Attached and detached single-family and two-family dwellings in a single structure located on a single lot; or
2. Along property lines between adjacent properties in the LI or GI zone districts.

**C. Required Screening****1. Areas to be Screened**

Screening that meets the standards of this Subsection 7.4.909C is required in the following areas to screen them view from adjacent properties and public or private streets or walkways:

- a. Around any refuse or recycling collection areas, including trash bins;
- b. Around any loading or utility service area, drive-throughs, vehicle repair bay, or vehicle fueling area;
- c. Around any stormwater water quality and/or detention facility in a residential zone district or a residential component of a mixed-use development or PDZ district; and
- d. Within ten (10) feet of any ground floor façade of a parking garage that is not occupied by a non-parking ground floor use and is visible from an adjacent property or public or private street

**2. Screening Standards**

The required screening shall meet the following standards:

- a. All refuse collection areas adjacent to streets and properties shall have an opaque screen fence or wall and vegetative screen plants at least seven (7) feet in height.
- b. All loading or utility service area, drive-throughs, vehicle repair bay, or vehicle fueling areas shall be screened with a vegetative screen.
- c. If a vegetative screen is installed, plants shall be a fastigiated form of plant species and shall comply with all applicable standards in the Landscape Policy Manual.
- d. A fence or wall shall comply with the standards of Section 7.4.910 (Fences and Walls).
- e. Required foundation plantings along facades of parking garages shall comply with Section 7.4.906 (Property Edge Landscape Buffers).

**7.4.910 Fences and Walls****A. Purpose**

The purpose of this Section 7.4.910 is to provide aesthetic and location standards for fences and walls to improve the beauty of the City and ensure that fences and walls are not located where they could be safety hazards.

**B. Location and Maximum Height**

Except in the HS-O district or otherwise stated in this Section 7.4.910, fences or walls less than seven (7) feet in height may be placed anywhere on a property, provided the fence complies with the following additional standards:

1. Fences shall not block access to electric or gas meters, fire hydrants, Fire Department connections, and other fire protection appurtenances.
2. Fences located between the front façade of a primary structure and any lot frontage adjacent to a public or private street may not exceed four (4) feet in height.

3. Opaque fences on corner lots shall not extend beyond the established front yard setback.
4. Fences over thirty (30) inches in height are prohibited in any Sight Distance Line.
5. Fences and walls may only be located within preservation areas in accordance with the terms of an approved Development Plan.
6. Fences taller than the maximum heights permitted in this Subsection 7.4.910B are considered to be accessory structures and shall meet the setback and height requirements for accessory structures in Part 7.4.2 (Dimensional Standards).
7. Fences may be located adjacent to or on top of retaining walls provided that the height of the fence material, excluding the retaining wall, does not exceed the maximum permitted height of a permitted fence in that location.

**C. Measurement of Fence Height**

Fence height shall be measured in accord with Subsection 7.6.204B (Fence Height).

**D. Fence and Wall Materials**

1. Fences and walls may include masonry walls, solid wood fencing, chain-link fencing with permahedge inserts, or chain-link fencing with opaque slats. The specific type of screening materials shall be determined in conjunction with the review of a Development Plan where one is required. Examples of acceptable fencing types are shown below.
2. Exterior use of tarps, plastic sheeting, polypropylene, or other similar materials as flexible or inflexible screening or fencing is prohibited when visible from beyond the property boundaries, except for City-installed or maintained snow fence or as part of active construction or remodeling project or as illustrated as part of a City-approved construction or grading and erosion control plan.
3. The use of barbed wire, razor wire, or electric shock fencing shall be prohibited except as shown below:
  - a. **Commercial or Industrial Uses**  
Barbed wire or razor wire is permitted at a height six (6) feet or higher above existing grade.
  - b. **Agricultural Uses**
    - (1) Electric shock fencing consisting of direct current shall be permitted in association with an agricultural use involving the control or containment of animals only.
    - (2) Barbed wire shall be allowed except in connection with a residential use of the property.
  - c. **Residential Uses**
    - (1) Barbed wire and electric shock fencing may not be located along public rights-of-way, public sidewalks, or public open spaces. Where barbed wire or electric shock fencing are permitted, they may not extend into the required front yard setback.
    - (2) Razor wire is prohibited.

**7.4.911 Conservation of On-Site Trees and Shrubs**

**A. Purpose**

The purpose of this Section 7.4.911 is to provide credit for the conservation of existing natural, healthy vegetation on development sites, which helps to preserve natural ecosystems.

**B. Credit**

1. An applicant required to install landscaping pursuant to this Part 7.4.9 shall receive credit for preserving existing significant trees and vegetation against all tree planting requirements that would otherwise apply in this Part 7.4.9.
2. Trees and existing vegetation that the applicant proposes to retain shall be indicated on the landscape plan.
3. Existing trees and vegetation shall not be invasive and not be dead or dying. They shall be credited towards required landscaping as follows:
  - a. **Deciduous Trees**  
A credit of one (1) tree per every one-and-one-half (1 ½) inch in caliper DBH (Diameter at Breast Height) of an existing qualified deciduous or ornamental tree.
  - b. **Evergreen Trees**  
A credit of one tree per every six (6) feet in height of an existing qualified evergreen tree.
  - c. **Shrubs**  
A credit of one shrub for each existing qualified shrub.

**C. Tree Retention Standards**

Specifications, plans, and construction practices regarding the retention of significant vegetation on development sites shall comply with the standards in the Landscape Policy Manual.

**7.4.912 Landscape Installation, Verification, and Deferral****A. Landscape and Irrigation Installation and Verification Requirement**

1. Except as provided in Subsection B below, all landscaping, irrigation systems, and other site work shown on the approved Landscape Plan and Irrigation Plan shall be properly installed and stabilized against soil erosion or financially assured as follows:
  - a. In the case of a double frontage lot streetscape requirement or common area, installation and stabilization shall occur, or assurance shall be provided, before a Building Permit is issued;
  - b. In the case of a conversion of vacant land to a nonresidential use that does not involve the construction of a structure, assurance shall be provided before a final Development Plan is approved; or
  - c. For all other development, installation and stabilization shall occur, or assurance shall be provided, before a Certificate of Occupancy is issued;
2. In the WUI-O district, each lot containing a residential use shall complete a fire inspection before a Certificate of Occupancy may be issued.

**B. Deferral of Landscape or Irrigation Installation**

When all or some portion of the required landscaping, irrigation system, or other site work cannot be installed due to seasonal conditions that would jeopardize the health of plant materials or prohibit the installation of the irrigation system or plant materials, or due to the unavailability of plant material or construction activities, the owner or developer may make the following arrangements in order to secure a Certificate of Occupancy:

1. An acceptable assurance shall be posted with the Manager. Acceptable assurances shall include cash; cashier's checks, certified, company, or personal checks; certificates of deposit; irrevocable letters of credit, and/or subdivision bonds. The assurance shall be accompanied by a description of the uncompleted landscaping, irrigation system (including dedicated irrigation meter if required), and/or any required private site improvement(s) identified by the Manager, plus labor

charge. A cost estimate or contractor's executed bid of the cost required to complete the work shall be provided. The assurance shall be an amount equal to the cost estimate.

2. The owner or developer shall agree in writing that the owner or developer and any successors or assign, shall complete the required landscaping, irrigation system, and/or site work within one (1) year or less from the date of issuance of the Certificate of Occupancy.
3. The owner or developer agree that the assurance will not be released until all of the required landscaping, irrigation system, and/or site work has been installed and verified by City staff to comply with this Part 7.4.9. The following standards must be met:
  - a. The owner or developer shall provide current signed and executed landscape and irrigation affidavits and soil receipts showing installed soil amendments.
  - b. The City staff's verification shall occur during the active growing season. The Manager shall determine the dates when inspections will stop for the year and start the following spring.

#### 7.4.913 Alternatives and Adjustments

- A. The Manager may approve alternative types or designs of landscaping, buffering, and screening requirements, unless specifically prohibited for that type of property, building, or use in this UDC, if the Manager determines that the alternative provide at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance to the specific requirements of this Part 7.4.9 the proposed alternatives and/or adjustments are consistent with requirements and guidance and requirements listed in the Landscape Policy Manual.
- B. On residential lots in the WUI-O district, all alternatives and adjustments to landscaping shall be approved by the Fire Code Official.

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## 7.4.10 PARKING AND LOADING

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### 7.4.1001 Purpose

The purpose of this Part 7.4.10 is to ensure the provision, location, and design of off-street parking and loading areas to accommodate the parking and loading of motor vehicles, while also supporting the needs of pedestrians, bicyclists, and transit users and implementing the goals and policies of the Colorado Springs Comprehensive Plan.

### 7.4.1002 Applicability and Exemptions

#### A. Applicability

Unless otherwise stated in this UDC, off-street parking and maneuvering areas that conform to this Part 7.4.10 shall be provided for:

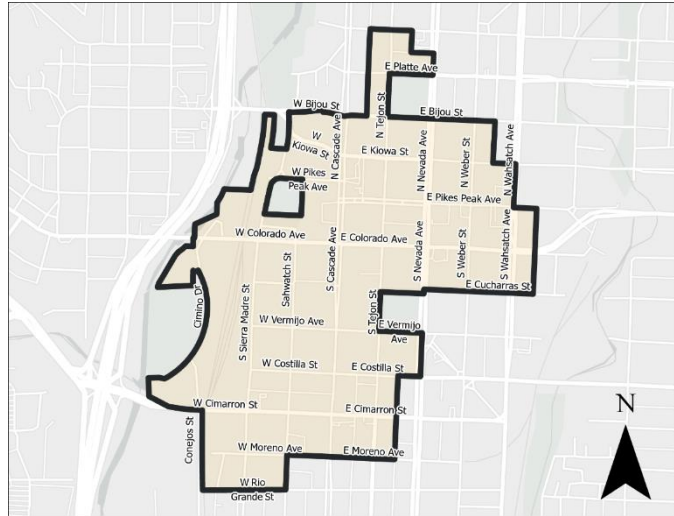
1. A newly constructed building or new use on previously vacant land;
2. All uses in an existing building that is being enlarged by more than fifteen (15) percent of its current gross floor area;
3. All uses in a building when any use is changed and the newly approved use requires more than fifteen (15) percent more parking spaces than the previously approved use; and
4. Any change in use that would result in increased parking demand for any property where the minimum parking requirements from Table 7.4.10-A were reduced pursuant to Subsections 7.4.1005D (On-Street Parking Credit) through 7.4.1005L (Green Infrastructure).

**B. Exemptions**

The areas described below are exempted from the provision of the minimum number of off-street parking spaces as required by this Part 7.4.10.

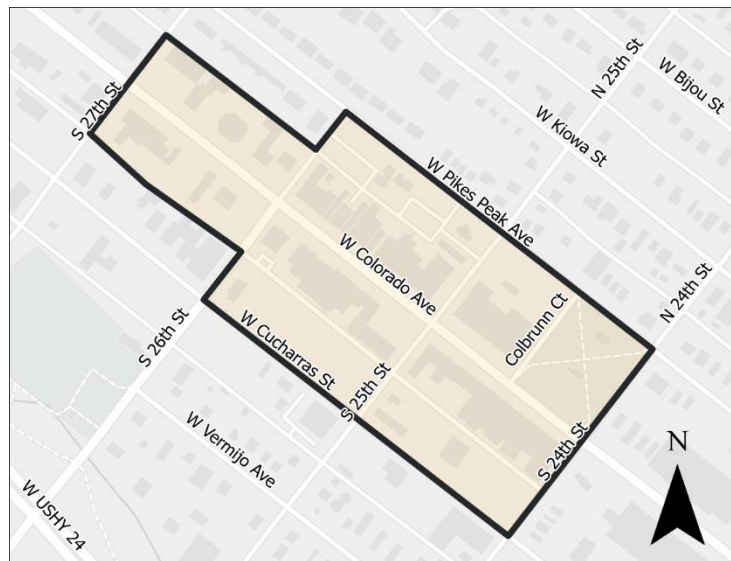
**1. FBZ Exempt Area**

The provision of off-street parking is not required in the area shown to the right, which corresponds to the boundaries of the FBZ districts on the Effective Date. Any off-street parking provided shall comply with the Americans with Disabilities Act.



**2. Old Colorado City Exempt Area**

Provision of off-street parking is not required in the mapped Old Colorado City area shown to the right. Any off-street parking provided shall comply with the Americans with Disabilities Act.



**3. Older and Historic Property Exemption**

- a. Certain older and historic properties do not need to provide off-street parking for the existing building or for expansions of such buildings by less than two hundred (200) square feet of gross floor area.
- b. To qualify for this exemption, the property must meet at least two (2) of the following criteria:
  - (1) Constructed at least fifty (50) years ago;
  - (2) Listed on the State or National Register of Historic Places; or
  - (3) Located in a City of Colorado Springs Historic Preservation Overlay.
- c. Any off-street parking existing on the lot or parcel on the Effective Date may not be reduced.

**7.4.1003 Parking Space Requirements by Use**

**A. Minimum Number of Off-Street Parking Spaces**

Each development shall provide at least the minimum number of off-street motor vehicle parking spaces for the uses included in that development as listed in Table 7.4.10-A.

**B. Calculation of Required Parking Spaces**

**1. Area Measurements**

Unless otherwise provided in this UDC, all square footage-based parking and loading standards shall be calculated on the basis of gross floor area. For outdoor areas, calculations shall be based on the portion of the site actually being used for the specified use.

**2. Fractions**

When the calculation of the required off-street parking spaces results in a fraction, the requirement shall be measured in accord with Section 7.6.202 (Fractions).

**3. Unlisted Uses**

The required off-street parking spaces for a use which is not specifically listed in Table 7.4.10-A shall be determined by the Manager based upon the requirements of other listed similar uses.

Table 7.4.10-A Minimum Off-Street Parking Requirements	
DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
<b>RESIDENTIAL USES</b>	
<b>Household Living</b>	
Dwelling, Single-family Detached	2 per DU
Dwelling, Single-family Attached	
Dwelling, Two-family (duplex)	
Dwelling, Multi-family [1]	<b>Studio or one-bedroom:</b> 1 per DU <b>Two bedrooms:</b> 1.5 per DU <b>Three or more bedrooms:</b> 2 per DU
Dwelling, Live/Work Unit	2 per DU
Manufactured Home	1 per manufactured home space
Manufactured Home Park	1 per manufactured home space
Short Term Rental	No requirement
Tiny House Community	1 per DU
<b>Group Living</b>	
Group Cooperative Living	1 per 8 beds
Group Living Residence	1 per 3 beds
Human Services Establishment, Small	1 per 8 beds
Human Services Establishment, Medium	
Human Services Establishment, Large	
Long-term Care Facility	1 per 6 resident beds
Adult or Child Day Care, Large	1 per 400 sf of GFA
Adult or Child Day Care Center, Small	
Cemetery	No requirement
Club, Lodge, and Service Organization	1 per 400 sf of GFA

<b>Table 7.4.10-A</b> <b>Minimum Off-Street Parking Requirements</b> DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
Correctional Facility/Juvenile Detention Facility	Per Development Plan
Detoxification Center	1 per 8 beds
Funeral Services	1 per 1,000 sf of GFA or 1 space per 4 seats in main assembly area, whichever is greater
Hospice	1 per 8 beds
Hospital	2 per bed
Human Services Shelter	1 plus 1 per 8 beds
Library, Museum, or Cultural Facility	1 per 750 sf of GFA
Park	Determined by Park Board
Public Safety Services	1 per 400 sf of GFA
Religious Institution	1 per 6 seats in main assembly area
School, Elementary, or Secondary	<b>Elementary or Junior High:</b> 1 per 20 students maximum capacity  <b>Senior High:</b> 1 per 6 students maximum capacity
School, Higher Education	1 per 500 sf of GFA of classroom, research, and library area, plus 1 per 6 seats in largest assembly area
Agriculture and Animal-Related Uses	
Agricultural Production	No requirement
Agricultural Sales and Service	1 per 750 sf of GFA
Animal Care Facility	1 per 400 sf of GFA
Commercial Feedlot	No requirement
Greenhouse	No requirement
Small Animal Clinic	1 per 400 sf of GFA
Stable	No requirement
Urban Agriculture	No requirement
Eating, Drinking, and Lodging	
Adult Entertainment	1 per 300 sf of GFA
Bar	<b>Outdoor Seating Area:</b> If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 sf
Bed and Breakfast	1 per 2 guestrooms or suites
Campground or Recreational Vehicle Park	1 per recreational vehicle space
Commissary Kitchen	1 per 750 sf of GFA
Hookah Bar	1 per 300 sf of GFA
Hotel or Motel	0.5 per guest room, plus 1 per 300 sf of GFA of restaurant or bar space plus 1 per 10 seat of meeting space
Micro-brewery, Micro-winery, or Micro-distillery	<b>Indoor Seating Area:</b> 1 per 300 sf of GFA  <b>Outdoor Seating Area:</b>
Restaurant	



<b>Table 7.4.10-A</b> <b>Minimum Off-Street Parking Requirements</b> DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
	If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 sf
Rooming or Boarding House	0.5 per bed
Entertainment and Recreation	
Entertainment or Recreation, Indoor	<b>Theaters or similar uses:</b> 1 per 6 seats in assembly areas  <b>All other uses:</b> 1 per 500 sf of GFA
Entertainment or Recreation, Outdoor	1 per 1,000 sf of GFA
Semipublic Community Recreation	No requirement
Stadium or Auditorium	1 per 4 seats in main assembly area
Heavy Commercial, Storage, and Industry	
Construction Sales and Services	1 per 750 sf of GFA plus 1 space per commercial vehicle generally stored on-site
Heavy Industry	1 per 1,000 sf of GFA
Junkyard	No requirement
Light Industry	1 per 1,000 sf of GFA
Mining and Mineral Extraction	No requirement
Self-storage	1 per 400 GFA of office area
Special Industry	1 per 1,000 sf of GFA
Stockyard	1 per 400 sf of GFA
Warehousing and Wholesaling	1 per 1,000 sf of GFA
Industrial Hemp	
Industrial Hemp Products Manufacturer – Nonhazardous	1 per 1,000 sf of GFA
Industrial Hemp Products Manufacturer – Hazardous	
Industrial Hemp Cultivation Facility	<b>Grow and Process:</b> 1 per 5,000 sf
Marijuana-related Services	
Marijuana Consumption Club Facility	1 per 400 sf of GFA
Medical Marijuana Cultivation Facility	<b>Grow and Process:</b> 1 per 5,000 sf
Medical Marijuana Products Manufacturer-Nonhazardous	1 per 1,000 sf of GFA
Medical Marijuana Products Manufacturer-Hazardous	
Medical Marijuana Store	<b>Retail:</b> 1 per 300 sf of GFA <b>Office:</b> 1 per 400 sf of GFA
Office	
Medical Office	1 per 300 sf of GFA
Office	1 per 500 sf of GFA Additional standards in Section 7.3.303H
Vocational or Skills Education	3 per 1,000 sf of GFA

<b>Table 7.4.10-A</b> <b>Minimum Off-Street Parking Requirements</b> DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
<b>Retail Sales and Services</b>	
Adult Retail	1 per 350 sf of GFA
Commercial Center	1 per 400 sf of GFA
Liquor Sales	1 per 350 sf of GFA
Personal or Business Service, Large	1 per 400 sf of GFA
Personal or Business Service, Small	1 per 400 sf of GFA
Retail Sales, Large	1 per 500 sf of GFA
Retail Sales, Medium	1 per 400 sf of GFA
Retail Sales, Small	1 per 350 sf of GFA
<b>Transportation</b>	
Airport	Per Development Plan
Light Vehicle Staging Area	No requirement
Parking Lot	Per Development Plan
Parking Structure	Per Development Plan
Railroad Facility	No requirement
Transit Station	Per Development Plan
Transportation Terminal	Per Development Plan
Truck Terminal	1 per 500 sf of GFA
<b>Utilities and Communication</b>	
Broadcasting Tower	No requirement
Utility, Major	Per Development Plan
Utility, Minor	
WCF, Eligible Facility Request	No requirement
WCF, Nonstealth Freestanding Facility	No requirement
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings	No requirement
WCF, Roof/building mount on single- and two-family dwellings	No requirement
WCF, Small Cell Facility	No requirement
WCF, Stealth Freestanding Facility	No requirement
<b>Vehicle Related</b>	
Automobile and Light Vehicle Repair, Minor	1 per 350 sq. ft. of indoor sales/leasing/ office area; plus 1 per service bay
Automobile and Light Vehicle Repair, Major	
Automobile and Light Vehicle Sales and Rental	
Automobile and Light Vehicle Storage	
Fuel Dispensing Station	1 per 300 sf of GFA; fuel pump spaces and any parking spaces under the canopy shall not count toward meeting the minimum required parking
Heavy Vehicle and Equipment Sales and Rental	1 per 400 sq. ft. of GFA plus 1 per service bay
Heavy Vehicle and Equipment Repair	
Heavy Vehicle Storage	
<b>Waste and Recycling</b>	

<b>Table 7.4.10-A</b> <b>Minimum Off-Street Parking Requirements</b> DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
Landfill	1 per 100 sf of office space
Recycling Collection Center, Large	1 per 1,000 sf
Recycling Collection Center, Small	No requirement
Recycling Processing Center	1 per 400 sf
Waste Transfer Station	1 per 1,000 sf
Antenna or Satellite Dish, Accessory	No requirement
Beehive, Accessory	
Carport or Garage, Accessory	
Construction Office or Yard, Temporary	
Drive-through, Accessory	No requirement
Dwelling, Accessory	Per standards in Subsection 7.3.304E
Electric Vehicle Charging	No requirement
Family Suite, Accessory	Per standards in Subsection 7.3.304G
Garage Sale, Temporary	No requirement
Geothermal Energy Equipment, Accessory	
Greenhouse, Accessory	
Home Adult or Child Day Care, Large, Accessory	1 per DU
Home Adult or Child Day Care, Small, Accessory	No requirement
Home Occupation, Accessory	
Marijuana, Home Cultivation, Accessory	
Mobile Vending Truck, Temporary	
Office or Bank Facility, Temporary	2 per 1,000 sf of GFA
Outdoor Display of Goods, Accessory	No requirement
Outdoor Display of Goods, Temporary	
Outdoor Festival or Amusement, Temporary	2 per 1,000 sf of site area where attendees circulate, participate, or watch activities
Outdoor Seating or Dining, Accessory	If accessory to a bar or restaurant: If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 sf For other uses: No requirement
Outdoor Storage, Accessory	No requirement
Playhouse, Accessory	
Real Estate Sales or Business Office, Temporary	2 per 1,000 sf of GFA
Solar Collector, Accessory	No requirement
Swimming Pool, Accessory	
Transit Shelter, Accessory	
Vendor in Commercial Retail Center, Temporary	
Wind Energy System, Accessory	

**7.4.1004 Compact Lot Guest Parking**

Compact Lots shall comply with the following parking standards:

- A. Ten (10) percent of the minimum parking required for individual dwelling units shall be provided for guest parking.
- B. Driveways or tandem parking may be used to meet guest parking requirements, where not needed to meet the principal parking requirement.
- C. If the dwelling unit has tandem parking, one-half (1/2) space per lot required (regardless of whether the tandem parking area is located in front of one (1) or two (2) garage doors).
- D. When the street configuration (width and frontage) allows for on-street parking, one (1) on-street guest parking space per lot shall count towards required parking.
- E. Guest parking areas shall be provided on-street or reasonably distributed throughout the development in a separate parking bays within an approximate two hundred (200) foot radius from the units they serve.
- F. Guest parking spaces shall not be assigned and shall be available for public use.

#### 7.4.1005 Adjustments to Minimum Motor Vehicle Parking Requirements

Alternative parking requirements may be established as a part of an FBZ regulating plan or as otherwise determined per this Section 7.4.1004.

##### A. Adjustments to Minimum Motor Vehicle Parking Requirements

- 1. The minimum number of off-street parking spaces required by Section 7.4.1003 (Parking Space Requirements by Use) shall be reduced by up to forty (40) percent based on the application of one (1) or more of the adjustments listed in Subsections D through M below.
- 2. These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.
- 3. The minimum number of off-street parking spaces to be provided for attached and detached single-family and two-family dwellings may not be adjusted pursuant to this Section 7.4.1004.

##### B. Affordable Housing

The Manager may reduce the minimum number of off-street parking spaces required by Table 7.4.10-A for affordable residential multi-family developments that satisfy the following criteria:

- 1. The development has a minimum of ten (10) dwelling units;
- 2. At least twenty-five (25) percent of the dwelling units are restricted for purchase or occupancy by residents with eighty (80) percent or less of the area median income (AMI);
- 3. The Manager determines that the parking reduction is necessary for the successful completion of the project.

##### C. Senior Housing

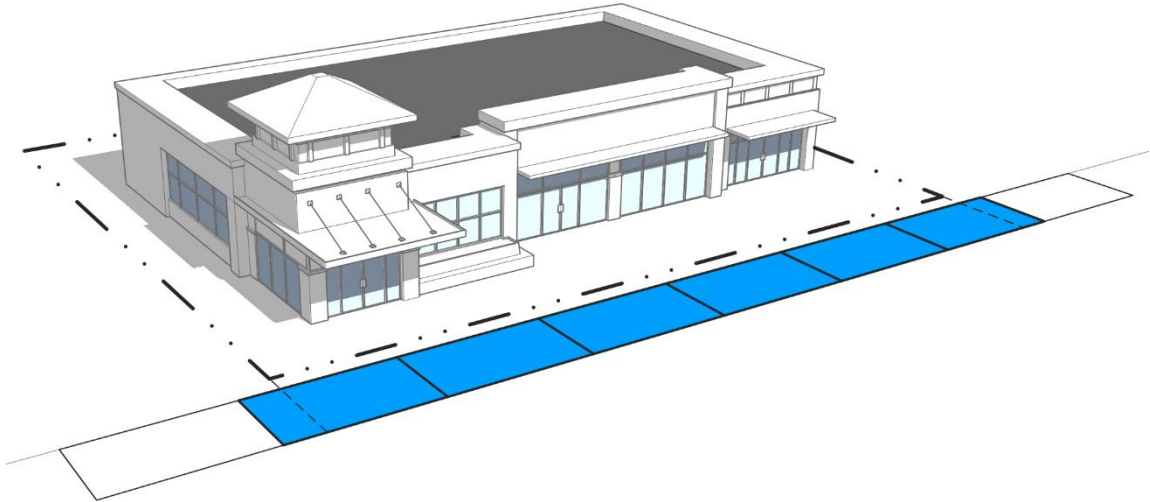
The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by twenty-five (25) percent for multi-family dwellings that qualify as age-restricted communities under the federal Fair Housing Amendments Act.

##### D. On-Street Parking Credit

Any on-street parking space in which more than one-half (1/2) of the length of the parking space is located between the side or rear property lines, as projected into the street, may be counted toward the minimum number of vehicle parking spaces required by Section 7.4.1003 (Parking Space Requirements by Use) on a one-to-one basis, provided that:

- 1. The street segment is one on which the City (for public streets) or the Land Use Plan (for private streets) allows on-street parking;
- 2. The street segment is not one that is subject to residential parking permit restrictions;

3. Any on-street parking spaces for which credit is given shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted; and
4. On-street parking spaces shall be used for vehicular parking only. No sales, rental, storage, repair, servicing of vehicles, equipment or materials, dismantling, or other activities shall be conducted or located in such areas.



**E. Shared Parking Reduction**

1. Where two (2) or more uses listed in Table 7.3.3-A share a parking lot or structure, the total off-street parking requirement for those two (2) combined uses shall be reduced by the percentages shown in Table 7.4.10-B.

Table 7.4.10-B Shared Parking Reduction (Percentage of the combined requirements)					
Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor Entertainment, or Lodging	Retail	Other Commercial
Multi-family residential	N/A				
Public, Institutional, or Civic	10%	N/A			
Food, Beverage, Indoor Entertainment, or Lodging	10%	20%	N/A		
Retail	20%	30%	30%	N/A	
Other Commercial	30%	35%	45%	20%	N/A

2. To calculate the revised minimum parking requirement, calculate the minimum off-street parking requirement individually for the two (2) uses with the highest off-street parking requirement, and then multiply that sum by the number shown in the cell for that combination of uses in Table 7.4.10-B.
3. If more than two (2) uses share a parking lot or structure, the reduction factors in Table 7.4.10-B are applied only to the two (2) uses with the highest parking requirements. The minimum parking required for the third and additional uses sharing the parking lot or facility are then added to the adjustment calculated in Subsection 2 above without further adjustment.

**F. Transit Proximity Reduction**

1. The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by:
  - a. Ten (10) percent if the proposed development is located within six hundred and sixty (660) feet of any transit stop or transit station with a peak service frequency of fifteen (15) minutes or less; or
  - b. Twenty (20) percent if the proposed development is located within six hundred and sixty (660) feet of a Bus Rapid Transit Station with a peak service frequency of fifteen (15) minutes or less.
2. The minimum number of off-street parking spaces required for new development may be reduced by five (5) percent for projects that include, at the applicant's expense, transit shelters of a type and location acceptable to the City, regardless of service frequency.
3. No development approved with a transit proximity parking reduction shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the transit proximity reduction.

**G. Public Parking Proximity Reduction**

The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by ten (10) percent if the applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby residential zone district.

**H. Bike Route or Trail Proximity Reduction**

The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by five (5) percent if the subject property is located within six hundred and sixty (660) feet by direct pedestrian access of a City-designated bike route or designated trail that permits bicycle use.

**I. Electric Vehicle Charging Station Reduction**

Each off-street parking space that includes an electric vehicle charging station with a rating of two hundred and forty (240) volts or higher shall count as one (1) vehicle parking space toward satisfaction of minimum off-street parking requirements in Table 7.4.10-A.

**J. Vanpool, Carpool, or Car Share Reduction**

1. Each off-street parking space designated and signed for the exclusive use of a shared carpool or car share vehicle shall count as four (4) spaces toward the satisfaction of a minimum off-street parking requirements in Table 7.4.10-A.
2. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as seven (7) spaces toward the satisfaction of a minimum off-street parking requirements in Table 7.4.10-A.

**K. Bicycle or Motorcycle Parking**

1. In any parking lot or structure that contains more than fifteen (15) motor vehicle parking spaces, two (2) motorcycle parking spaces shall be counted as the equivalent of one (1) of the minimum required vehicle parking spaces required by Table 7.4.10-A.
2. In any parking lot or structure that contains more than ten (10) standard parking spaces, and in which the minimum bicycle parking required by Section 7.4.1007 (Off-Street Bicycle Parking Spaces Required) has been provided, the provision of an additional bicycle rack accommodating at least five (5) bicycles shall be counted as the equivalent of one (1) motor vehicle parking

space required by Table 7.4.10-A, up to ten (10) percent of the minimum motor vehicle spaces required by that table.

**L. Green Infrastructure**

The Stormwater Enterprise Manager may approve a reduction in the minimum number of off-street parking spaces required by Table 7.4.10-A by five (5) percent when green infrastructure measures that comply with the Engineering Criteria are incorporated into site design.

**M. Other Alternative Parking Adjustment**

1. The Manager may approve a reduction in parking spaces required by Table 7.4.10-A for a reason that is not addressed in Subsections B through K above including the applicant's submittal of a study showing that a lower number of parking spaces will be adequate, if the Manager determines that:
  - a. The proposed reduction will result in parking adequate to meet projected parking demand;
  - b. The parking reduction would not generate significant off-site impacts upon neighboring properties or public rights-of way; and
  - c. The requested parking reduction will not increase risks to the safety of pedestrians, bicyclists, or motor vehicles.
2. The Manager may approve a reduction smaller than that requested or may attach conditions to an approval of a parking reduction if the Manager determines that is necessary for the reduction to satisfy the approval criteria in Subsection 1 above.

**N. Minor Modification Required Upon Change of Use**

Notwithstanding the provisions of Subsection 7.4.1002A.3 (Applicability), a Minor Modification to a Development Plan shall be required prior to any change in use that would result in increased parking demand for any property where the minimum parking requirements from Table 7.4.10-A were reduced pursuant to Subsections D through M above.

**7.4.1006 Accessible Parking Space Requirements**

**A. Generally**

Accessible parking spaces shall be provided and designed to meet the requirements of the Americans with Disabilities Act.

**B. Number Required**

1. Where parking is required under this Part 7.4.10 and except as otherwise provided in this Subsection B, accessible parking spaces shall be provided in accordance with the table below. Spaces required by this Section 7.4.1006 shall count toward fulfilling off-street parking requirements unless the minimum required is fifteen (15) spaces or less. One (1) in every six (6) accessible parking spaces with a minimum of one shall be van accessible.

Table 7.4.10-C Number of Accessible Spaces Required		
Number of Parking Spaces Provided	Number of Accessible Spaces Required	Number of Van Accessible Spaces Required
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	2

301 - 400	8	2
401 - 500	9	2
501 - 1,000	2% of total	1/6 of number of accessible spaces required
1,001 and over	20 plus 1 for each 100 over 1,000	1/6 of number of accessible spaces required

2. At least two (2) percent, but not less than one (1) parking space, of each type of parking space provided for attached dwelling unit, multi-family dwelling, group cooperative living, group living residence, dormitory, fraternity or sorority house, retirement home, rooming or boarding house, religious institution, single-family detached, accessory dwelling unit, and two-family dwelling uses shall be accessible.
3. At least ten (10) percent, but not less than one (1) parking space, of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.
4. At least twenty (20) percent, but not less than one (1) parking space, of the patient and visitor parking spaces provided to serve human service facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.
5. This Subsection B does not apply to parking spaces used exclusively for buses, trucks, delivery vehicles, law enforcement vehicles or vehicular impound provided that lots are accessed by the public are provided with an accessible passenger loading zone.
6. Attached or detached single-family and two-family dwellings are not required to provide accessible spaces.

**C. Location**

1. Except as otherwise provided in this Subsection C, accessible parking spaces shall be located so as to provide the shortest accessible route to an accessible building entrance unobstructed by curbs, ingress/egress lanes, or other obstacles.
2. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
3. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility.
4. In multilevel parking structures, van accessible parking spaces are permitted on one level.
5. Accessible parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee and user convenience.

**D. Dimensions**

1. Accessible parking spaces shall comply with the dimensional standards in Table 7.4.10-D. Two (2) accessible parking spaces may share a common aisle and be on either side of the parking space, unless it is an angled van space, which must have the access aisle on the passenger side. Access aisles shall not contain built-up curb ramps.

Table 7.4.10-D Dimensions of Accessible Spaces			
Type of Accessible Parking Space	Minimum Width of Parking Space (ft.)	Minimum Width of Access Aisle (ft.)	Minimum Vertical Clearance (in.) [1]
Standard	8	5	N/A
Van-accessible	8	8	98

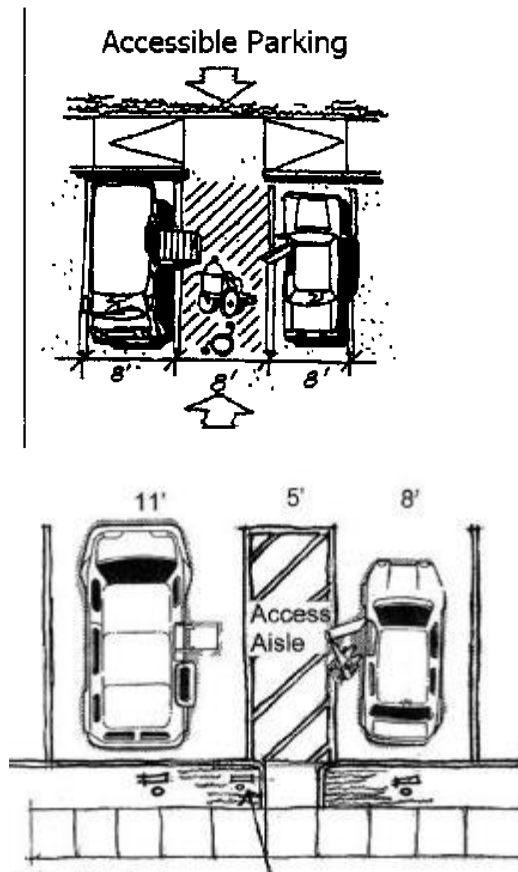


Van-accessible within private garage [2]	N/A	N/A	84
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**NOTES:**

- [1] Vertical clearance requirements apply to parking spaces, access aisles, and vehicular routes and entrances serving them.
- [2] Standards apply to van-accessible spaces located within private garages of any Residential use or Religious Institution use, and the access aisles, vehicular routes, and entrances serving them.

2. The length of an access aisle shall be the full length of the parking spaces served as shown in the following pictures:



**E. Curb Ramps and Accessible Routes**

Curb ramps and accessible routes shall be provided that allow unobstructed travel from an accessible parking space to the accessible building entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two (2) percent grade) in all directions.

**F. Markings**

Accessible parking spaces shall be marked with four- (4) inch lines. Access aisles shall be outlined and diagonally striped at forty-five (45) degree angles in a contrasting color such as yellow, white, or blue so as to discourage parking in them.

**G. Signs**

1. Except as otherwise provided in this Subsection G, each accessible parking space shall be designated as reserved by an unobstructed sign, centered to the space, showing the International Symbol of Accessibility.
2. Van accessible spaces shall have an additional sign containing the designation, "van accessible," mounted below the symbol of accessibility.
3. Each accessible parking space sign shall be no smaller than eighteen (18) inches tall by twelve (12) inches wide. Each van accessible sign shall be no smaller than six (6) inches tall by twelve (12) inches wide.
4. Signs shall be located at the head of the space with the bottom of the sign(s) between five (5) feet and seven (7) feet above the finish floor or ground surface.

**7.4.1007 Off-Street Bicycle Parking Spaces Required**

**A. Applicability**

The following standards shall apply to all uses except for a detached or attached single-family dwelling, two-family dwelling, and manufactured home residential uses.

**B. Number of Bicycle Parking Spaces Required**

**1. Generally**

- a. Each development subject to this Part 7.4.10 shall provide the number of bicycle parking spaces required in Table 7.4.10-E
- b. The minimum number of bicycle parking spaces required in Table 7.4.10-D shall be based on the total square footage of building gross floor area provided on-site or in a permitted off-site location to serve the principal uses.
- c. When the calculation of the required bicycle parking spaces results in a fraction, the requirement shall be measured in accord with Section 7.6.202 (Fractions).

Table 7.4.10-E Minimum Bicycle Parking Requirements	
Use	Min. Spaces per 1,000 GFA
Applicable Residential Uses	0.5
Civic, Public, and Institutional Uses	1
Commercial Uses	0.5
Other	As determined by the Manager

**2. When No On-Site Vehicle Spaces are Provided**

Where no vehicle parking spaces are provided on-site, one (1) bicycle parking space shall be required for every five thousand (5,000) square feet of gross floor area in each primary building.

**3. Mixed-Use Development**

Developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements in Table 7.4.10-E.

**4. Bicycle Parking Reduction**

The number of bicycle parking spaces may be reduced if the Manager determines that:

- a. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or

- b. Existing bicycle parking spaces are located within the public right-of-way and within one hundred (100) feet of the building's main entrance, provided that a minimum of four (4) bicycle parking spaces are provided on-site.

**C. Bicycle Parking Location and Design Standards**

Bicycle parking facilities shall meet the following standards:

1. All bicycle parking spaces shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.
2. Required bicycle parking spaces shall be located within twenty (20) feet of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.
3. Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.
4. Racks shall be of a design that provides for adequate security.
5. Where the primary use of the property includes one hundred (100) or more dwelling units or one hundred thousand (100,000) or more square feet of nonresidential gross floor area, at least twenty (20) percent of required bicycle parking spaces shall be in secured long-term storage lockers or areas.

**7.4.1008 Parking Location and Design**

**A. Location**

1. Unless otherwise permitted by this Section 7.4.1008, parking or maneuvering areas located within the public rights-of-way shall not be used to meet off-street parking or off-street loading requirements.
2. As an exception to Subsection 1 above, parking spaces may be located where an existing motor vehicle must back onto a public right-of-way that is not classified as an arterial street or higher in the following cases:
  - a. The parking space provides parking for an attached or detached single-family or two-family, dwelling; or
  - b. The parking space requires an exiting vehicle to back into an alley, without crossing a public sidewalk, and the property owner has no other feasible means to provide the required off-street parking spaces.
3. Unless placed in a tract for common use or otherwise permitted by this UDC, all required off-street parking spaces shall be located on the same lot as the use.
4. Notwithstanding Subsection 3 above, required off-street parking for nonresidential components of a development in the MX-N, MX-T, MX-C, MX-L, or MX-I zone districts may be provided off-site, provided that:
  - a. The applicant provides a recordable zoning commitment stating that in the event the off-site spaces are no longer available, the applicant or property owner will provide an equivalent amount of off-street parking in a location acceptable to the City.
  - b. The off-street parking is located on a site within six hundred and sixty (660) feet of the property for which the parking is provided.
5. Access or maneuvering areas may be located on adjacent lot(s) only if a recorded document is provided for common use and maintenance. The easement or tract shall be established by a statement on the recorded plat or separate recorded document. The recorded documents shall

state that the easement or tract is to be used and maintained by all the lot owners within the development.

6. No part of the off-street parking or maneuvering area for any use, except attached or detached single-family or two-family dwellings, shall be located in any portion of any required front landscape setback. In the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts, the parking lots for Religious Institutions shall have a minimum front setback of twenty-five (25) feet. Driveways may cross the required front yards to provide access for off-street parking or loading requirements.
7. Automated Parking Facilities are permitted to be utilized for required parking and must either be contained within a building or as approved by the Manager regarding location, design, and screening.

**B. Dimensional Requirements**

Dimensions of all parking or maneuvering areas in open parking lots and inside structures or garages shall be designed as required by the table below, except for accessible parking spaces which shall be designed as required by Subsection 7.4.1006D (Dimensions). The paved depth of parking spaces may be decreased by the overhang dimensions indicated in the following Sections, providing that the conditions are met:

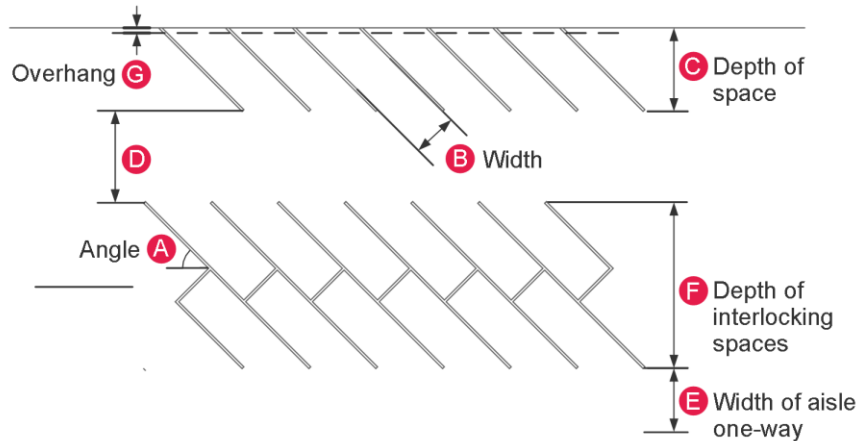
1. No sidewalk shall be decreased to less than four (4) feet in width by use of a vehicle overhang.
2. No overhang is permitted into a sidewalk that is located within a public right-of-way.

**Table 7.4.10-F  
Dimensions of Parking Spaces [1]**

Angle	Standard Spaces						Compact Spaces			
	Parking Space		Aisle Width [2]		Depth		Parking Space		Depth	
			Two-Way	One-Way	Interlocking Spaces	Overhang			Interlocking Spaces	Overhang
A	B	C	D	E	F	G	B	C	F	G
0°	8	22 [3]	20	12	18	0	8	20	16	0
1° to 45°	9	17	*	12	26	1.5	8	15	23	1.5
45° to 60°	9	18	20	12	32	1.5	8	17	29	1.5
61° to 90°	9	18	24	16	35.5	2	8	18	32	2

**Notes:**

- [1] Letters on paragraph correspond to parking lot elements on figure below.
- [2] The access aisle shall have slope requirements of no greater than one-fourth inch rise per one foot of run (1:48).
- [3] End spaces may be a minimum of 20 feet in length where no obstruction exists.



### C. Compact Spaces

Up to forty (40) percent of the required off-street parking spaces may be compact spaces. However, there shall be no limit on the number of compact spaces that may be provided as additional or surplus parking beyond those required by Sections 7.4.1003 (Parking Space Requirement by Use) and 7.4.1004 (Compact Lot Guest Parking). Required dimensions for compact spaces are shown in Table 7.4.10-F. Each compact parking space shall include a sign or pavement markings identifying it as a compact parking space.

### D. Cross-Access Between Parcels

1. If a parcel is to be developed for any nonresidential land use, cross-access shall be provided by the property owner to adjoining properties that front on the same street and that are, or may be, developed as nonresidential land uses.
2. Cross-access shall be situated parallel to the street right-of-way line adjacent to both parcels. The property owner shall maintain access.
3. The property owner shall provide appropriate documentation of a good faith effort to extend the cross-access through all immediately adjacent properties. If such an effort fails, the portion of the cross-access on the subject site shall be developed and designed to enable a future connection to the adjacent parcels in that location.
4. Where cross-access is provided, no permanent structures or parking that would interfere with the proposed cross-access shall be permitted. Some improvements such as medians and parking islands may be constructed within the cross-access if it has been demonstrated that adequate circulation and cross-access has been accomplished, and that all applicable standards of this UDC have been met.
5. The Manager may waive the requirement for cross-access required above in those cases where unusual topography or site conditions would render no useable benefit to adjoining properties.

### E. Driveways

#### 1. Generally

- a. Any driveways used to satisfy City of Colorado Springs Fire Prevention Code and Standards regulations for fire apparatus access roads shall be designed to meet width, turning radius, and structural design features as required.
- b. Driveway width shall not exceed twenty-seven (27) feet at the front property line.
- c. To provide proper clear distance for vehicles when parked on private property, the minimum driveway depth on a lot within the R-E, R-1 9, R-1 6, R-2, R-4, R-5, R-Flex Low,

R-Flex Medium, and R-Flex High zone districts shall be twenty (20) feet. Driveway depth shall be measured from one of the following, whichever is closer to the garage door or carport entrance:

- (1) The front property line; or
  - (2) The nearest edge of sidewalk closest to the home in situations where the sidewalk is located on private property within a sidewalk easement.
- d. To prevent parallel parking in driveways, no driveway within the R-E, R-1 9, R-1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High zone districts shall be less than twenty (20) feet in length; however, if alley-loaded, no driveway may be between five (5) and twenty (20) feet in length.

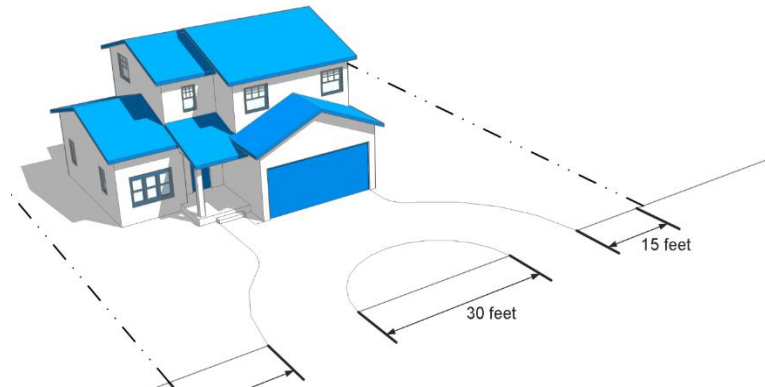
## 2. Uses Other Than a One or Two-Family Dwelling

- a. Any driveway providing access to a parking area for a use other than an attached or detached single-family or two-family dwelling shall be a minimum of twenty (20) feet in width where two-way traffic is allowed and a minimum of twelve (12) feet in width where one-way traffic is allowed.
- b. For an attached single-family dwelling with more than two (2) units, only one driveway with a maximum twenty (20) foot width at the property line shall be used to provide access to a parking area.
- c. The location, design, and width of any driveway that intersects with a public street shall be subject to the specifications as outlined in the Engineering Criteria.

## 3. One- or Two-Family Dwelling Units

### a. Circular Driveways

- (1) Ingress/egress points shall be separated by a minimum of thirty (30) feet, at their closest points measured at the property line.
- (2) The edge of the drive pavement at the point where it intersects with the street shall be located no closer than fifteen (15) feet from the adjoining property line.



- (3) In areas subject to Section 7.2.610 (HS-O: Hillside Overlay), circular driveways shall be allowed if they do not result in a loss of significant vegetation and/or natural features. In administering this standard, consideration shall be given to quantity of loss compared to the vegetation/natural features that will remain on the lot or project area.

## 4. Administrative Relief

Administrative relief from this Subsection E may be requested in accord with Section 7.5.524 (Administrative Adjustment).

**F. Walkways**

Parking areas containing one hundred (100) or more parking spaces shall contain walkways in accord with Subsection 7.4.404A.3.a(6) (Through Large Parking Lots).

**G. Signs**

Directional signs for parking, maneuvering or drive areas are subject to the provisions of Part 7.4.13 (Signs).

**7.4.1009 Off-Street Loading Location and Design**

**A. Number of Required Off-Street Loading Spaces**

Except for uses located in parking-exempt areas in Subsection 7.4.1002B above, all nonresidential uses with twenty-five thousand (25,000) square feet or more of gross floor area shall provide off-street loading spaces and related access and maneuvering areas pursuant to the table below and this Section 7.4.1009.

Table 7.4.10-G Off-Street Loading Space Requirements		
Use Category	Required Loading Spaces	Minimum Size of Required Loading Spaces
Uses in the Eating, Drinking, and Lodging; Office; and Retail Sales and Services categories	Minimum: 1 space / 50,000 sf ground floor GFA or part thereof	First required space: 12 ft. x 40 ft. Remaining spaces: 10 ft. x 25 ft.
Other nonresidential uses	Minimum: 1 space / 50,000 sf ground floor GFA or part thereof	A minimum maneuvering aisle width of 40 feet shall be provided behind the off-street loading space.

**B. Exemptions**

Developments containing less than twenty-five thousand (25,000) square feet of gross floor area are exempt from required off-street loading requirements.

**C. Design, Location, and Layout of Off-Street Loading Spaces**

**1. Location**

- a. Loading spaces shall not be located in a front or side setback adjacent to a public right-of-way.
- b. Loading spaces shall be located on the same lot or parcel as the use they serve, unless Subsection 3.b below applies.
- c. Where a single customer entrance to a building is provided, customer loading areas shall not be located in front of the customer entrance or within fifteen (15) feet of the entrance.

**2. Encroachment**

Truck and loading operations shall not encroach into any pedestrian walkway, bicycle lane, public right-of-way, fire lane, or building setback.

**3. Maneuvering and Access**

- a. Trucks using the loading area shall not be required or permitted to back into a public street to leave the site.
- b. Maneuvering or access areas may be located on adjacent lot(s) as long as a recorded document is provided for common use and maintenance.

**D. Joint Use of an Off-Street Loading Facility**

Joint use of an off-street loading facility may be approved by the Manager provided the applicant submits to the City documentation demonstrating the adequacy of the facility to serve anticipated loading needs.

**7.4.1010 Stacking Lanes for Drive-Through Facilities**

**A. Applicability**

The following standards apply for all uses with vehicle stacking and drive-through facilities.

**B. Minimum Vehicle Stacking Lane Requirements**

Vehicle stacking lanes for drive-through uses shall be provided according to the table below.

Table 7.4.10-H Required Vehicle Stacking Lane Requirements	
Use	Stacking Lane Requirements
Automobile and Light Vehicle Wash	40 feet behind each bay or stall
Financial institutions or financial transaction facilities (i.e., bill payment windows)	70 feet behind each window or transfer facility. If more than one window or transfer facility is provided, stacking lanes may be distributed in 20 foot increments among the various lanes.
Restaurants	90 feet behind a single order and pick-up window. If more than one order and pick-up window is provided, the required 90 foot distance may be divided between the order and pick-up lanes. If the functions are separated, 30 feet behind an order board, and 60 feet behind the pick-up window.

**C. Design and Location**

1. The minimum width of a drive-through lane shall be ten (10) feet.
2. Required drive-through stacking lanes shall not intersect with pedestrian access to a public entrance of a building.
3. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
4. Driveways in conformance with this Part 7.4.10 shall be provided to all stacking lanes.
5. If a drive-through has a single stacking lane that is more than one hundred and fifty (150) feet long, the design of the on-site circulation shall provide an opportunity for a vehicle to exit the stacking lane and exit the site without proceeding to the service window. The opportunity for exit shall be located no more than seventy-five (75) feet from the service window.
6. Drive-through stacking shall not impede traffic in the public right-of-way.

**7.4.1011 Parking, Loading, and Stacking Area Maintenance**

**A. Condition**

Off-street parking and maneuvering areas in conformance with this Part 7.4.10 shall be permanently maintained with the use to which they relate so long as such use remains.

**B. Striping of Spaces**

1. Except for parking spaces for attached or detached single-family or two-family dwellings, all parking spaces shall be clearly delineated or striped and the striping shall be maintained so it is visible. Striping shall not be required for motor vehicle display or storage areas.
2. All vehicle use areas that are not parking spaces, such as loading zones, emergency lanes, or spaces in front of doorways/entrances, shall be clearly delineated.

**C. Surfacing and Drainage**

1. The surface of all parking spaces, drives, aisles, maneuvering and motor vehicle outdoor sale and/or rental display or storage areas shall be paved. For the purpose of this Section, “paving” shall mean covered with semi-permeable materials, asphalt, concrete, brick, pavers, or other similar surfaces that may be approved by the Manager.



2. Driveways and parking areas for attached or detached single-family or two-family dwellings shall be surfaced with semi-permeable materials, asphalt, concrete, brick, pavers, crushed stone, or other similar surfaces that may be approved by the Manager.
3. The Manager may require the paving of legal, nonconforming unpaved parking, maneuvering or access areas or motor vehicle display or storage areas for any Permitted, Conditional, Temporary, or Accessory Use except a single-family residence. The requirement to pave shall be made after evaluating such factors as the character of the neighborhood and the amount and type of traffic generated by the use. The Manager shall find and determine that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood. Paving shall be provided as required by Subsections 1 and 2 above.

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## 7.4.11 BUILDING DESIGN AND SITE FEATURES

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### 7.4.1101 Purpose

The intent of this Part 7.4.11 is to establish building design standards that foster high-quality and attractive development that is compatible with the Colorado Springs Comprehensive Plan. The standards are further intended to:

- A. Enhance the human and pedestrian scale of development and ensure compatibility between residential neighborhoods and adjacent nonresidential uses; and
- B. Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings.

### 7.4.1102 General Applicability

- A. The standards in this Part 7.4.11 shall apply to the following, unless otherwise stated:
  1. All development of vacant land;
  2. All construction of new structures, including shipping containers being used as permanent structures;
  3. All expansions of the gross floor areas of an existing primary structure by fifty (50) percent or more; and
  4. All exterior renovations of existing structures resulting in a redevelopment of fifty (50) percent or more of the gross floor area.
- B. The standards in this Section shall not apply to an attached or detached single-family or two-family dwelling.
- C. Alternate requirements may be included as a part of an FBZ regulating plan.

### 7.4.1103 Mixed-Use and Non-Residential

#### A. Applicability

The following standards shall apply to all Mixed-Use zone districts, and the BP, GI, LI, APD, PF, and PK zone districts, unless otherwise stated in Subsections B through I below.

#### B. Exceptions

Multi-family dwellings within a single-use building shall not be subject to the standards of this Section 7.4.1103, and shall instead be subject to the standards in Subsection 7.4.1104 (Multi-Family Residential).

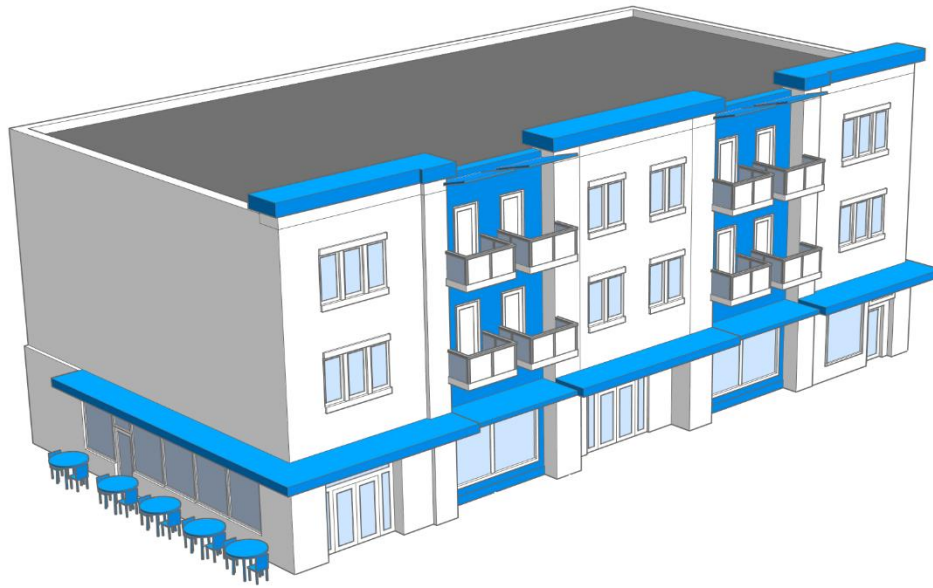
#### C. Materials

1. All façades of a primary building adjacent to a major street shall consist of two (2) or more of the following materials:

- a. Masonry;
  - b. Natural and cultured stone;
  - c. Precast concrete;
  - d. Split-faced block;
  - e. Stucco or synthetic stucco (including EIFS);
  - f. Architectural metal;
  - g. Transparent glass;
  - h. Wood; or
  - i. Other products that replicate the appearance and durability of the above materials in Colorado Springs' climate, as approved by the Manager.
2. EIFS shall not be used to cover more than fifty (50) percent of any façade of a building (excluding façade areas occupied by windows and doors) facing a highway or a public or private street, unless the façade is not visible from that highway or public or private street due to changes in terrain or intervening permitted structures (not including landscaping, fences, and walls).
  3. In the WUI district, all building material shall comply with the City of Colorado Springs Fire Prevention Code and Standards.

**D. Facade Articulation**

1. Blank walls devoid of architectural details are prohibited. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet. Each façade greater than one hundred (100) feet in length adjacent to a public or private street or a residential zone district shall incorporate architectural features such as:
  - a. Wall plane projections or recessions with a minimum depth of two (2) feet;
  - b. A mix of building material treatments and textures according to Subsection C above; or
  - c. Window openings that visually interrupt the wall plane.
2. Public art may be used as a substitute for façade articulation, subject to neighborhood and Public Arts Commission review.



### E. Street-Level Transparency

1. When the primary use of the ground floor frontage of a structure is categorized as Restaurant, Bar, Office, Retail Sales and Services in Table 7.3.2-A: Base and NNA-O District Use Table, a minimum of twenty (20) percent of the primary facade area that faces a public street shall be composed of transparent materials (see [1] in the figure below).
2. At least one-half (1/2) of the transparent materials required by Subsection 1 above shall be provided so that the lowest edge of the transparent materials is no higher than four (4) feet above the street level (see [2] in the figure below).
3. If the Manager determines that transparent materials are not practical for security reasons or based on the nature of the permitted ground floor use, an alternative treatment providing equivalent or better visual interest may be approved.



### F. Roof Design/Articulation

#### 1. Sloped Roofs

When the primary use of the building is not categorized as Heavy Commercial, Storage, or Industry in Table 7.3.2-A: Base and NNA-O District Use Table, and the building has a roof with a

slope of greater than 1:12 (rise:run), a variety of roof forms shall be incorporated to break up large roof planes.



## 2. Flat Roofs

- a. When the primary use of the building is not categorized as Heavy Commercial, Storage, or Industry in Table 7.3.2-A (Base and NNA-O District Use Table), and the building has a roof with a slope of less than 1:12 (rise:run), the design or height of the parapet shall include at least one change in setback or height of at least three (3) feet along each one hundred (100) lineal feet of façade. Parapets shall be designed so that parapet support structures are not visible from any point on any right-of-way adjacent to the property within the block face containing the property.
- b. Flat roofs shall be concealed by parapets that are in proportion to the overall building design and that are of sufficient height to conceal rooftop mechanical systems that are in view from adjacent public rights-of-way and adjacent residential zone districts. Where flat roofs are visible from above due to topographical features and changes in elevation, the Manager may determine that additional screening of mechanical systems is required.



**G. Entrance Location/Design**

Each principal building shall have one (1) or more operating entry doors facing adjacent public or private street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry, or foundation plantings around the entry.

**H. Loading Dock and Delivery Areas**

Loading dock doors and delivery areas shall be located at the rear of buildings to separate customer and employee traffic from loading and service vehicles, unless the Manager determines that such location is impracticable given the function and operating needs of the building.

**I. Site Elements Adjacent to Certain Residential Uses**

If the development is in a Mixed-Use or Industrial zone district and is adjacent to a lot in a Residential zone district or a lot designated for residential use in a PDZ district, the following requirements apply:

1. Higher activity areas such as parking, circulation, loading, and delivery areas, shall be oriented away from the adjacent residential zone district or PDZ residential use lot to the maximum extent feasible.
2. Multi-story structures with balconies, patios, or other public gathering spaces more than twenty-four (24) feet above existing grade shall orient those features to avoid direct views into rear yards of the adjacent R-E, R-1 9, R-1 6, R-2, R-Flex Low, or PDZ residential lot.

**7.4.1104 Multi-family Residential**

**A. Applicability**

The following standards shall apply to all multi-family residential buildings in the R-4, R-5, R-Flex Medium, R-Flex High, MX-N, MX-M, and MX-L zone districts, unless otherwise stated in Subsections B through G below.

**B. Exceptions**

Multi-family dwellings within a mixed-use building shall not be subject to the standards of this Section 7.4.1104, and shall instead be subject to the standards in Section 7.4.1103 (Mixed-Use and Non-Residential).

**C. Materials**

1. Primary exterior finish building materials used on multi-family residential dwellings shall consist of two (2) or more of the following:
  - a. Wood or cementitious siding (including horizontal lap, tongue-and-groove, or board-and-batten siding)
  - b. Stucco or synthetic stucco (including EIFS);
  - c. Natural and cultured stone;
  - d. Brick, split face block, or ground face block;
  - e. Cast concrete;
  - f. Other materials that replicate the look and durability of the above materials, as approved by the Manager.
2. EIFS shall not be used to cover more than fifty (50) percent of any façade of a building (excluding façade areas occupied by windows and doors) facing a highway or a public or private street, unless the façade is not visible from that highway or public or private street due to changes in terrain or intervening permitted structures (not including landscaping, fences, and walls).

3. In the WUI-O district, all building material shall comply with the City of Colorado Springs Fire Prevention Code and Standards.

#### **D. Façade Consistency and Articulation**

1. All sides of the façade of a multi-family residential building shall be designed to provide architectural and visual interest and shall provide consistent architectural treatment on all building facades. A consistent architectural treatment is one in which all building walls have defined levels of articulation and use different combinations of the same materials, although facades that face streets or that contain primary pedestrian entrances may include additional features such as doors, windows, canopies, awnings, or arcades.
2. Each facade shall be articulated through variations in the following elements:
  - a. Color and use of materials;
  - b. Wall planes that are offset from the main building façade;
  - c. Window and door openings; or
  - d. Other elements that contribute to the visual interest of the building, as approved by the Manager.
3. No horizontal length of any façade that lacks variation in its material, color, and/or wall plane shall exceed fifty (50) horizontal feet.

#### **E. Building and Entrance Orientation**

The orientation of the primary entrance and building façade shall be oriented towards and accessed from the front yard and street. Multi-family residential development located along arterial roadways may orient primary entrances away from the arterial road if direct pedestrian connections are provided from primary entrances to all adjoining roadways.

#### **F. Garage and Carport Standards**

1. To the maximum extent feasible, detached garages, carports, and garage entries associated with multi-family buildings shall not be located between a multi-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.
2. Detached garages associated with multi-family buildings shall incorporate materials, color, and details similar to those used on the nearest façades of the primary multi-family buildings.

#### **G. Site Elements Adjacent to Certain Residential Uses**

If the property is adjacent to a lot in the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or a lot designated for Single-family Detached, Single-family, or Two-family dwellings in a PDZ district, multi-story structures with balconies, patios, or other public gathering spaces more than twenty-four (24) feet above existing grade shall orient those features to avoid direct views into rear yards of the adjacent R-E, R-1 9, R-1 6, R-2, R-Flex Low, or PDZ residential lot.

### **7.4.1105 Other Residential Development**

#### **A. WUI-O District Development**

In the WUI-O district, all residential building material not otherwise addressed in Section 7.4.1103 (Mixed-Use and Non-Residential) shall comply with the City of Colorado Springs Fire Prevention Code and Standards.

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## 7.4.12 EXTERIOR LIGHTING

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### 7.4.1201 Purpose

The purpose of this Part 7.4.12 is to encourage lighting practices and systems to minimize light pollution, glare, and light trespass while maintaining nighttime safety, security, and enjoyment of property.

### 7.4.1202 Applicability and Exemptions

#### A. Applicability

1. The standards in this Part 7.4.12 shall apply to each of the following:
  - a. All new building construction that requires a Development Plan with on-site lighting;
  - b. Any change in a primary use of property to a different use listed in Table 7.3.2-A (Base and NNA-O District Use Table). Changes of use for individual tenants in a commercial or mixed-use development with multiple nonresidential primary uses shall not require the individual tenant or the entire development to comply with the provisions of this Section;
  - c. All expansions of the gross floor area of an existing primary structure, or the number of dwelling units, or the number of parking spaces, by fifty (50) percent or more; and
  - d. All modifications, replacements, or additions of outdoor lighting fixtures constituting fifty (50) percent or more of the permitted lumens for the parcel, regardless of the actual amount of lighting already on a site.
2. Alternate requirements for lighting may be included as a part of an FBZ regulating plan.

#### B. Exemptions

Notwithstanding Subsection A above, the standards in this Part 7.4.12 do not apply to:

1. Lighting for the Temporary Outdoor Festival or Amusement use, or an Outdoor Stadium or Auditorium use, provided that such lighting shall be turned off within thirty (30) minutes after the last event;
2. Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;
3. Public street lighting;
4. Private residential street lighting;
5. Pedestrian lighting between four (4) feet and existing grade;
6. Traffic control lighting;
7. Building-mounted residential lighting;
8. Outdoor lighted flags; and
9. Holiday lighting and seasonal decorations using typical unshielded low-intensity lamps.

### 7.4.1203 General Standards

All development subject to this Part 7.4.12 shall comply with the following standards.

#### A. Measurements

##### 1. Initial Lumens

For the purposes of this Part 7.4.12, “lumens” means “initial lumens.” The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage.

**2. Light Trespass Measurements**

Measurements of light readings shall be taken from the midpoint of each property line of the subject property with a light meter at a height of three (3) feet above existing grade and pointed at the light source, and the maximum reading shall be used to confirm compliance with this Part 7.4.12.

**B. Prohibitions****1. Laser Source Light**

The use of laser, strobe, or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

**2. Towers**

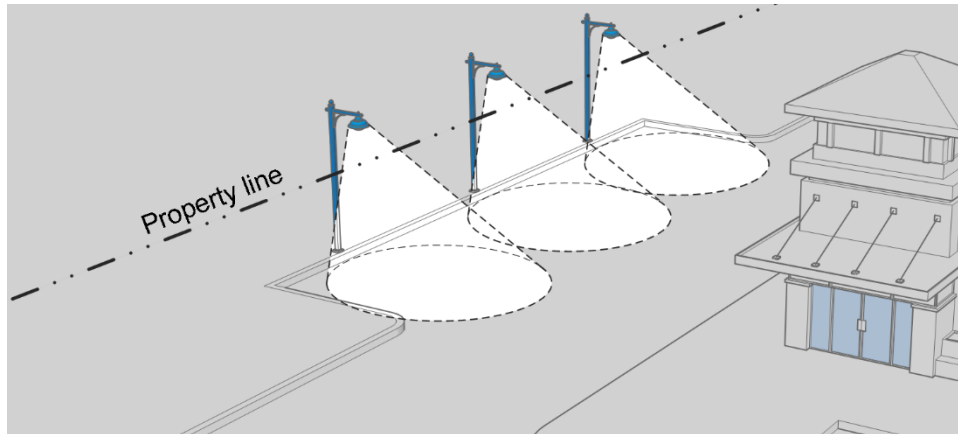
Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

**3. High Pressure Sodium Lights**

High pressure sodium lights shall not be used for any type of site lighting.

**C. Lighting Standards****1. Light Trespass**

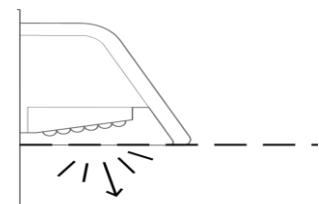
All lighting fixtures shall be installed so that light trespass from any property line, except a property line adjacent to a public street, shall not exceed one (1) footcandle at the property line.

**2. Glare**

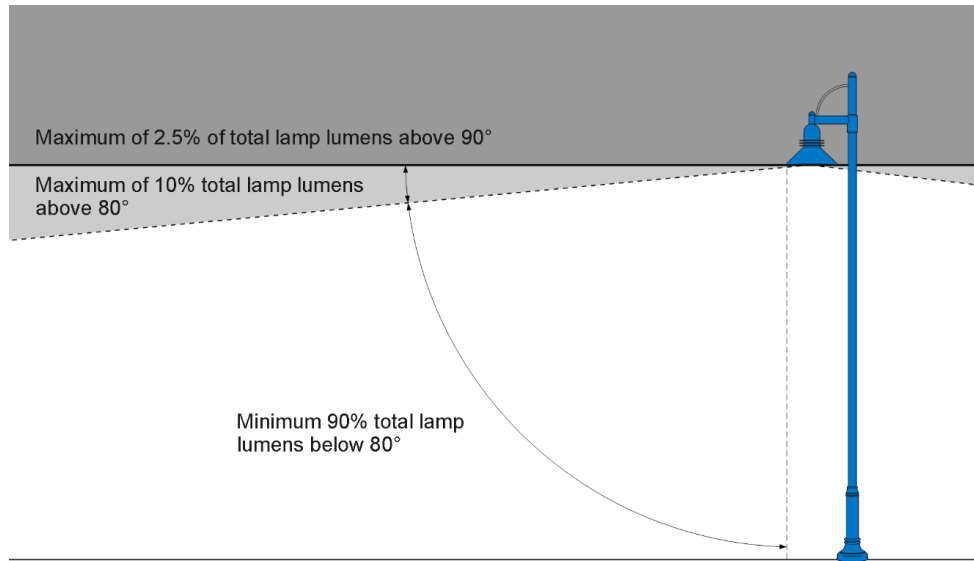
All lighting fixtures shall be installed so as not to cause glare at or beyond the property line and shall not be aimed toward traffic.

**3. Shielding**

- a. All lighting fixtures, including wall packs (see figure to the right), except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Part 7.4.12.







Full cut-off fixture as defined by IESNA

- b. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed. Full cutoff light fixtures are those in which no more than ten (10) percent of emitted lumens can be detected at an angle more than eighty (80) degrees from the vertical axis of the light fixture, and no more than two and a half (2.5) percent of emitted lumens can be detected at an angle more than ninety (90) percent from the vertical axis of the light fixture, as shown in this figure.
- c. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.
- d. Full shielding is not required for:
  - (1) Motion detector activated lighting of less than one thousand, eight hundred (1,800) lumens, provided the light cycles off no more than ten (10) minutes after coming on;
  - (2) Underwater lighting in swimming pools and fountains.

#### 4. Floodlights and Spotlights

- a. Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any property in a residential zone district or used for residential purposes and is not visible to an observer on any public right-of-way.
- b. The centerline beam of a floodlight or spotlight shall be aimed no higher than forty-five (45) degrees above vertical; however, light fixtures that cast illumination over more than ninety (90) degrees shall be aimed such that no light shall be cast above the horizontal.

#### 5. Lighting Efficiency

All exterior light fixtures shall generate at least eighty (80) lumens per watt of energy consumed, as shown on the manufacturers' specifications for the fixture.

#### 6. Parking Lot and Service Area Lighting

The maximum height of light poles and wall-mounted light fixtures to illuminate parking lots and service areas shall comply with the following standards, unless Subsection 7 below requires a lower height:

- a. In residential zone districts, twenty (20) feet;
- b. In Mixed-Use zone districts, and the BP, LI, PF, and PK districts, thirty-five (35) feet; and

- c. In all other zone districts, fifty (50) feet.

## 7. Lighting Adjacent to Residential Lots

The maximum height of light poles and wall-mounted exterior light fixtures shall not exceed twenty (20) feet in the following circumstances:

- a. Light fixtures on a lot containing a multi-family dwelling or a non-residential use that are located within seventy-five (75) horizontal feet of any property line with an adjacent lot in the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or a lot designated for Single-family Detached, Single-family Attached, or Two-family dwellings in a PDZ district ; and
- b. Light fixtures on a lot in a Mixed-Use or Industrial zone district that are located within seventy-five (75) horizontal feet of any property line with an adjacent lot in a Residential zone or a lot designated for residential use in a PDZ district.

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## 7.4.13 SIGNS

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### 7.4.1301 Purpose

The purpose of this Part 7.4.13 is to promote the public health, safety, and general welfare through reasonable, consistent, and nondiscriminatory sign standards. The sign regulations in this Part 7.4.13 are not content based, but rather regulate the adverse secondary effects of signs, particularly those that may adversely impact aesthetics and safety. In order to preserve and promote the City of Colorado Springs as a desirable community in which to live, visit, play, and do business in a pleasing, visually attractive environment, safe for motorists and pedestrians, these regulations are intended to:

- A. Promote an attractive “built environment,” successful commercial districts, and a healthy local economy while working to incorporate contemporary products, technology and marketing practices and improve understanding, application, flexibility and enforcement of sign regulations and standards.
- B. Highlight the positive contribution signs can make to creating a sense of place in the community and ensure that new sign design standards will allow commercial businesses to function efficiently and effectively.

### 7.4.1302 Applicability

- A. The provisions of this Part 7.4.13 shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City, unless otherwise exempted in whole or in part. All signs should be consistent with the standards and design considerations set forth in this Part 7.4.13 . If any provision of this Part 7.4.13 conflicts with any other adopted City code that regulates signs, the provisions in this Part 7.4.13 shall govern.
- B. Alternate sign requirements may be included as a part of an FBZ regulating plan.

### 7.4.1303 Exemptions

The following signs shall be exempt from the provisions of this Part 7.4.13:

- A. Works of art.
- B. Official traffic signs, signals, and devices.
- C. National, state, or City flags.
- D. Official legal notices.
- E. Public warning signs, traffic control and traffic directional signs erected by the City or another governmental agency.
- F. Signs displayed within the interior of a building that are not visible from the exterior of the building.
- G. Holiday decorations.

- H. Human signs so long as the signs are not set down or propped on objects by the human.
- I. Interpretative signs.
- J. Street numbers or addresses.
- K. Private notification signs.

#### 7.4.1304 General Provisions

##### A. Uses

1. Residential uses as referenced in this Part 7.4.13 refer to three-family, four-family, and multi-family dwellings.
2. The regulating plan for a FBZ district may outline or exempt criteria for signs related to uses within the FBZ area.
3. Signs on which copy is manually changed shall comply with the standards and regulations for wall signs or freestanding signs.
4. Any light source intended to illuminate a sign shall be so shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe visibility for pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas.
5. No sign obstructing sight visibility in any direction at the intersection of a street or within an alley or driveway shall be permitted. If a sign is placed at the intersection of two (2) rights-of-way, the sign must not interfere with sight visibility as described in the Engineering Criteria.
6. A sign plan must accompany the sign permit for all new signs when required and be submitted to and approved by the Planning Department under criteria set forth in this Part 7.4.13 prior to being presented to the Building Official for issuance of sign permit. Sign permits must comply with the requirements of the Pikes Peak Regional Building Department.

##### B. Plan Requirements

The plan shall show the following information:

1. Building locations and dimensions;
2. Size, location and type of any existing sign and the proposed sign or signs. Show sign on building elevation if a wall sign;
3. Nearest street intersections;
4. Zoning of the subject property;
5. Name of applicant and sign installer;
6. Sight visibility as described in Subsection A.5 above, if applicable;
7. Sign type; and
8. Specifications on illumination for EMCs shall include the manufacturer's specifications, nit rating and the method of dimming.

##### C. Existence of Utility Facilities or Easements

The applicant is encouraged to contact Colorado Springs Utilities before design is complete to determine the existence of utility facilities or utility easements.

##### D. Owner Authorization

A sign shall not be placed on any property without written consent of the owner or the owner's authorized agent.

**E. Shared Signage**

A letter pertaining to shared signage must be signed by the property owner or the property owner's representative and submitted with the sign plan.

**F. Existence of Illegal Signs**

Sign plans will not be approved for new signs proposed on property where illegal signs exist.

**G. Issuance of Building Permit**

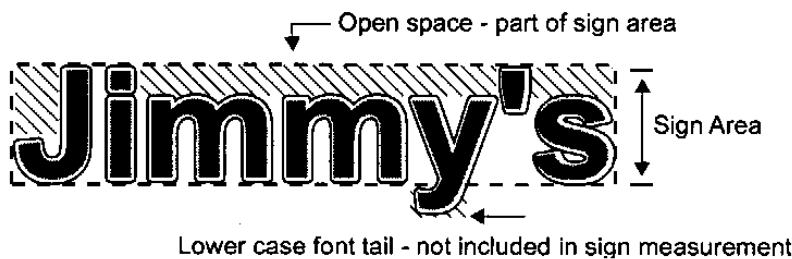
Sign plans will not be approved until a Building Permit for the site has been issued, if applicable.

**7.4.1305 Sign Measurement and Orientation**

**A. Wall Sign Area**

Wall sign area shall include the entire face of the sign, frame, and artwork incidental to its decoration and includes any spacing between letters, figures, and designs but shall not include the bracing or structure. When the sign consists only of letters, designs, or figures, the total area of the sign shall be calculated by using no more than three (3) standard geometric shapes within which all of the fixed lettering, spacing between letters, and/or artwork is inscribed. Standard geometric shapes include the square, rectangle, triangle, circle, oval, and half-circle. Proper font tails of lowercase letters will not be included in the sign area calculation. Customized or extended tails are included.

**1. Measurement by One Geometric Shape**



**2. Measurement by Two (2) Geometric Shapes**



**3. Measurement by Three (3) Geometric Shapes**



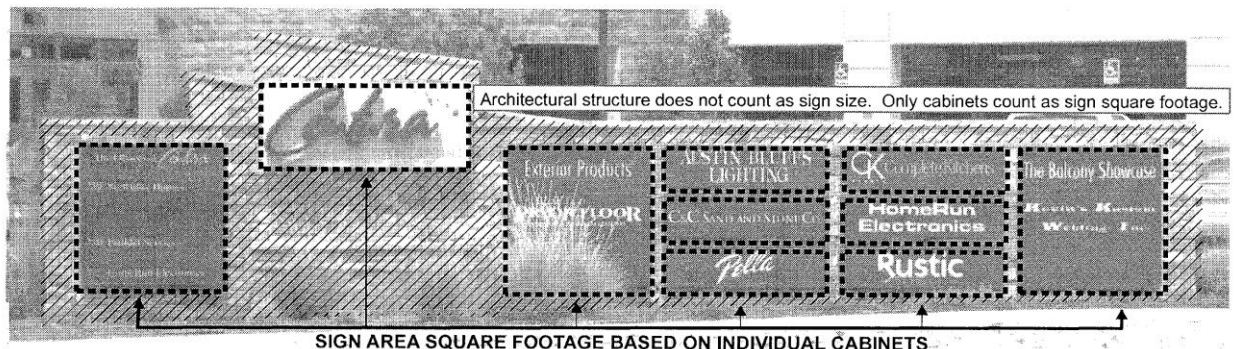
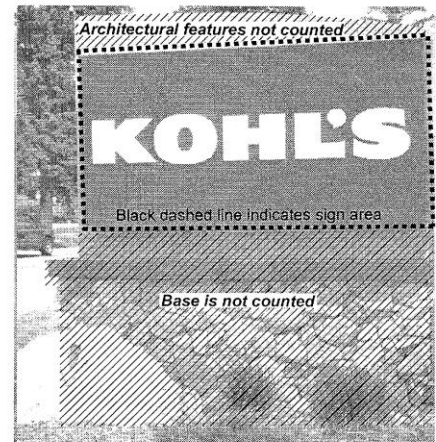
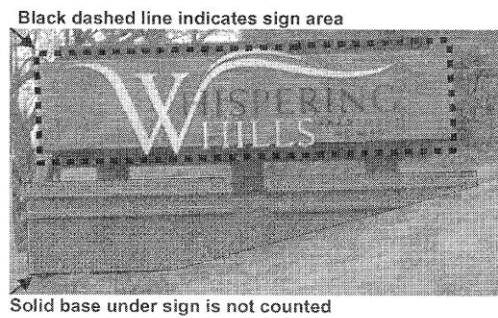
**B. Freestanding Sign Area**

**1. Freestanding Sign Area Elements**

Freestanding sign area shall include the frame, if any, but shall not include:

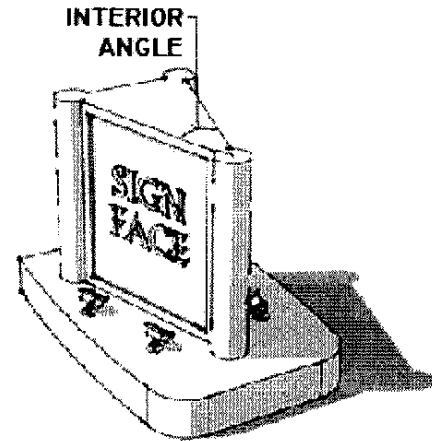
- a. A pole or other structural support unless the pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
- b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

**2. Calculation of Freestanding Sign Area**

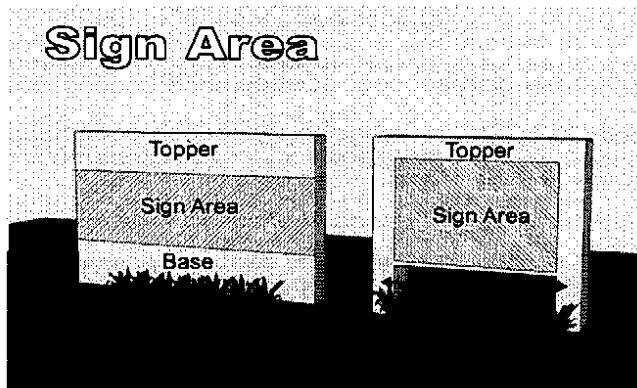


**C. Additional Sign Measurement Provisions**

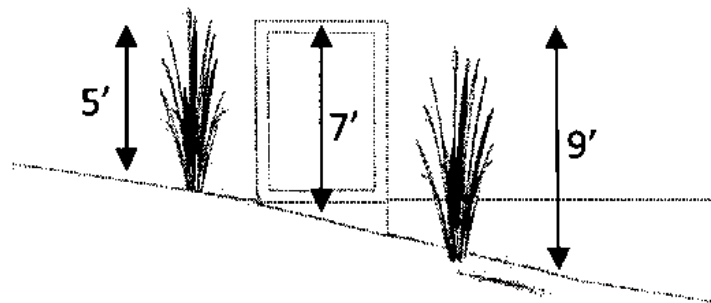
1. Clearance for projecting signs shall be measured by the smallest vertical distance between existing grade and the lowest point of the sign, including any framework or other embellishments.
2. All sides of a sign that are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two (2) sides are back-to-back or separated by an angle of forty-five (45) degrees or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by not more than four (4) feet.



3. A line shall be drawn horizontally across the lowest point of copy or cabinet. The area below this is considered the base and will not be included as sign area. Above the base, lines shall be drawn across the top and bottom of each area of individual copy, continuous message, or cabinets. These lines shall extend to the edge of the sign on monoliths and to the poles or pole covers on other types of signs. The area within these lines shall be included in the sign area calculation. If blank areas or air spaces between the copy and/or cabinet are less than six (6) inches then these areas shall also be included in the sign area calculation. Irregular spaces shall be measured at the median point. Any area above the highest point of copy or cabinet shall be considered a topper since it is not required for the support of any copy. The sign area calculation shall not include any portion of a topper so long as the topper portion does not exceed twenty-five (25) percent of the total allowable sign area.



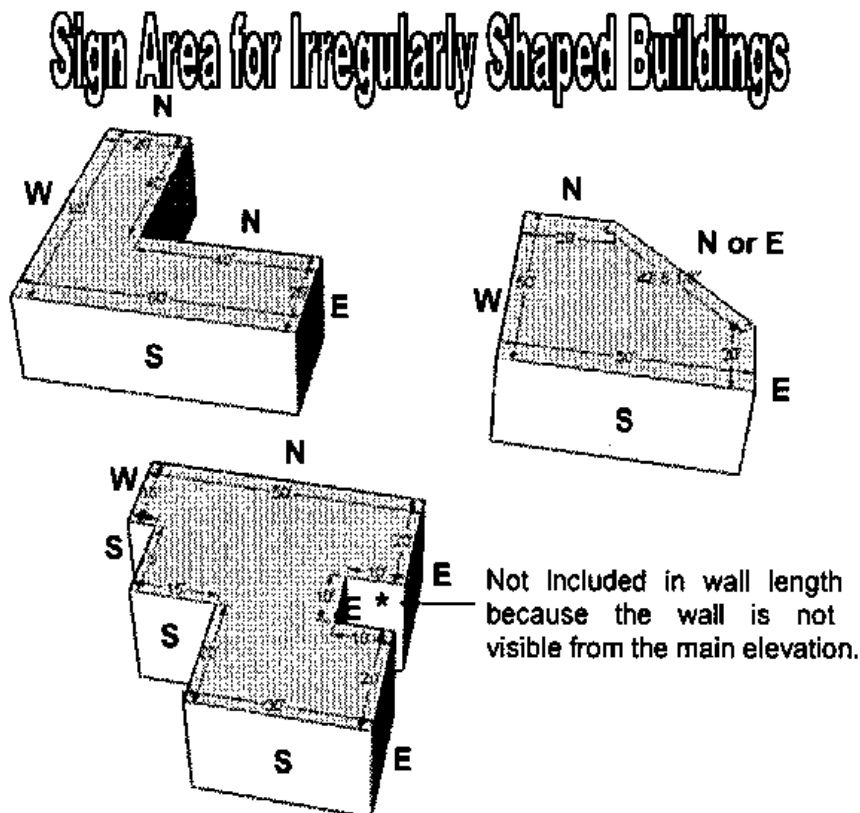
4. The height of any sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign. The grade may not be artificially changed to affect the sign height measurement. Signs on a slope are measured at the midpoint of the sign.



7.4.1306 Sign Allocation

A. Sign Allocation for Irregularly Shaped Buildings

1. Sign allocation is based on the use of the property, and linear frontage of exterior walls. Signs must be placed on the frontage from which they draw their allocation, unless otherwise approved with a CSP. For the purpose of this Part 7.4.13, all walls of a building shall be designated either north, south, east, or west.
2. Walls at a forty-five (45) degree angle must be designated as one of two (2) directions. The signs allocated to the angle wall may be placed anywhere on the wall to which it is designated.
3. If a wall is not visible from a specific elevation, it does not contribute any sign allocation to that elevation.



B. Sign Allocation for a Commercial Center

1. For purposes of this Part 7.4.13, references to commercial center shall mean a grouping of three (3) or more attached commercial, office and/or civic uses developed and maintained under unified control. A majority of the establishments in a commercial center share common walls and parking areas, but freestanding buildings may be included as part of a commercial center.
2. In any commercial center in which sign allocation is part of a CSP for the center as a whole, signs may advertise properties located anywhere in the center and plan area subject to the following:
  - a. A recommendation from CDOT shall be required for signs along state or federal highways such as South Circle Drive, Nevada Avenue, Highway 24, and Interstate 25 and Powers Boulevard (State Highway 21).

- b. CDOT does not necessarily recognize the same sign rights as the City. It is the responsibility of the property owner and applicant to determine the CDOT regulations as they apply to the property and ensure compliance with those regulations.

**C. Shared Signage**

1. In multi-tenant buildings, offices, and commercial centers, tenants are permitted to share or borrow signage within the building. If a tenant wishes to have a larger sign than what is entitled based on their leased building frontage, the tenant signage may borrow from the balance of the center. Signage may not be transferred between elevations or between buildings unless outlined in a CSP. No tenant may use shared signage beyond one and one-half (1½) times their allocation.
2. Within a commercial center, freestanding signage may be maximized by combining allowed freestanding signs to accommodate a larger sign for multiple uses in the center, as authorized by an approved CSP in accord with Section 7.4.1308 (Coordinated Sign Plan).

**7.4.1307 Sign Types and Criteria by Sign Category**

**A. Major Sign Types**

Table 7.4.13-A Wall Signs					
Use	Permit Required	Maximum Size	Number	Maximum Height	Additional Criteria
<b>Residential</b>	Yes	40 sq. ft.	1	See Subsection B.1.f below	Allowance applies to properties with 3 or more units
<b>Office</b>	Yes	1 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	See Subsection B.1.f below	See Subsection B.1 below
<b>Commercial</b>	Yes	1.5 sq. ft. x building length 2 sq. ft. x building length when set back >200 ft. from public ROW	No limit, but shall not exceed max. total sq. ft. per elevation	See Subsection B.1.f below	See Subsection B.1 below
<b>Industrial</b>	Yes	1.5 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	See Subsection B.1.f below	See Subsection B.1 below
<b>Mixed-Use</b>	Yes	1.5 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	See Subsection B.1.f below	Shall be part of a CSP See Subsection B.1 below
<b>Civic</b>	Yes	1 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	See Subsection B.1.f below	Walls adjacent to residential uses do not qualify for signage allowance See Subsection B.1 below

Table 7.4.13-B Freestanding Signs							
Use	Permit Required	Linear Property Frontage	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
<b>Residential</b>	Yes	All	32 sq. ft.	1	7 ft.	None	Allowance for 3 or more units
<b>Civic</b>	Yes	All	64 sq. ft.	1	7 ft.	None	Lighting impacts to adjacent residential properties shall



**Table 7.4.13-B  
 Freestanding Signs**

Use	Permit Required	Linear Property Frontage	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
							be limited and reviewed through the sign permit.
<b>Office</b>	Yes	<160 ft.	34 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.25 sq. ft. per linear foot of lot frontage	1	0.06 ft. per linear foot of lot frontage, max. 25 ft.		See Subsection B.2 below
		≥ 1,000 ft.	0.25 sq. ft. per linear foot of lot frontage *Max. for all is 100 sq. ft.	2 plus 1 additional sign for every additional 1,000 ft. of lot frontage	25 ft.		
<b>Commercial</b>	Yes	<160 ft.	42 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.35 sq. ft. per linear foot of lot frontage	1	0.07 ft. per linear foot of lot frontage, max. of 30 ft.		See Subsection B.2 below
		≥ 1,000 ft.	0.35 sq. ft. per linear foot of lot frontage	2 plus 1 sign for every additional 1,000 ft. of lot frontage	30 ft.		
		≥ 1,500 ft.	0.35 sq. ft. per linear foot of lot frontage *Max. of 150 sq. ft.	2 plus 1 sign for every additional 1,000 ft. of lot frontage	35 ft.		
<b>Industrial</b>	Yes	< 160 ft.	34 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.25 sq. ft. per linear foot of lot frontage	1	0.06 ft. per linear foot of lot frontage, max. of 25 ft.		See Subsection B.2 below
		≥ 1,000 ft.	0.25 sq. ft. per linear ft. of lot frontage	2 plus 1 sign for every additional 1,000 ft. of lot frontage	25 ft.		

**Table 7.4.13-B  
Freestanding Signs**

Use	Permit Required	Linear Property Frontage	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
		≥ 1,500 ft.	0.25 sq. ft. per linear foot of lot frontage *Max. of 150 sq. ft.	2 plus 1 sign for every additional 1,000 ft. of lot frontage	35 ft.		
<b>Mixed-Use</b>	Yes	The size, number and height of signs is defined by the CSP. See Section 7.4.1308.					

**Table 7.4.13-C  
Electronic Message Center (EMC)**

Use	Type	Permit Required	Maximum Size	Number	Hold Time	Transition Duration	Transition Method	Additional Criteria
<b>Residential</b>	Integrated into freestanding sign	Not permitted	N/A	None	N/A	N/A	N/A	N/A
<b>Office</b>	Integrated into freestanding sign	Not permitted	N/A	None	N/A	N/A	N/A	N/A
<b>Commercial</b>	Integrated into freestanding sign	Yes	Up to 50% of allowed sign area	1 per property	10 seconds	<1 second	Fade or dissolve	See Subsection B.3 below
<b>Industrial</b>	Integrated into freestanding sign	Not permitted	N/A	None	N/A	N/A	N/A	N/A
<b>Mixed-Use</b>	Integrated into freestanding sign	Yes – with CSP only	Up to 50% of allowed sign area	1 per property	10 seconds	<1 second	Fade or dissolve	See Subsection B.3 below
<b>Civic</b>	Integrated into freestanding sign	Not permitted	N/A	None	N/A	N/A	N/A	N/A

**B. Additional Criteria for Major Sign Types**

**1. Wall Signs**

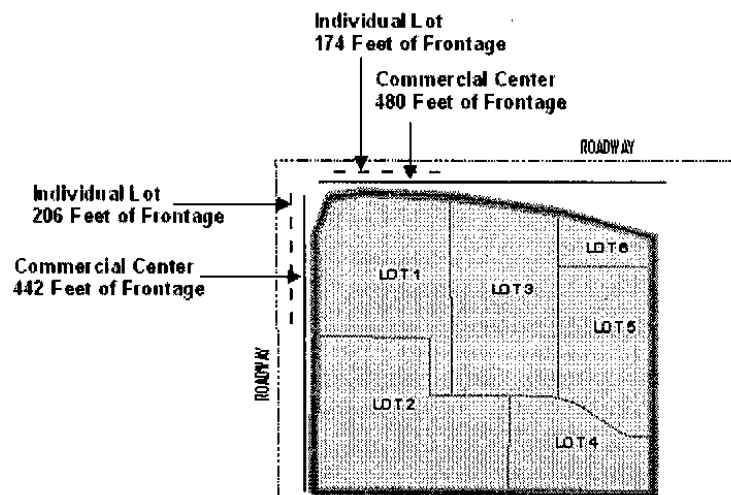
- a. The minimum sign area for each tenant shall not be less than twenty-five (25) square feet.
- b. Each tenant may have multiple wall signs per elevation so long as the total wall sign area does not exceed the allowance established for each elevation.
- c. Additional building signs are permitted for a building with five (5) or more floors, which is eligible for double the wall signage allotment. The additional allotment must be placed at the fifth-floor level or higher. All other wall sign criteria apply.
- d. A wall sign extending more than twelve (12) inches from the building shall be considered a projecting sign.
- e. Projecting signs are permitted, as part of the allowance for wall signs when designed and placed for the purpose of identifying the businesses for a pedestrian walking along the same side of the street as the business they seek or under a canopy projecting from the building.
  - (1) Signs projecting under a canopy shall have a maximum area of eight (8) square feet; the bottom of the sign shall be a minimum of eight (8) feet above the sidewalk.

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- (2) A sign projecting over a vehicular area shall not be less than fourteen (14) feet above existing grade.
  - (3) A sign projecting over a pedestrian area shall not be less than eight (8) feet above existing grade.
  - (4) The sign shall not project more than six (6) feet from the wall of the building on which the sign is placed. Adjacent projecting signs shall not be closer than twenty (20) feet.
- f. The maximum sign height shall comply with the following:
- (1) When attached to a pitched roof, a sign shall not extend beyond the roof pitch or peak of roof.
  - (2) When attached to the face of the wall or a flat roof, fifty (50) percent of the overall vertical height of the sign shall not extend beyond the roof line.
  - (3) No sign shall exceed the maximum height permitted in the zone district in which it is located.

**2. Freestanding Signs**

- a. Each property or parcel of land is allowed a minimum of one freestanding sign with an area defined by the linear frontage of the property.
- b. No portion of a freestanding sign shall be in or project over a public right-of-way. No freestanding sign shall be placed within an existing or proposed easement.
- c. As part of a CSP, the total permitted sign area may be aggregated into fewer and larger signs, at the election of the property owner within a commercial center, provided that the size of any single sign does not exceed the standard permitted sign area by more than thirty (30) percent.
- d. Freestanding signage area is determined based on the primary frontage of the lot. The property owner determines the primary frontage and may place the sign accordingly. A commercial center may have two (2) primary frontages approved by a CSP.
- e. An individual corner lot can pick one primary frontage for freestanding sign calculation. In the example shown here, the two hundred and six (206) feet of frontage is used for its sign calculation.
- f. A corner commercial center with a Coordinated Sign Plan can use two frontages for the freestanding sign calculation. In the example shown here, over nine hundred (900) feet of frontage can be used for freestanding calculation.

**3. Electronic Message Center (EMC)**

Electronic Message Centers (EMCs) are allowed subject to the following:

- a. Shall only be allowed as part of a freestanding sign.
- b. Are prohibited for residential uses, but may be allowed as part of a mixed-use CSP.
- c. Shall be limited to static messages only, changed only through dissolve or fade transitions that otherwise shall not have movement or the appearance or optical illusion of movement, on any part of the sign structure, design, or pictorial part of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The transition duration between messages shall not exceed one (1) second.
- d. Commercial messages displayed shall only direct attention to a business, product, service, activity, or entertainment that is conducted, sold, or offered on the premises on which the sign is located.
- e. Shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard. Lighting shall not exceed five hundred (500) nits or zero point three (0.3) foot-candle between dusk to dawn as measured from the face of the sign.
- f. Documentation shall be required from the sign manufacturer that verifies compliance with auto dimming and brightness requirements.
- g. Temporary signage shall be prohibited on any property that has an approved EMC (see Subsection E below).
- h. Any property that wishes to add an EMC component to an existing freestanding sign must comply with current sign code standards before the EMC is approved.

**C. Minor Sign Types**

Table 7.413-D provides criteria for minor signage permitted provided that it meets the requirements of this Part 7.4.13 and all other applicable City regulations. See Subsection D below for additional information related to minor signs.

Table 7.4.13-D Minor Sign Types							
Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Awning	Yes	A max. of 0.5 sq. ft. for each linear foot	N/A	N/A	May extend 6 ft. from the face of the building	At least 8 ft. above pedestrian way or 14 ft. above vehicular way Valance may extend 1 ft. below awning Not permitted above first story level of building See Subsection D.1 below
All	Building Plaque	No	6 sq. ft.	1 per building	8 ft. attached to building	N/A	Built into building or mounted flat against the wall of a building Lighting permitted
All	Canopy	Yes	A maximum of 0.5 sq. ft. for each linear foot	1 canopy per elevation	N/A	N/A	Mounted flush on the face of the canopy Lighting permitted

Table 7.4.13-D Minor Sign Types							
Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Corporate Flags	No	Not to exceed 3 ft. x 5 ft.	1	Max. height of zone district	Must meet required setback for accessory uses	See definition of Corporate Flag in Section 7.6.203C.
All	Decorative Flags	No	Not to exceed 3 ft. x 5 ft.	1 per 20 ft. of lot frontage	Max. height of zone district	Must meet required setback for accessory uses	See definition of Decorative Flag in Section 7.6.203C.
All	Directional Signs	Yes	6 sq. ft.	Per permit	4 ft.	None	On premises only
All	Directory (freestanding)	Yes	64 sq. ft.	2 per entrance	6 ft.	15 ft. from ROW	Additional directories may be approved through a CSP
All	External Use	No	40 sq. ft.	N/A	N/A	None	Area is total for all external uses on the site, may be used in any combination
Commercial	Gas Island	No	32 sq. ft. total	1 per gas topper	N/A	N/A	Copy oriented to the ROW shall not exceed 2 in. in height
All	Historic Signs	Yes	Sign and structure must be at least 50 years old to qualify. See Subsection D.2 below				
Commercial	Menu board/ Drive-through	Yes	75 sq. ft. per drive-through lane	2 per drive-through lane	6 ft.	10 ft.	Readable only by traffic in the drive-through lane Lighting permitted
All	Monument Sign	Yes	128 sq. ft.	2 signs per access from a major arterial or collector	7 ft.	None	See Subsection 7.4.1307D.4 below.
All	Motor Vehicle Signs	Signs that are permanently painted or affixed to a vehicle for advertising purposes. See Subsection D.3 below					
All	Mural	No	Any portion of the mural that is considered a sign will deduct from the wall signage for that wall.				
All	Window Signs	No	25% of the window(s)	None	N/A	N/A	Permitted on the first floor windows only Lighting permitted
All	Yard/Wall	No	6 ft.	1	4 ft. when freestanding	N/A	

**D. Minor Sign Types, Additional Criteria****1. Awning and Canopy**

- a. The sign or signs must be placed on the side of the awning or canopy from which it draws its allowed square footage.
- b. Signs may not extend above, below, or beyond the awning or canopy.
- c. Awnings and canopies may be backlit.

**2. Historic Signs**

May be kept, used, maintained, and displayed, subject to the following conditions:

- a. The applicant must provide documentation that the sign has been at its present location for a minimum of fifty (50) years prior to approval of a sign permit.
- b. The sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. The property owner is responsible for making all structural repairs and restoration of the sign to its original condition.
- c. The sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises.
- d. Approved historic signs will not be considered abandoned so long as they continue to meet the conditions above.
- e. Historic signs may be retained on a property in addition to new signs permitted by this Section 7.4.13.

**3. Motor Vehicle Signs**

Signs may be placed on motor vehicles provided:

- a. Each sign must be permanently painted or affixed to the vehicle.
- b. No sign shall project more than one foot above the roofline of the vehicle to which it is attached.
- c. The vehicle upon which the sign is affixed must be used for the normal operation of the business and not primarily used to display signage.
- d. The vehicle must be moved at least once every seventy-two (72) hours.
- e. When not in use, the vehicle must be parked on the premises of the business that it advertises.
- f. The vehicle must be parked in a legal parking space.
- g. The vehicle may not block any other legally permitted signs.
- h. Special event vehicles are exempt from this Subsection 7.4.1307D.3 (Motor Vehicle Signs).

**4. Monument Sign or Subdivision Monument**

Permanent subdivision monument signs must be incorporated into entryways from major arterials or collector streets. Monument or subdivision monument signs:

- a. Shall include the name of the subdivision or development.
- b. Shall be located at the principal street entrance to the subdivision or development.
- c. Shall not be located in the public right-of-way without obtaining a revocable permit pursuant to Section 3.2.201 (Permits Required) of this Code.

## 7.4.1307: Sign Types and Criteria by Sign Category

- d. Shall be constructed of masonry or other substantial materials.
- e. May be placed on a subdivision wall, or other background, provided a sign permit is approved.
- f. Shall be limited to two (2) signs per subdivision entrance (one (1) sign on each side of the entryway).
- g. Shall be insured and maintained by the homeowners' association or other appropriate entity. Adequate provisions to maintain the sign must be provided by covenant or through the homeowners' association.

**E. Temporary Signage Criteria**

Temporary signs shall be allowed per property in addition to the permanent signage permitted in this Section unless otherwise stated in this UDC. The following chart provides criteria for temporary signage permitted provided that it meets the requirements of this Section and all other applicable City regulations. See Subsection F below for additional information related to temporary signs.

Table 7.4.13-E Temporary Signage Criteria							
Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Banner	Yes					Not attached to T-posts, walls, or fences Not permitted in landscape areas See Subsection F.1 below
All	Construction	No	6 sq. ft.	5 per lot frontage	N/A	2 ft. From street or public sidewalk	Additional allowances based on low size and additional criteria See Subsection F.3 below
All	Election	No	6 sq. ft.	5 per lot frontage	N/A	2 ft. From street or public sidewalk	Additional allowances based on lot size and additional criteria See Subsection F.3 below
All	Garage sale	No	3 sq. ft.	1	N/A	N/A	Used only during the duration of the garage sale and used only on the lot where the garage sale occurs
	Non-residential Inflatable Displays	Yes	N/A	5 per commercial event	Max. Height of the zone district	1.5 times the height of the display	See Subsection F.2 below
All	Model home sign	No	24 sq. ft.	1 per model	6 ft.	N/A	
All	Off premises open house	No	6 sq. ft.	4 per open house – put up 1 hour before and removed 1 hour after	4 ft.	N/A	Private property only, landowner permission required May not be placed in public-rights-of-way or medians without revocable permit
All	Off premises real estate	No	32 sq. ft.	1	4 ft.	N/A	Private property only, landowner permission required May not be placed in public rights-of-way or medians without revocable permit Removed 14 days after sale or lease

Table 7.4.13-E Temporary Signage Criteria							
Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Pennants	No	N/A	N/A	N/A		
	Nonresidential portable A-frames	No	4 ft. X. 2 ft.	1 per individual storefront/tenant or 1 per shared entrance	4 ft.	Within 10 ft. of the main entrance, on the ground surface and not on any vehicle or structure	Lighting not permitted Located only in front of the establishment to which the sign pertains Displayed only during business hours The sign cannot block a sidewalk
All	Real Estate	No	6 sq. ft.	5 per lot frontage	N/A	2 ft. From street or public sidewalk	Additional allowances based on the lot size and additional criteria See Subsection F.3 below
	Nonresidential Temporary Retail	No	32 sq. ft.	1 wall or free-standing	7 ft.	None	Removed when the use ends Attached to a structure or mounted on posts that are anchored securely into the ground Copy on price signs for merchandise that is displayed outside shall be limited to 2 in. in height

**F. Temporary Sign Types Additional Criteria**

**1. Banners**

a. Banners associated with residential uses:

- (1) Size shall not exceed zero point two (0.2) square foot for each linear foot of property line.
- (2) May be displayed for a maximum of ninety (90) days per calendar year. Display time may be any combination of consecutive days or equal weekend periods and is cumulative for all banners displayed on the property.
- (3) Vertical banners attached to existing private light poles on residential properties shall be no larger than twenty-four (24) by forty-eight (48) inches and must be hung eight (8) feet from the ground in pedestrian areas and fourteen (14) feet from the ground in vehicular areas.
- (4) Each banner must be kept in good repair (not frayed, faded, or sagging) and must remain firmly attached to the building or structure from which it is displayed.
- (5) Banners hung between T-posts, attached to fences, retaining walls and/or vehicles and banners in landscape areas are prohibited.
- (6) No banner may be illuminated, animated, or constructed of reflective materials.
- (7) All banners shall display a City permit approval sticker on the bottom left hand corner of the banner.

b. Banners associated with nonresidential uses:

- (1) Banners attached to single-story buildings shall not exceed three quarters (0.75) square foot for each linear foot of exterior building wall. For multiple-story buildings,



banners shall not exceed five (5) percent of the area of the exterior building wall on which the banners are displayed. A banner must be attached to the exterior building wall from which it draws its allowed square footage. The allowed square footage can be split among several banners or allocated to one single banner.

- (2) Vertical banners attached to existing private light poles shall be no larger than twenty-four (24) by forty-eight (48) inches and must be hung eight (8) feet from the ground in pedestrian areas and fourteen (14) feet from the ground in vehicular areas.
- (3) Banners may be displayed for a maximum of ninety (90) days per calendar year. Display time may be any combination of consecutive days or equal weekend periods and is cumulative for all banners displayed on the property.
- (4) Each banner must be kept in good repair (not frayed, faded, or sagging) and remain firmly attached to the building or private light pole from which it is displayed.
- (5) All banners shall display the City permit approval sticker on the bottom left hand corner of the banner.
- (6) No banner may be illuminated, animated, or constructed of reflective materials.
- (7) Banners hung between T-posts, attached to fences, retaining walls or vehicles and banners located in landscape areas are prohibited.
- (8) Banners shall be removed at the permittee's expense at the expiration of the applicable permit.

## 2. Inflatable Displays

- a. Inflatable displays are not permitted for residential uses.
- b. Inflatable displays may be displayed for fourteen (14) days per commercial event.
- c. No more than two (2) temporary sign permits for inflatable displays may be issued to a business, development, or property during a calendar year.
- d. A maximum of five (5) inflatable displays are allowed per commercial event.
- e. Inflatable displays shall be securely anchored or attached to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, and to prevent undue hazards to motorists or pedestrians.
- f. Ground mounted inflatable displays must be set back from the property line one and one-half (1½) times the height of the inflatable display.
- g. Roof mounted inflatable displays must not exceed the maximum height for the zone district. A tether is required to secure the inflatable display and shall not exceed fifteen (15) feet in length.
- h. Inflatable displays shall not be attached to fences, landscaping, utility poles or private light poles.
- i. Inflatable displays that wave, lightly or rapidly, in an irregular manner and portable inflatable billboards are prohibited in all zone districts.

## 3. Election Signs, Construction Signs, Real Estate Signs

In addition to the allowances outlined in the temporary signs table in Subsection E above, the following allowances and standards apply to political/election, construction, and real estate signs:

**a. Residential Uses/Property/Lots**

- (1) One (1) to five (5) acres: One (1) sign per street frontage not to exceed thirty-two (32) square feet per sign.
- (2) Five (5) to ten (10) acres: Two (2) signs not to exceed thirty-two (32) square feet per sign or one (1) sign not to exceed sixty-four (64) square feet.
- (3) Greater than ten (10) acres: Three (3) signs not to exceed thirty-two (32) square feet per sign or two (2) signs not to exceed forty-eight (48) square feet per sign or one (1) sign not to exceed ninety-six (96) square feet.

**b. All Other Uses/Property/Lots**

- (1) Less than one (1) acre: One (1) sign per street frontage not to exceed thirty-two (32) square feet per sign.
- (2) One (1) to five (5) acres: One (1) sign per street frontage not to exceed sixty-four (64) square feet per sign.
- (3) Five (5) to ten (10) acres: Two (2) signs not to exceed sixty-four (64) square feet per sign or one (1) sign not to exceed one hundred twenty-eight (128) square feet.
- (4) Greater than ten (10) acres: Three (3) signs not to exceed sixty-four (64) square feet per sign or two (2) signs not to exceed one hundred twenty-eight (128) square feet per sign.

**c. Removal**

These signs must be removed not later than fourteen (14) days after:

- (1) Sale, lease, or removal of the property from the market.
- (2) Issuance of a Certificate of Occupancy or final building inspection.

**d. Placement**

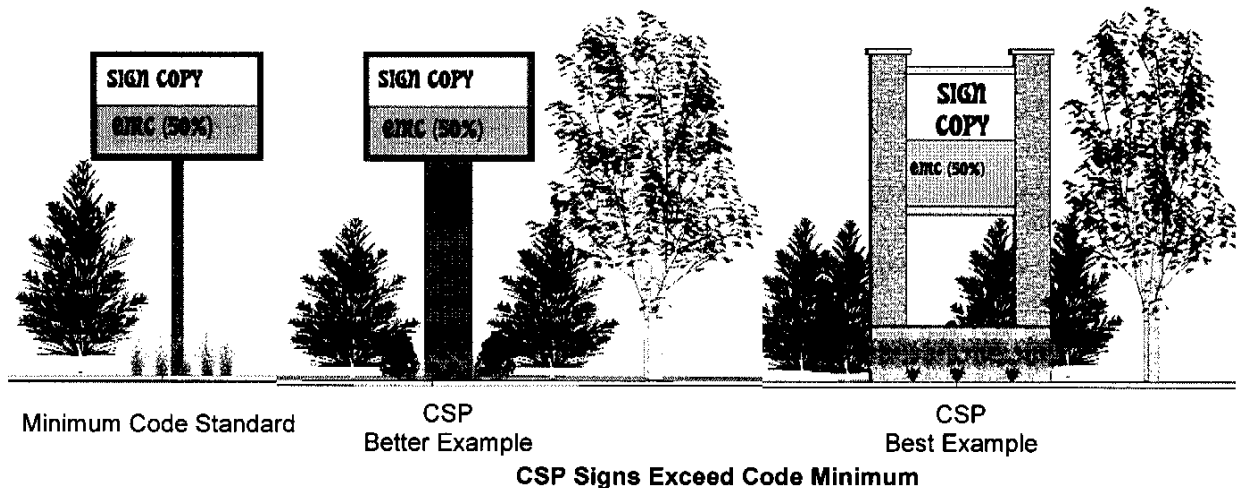
- (1) Landowner permission is required before placing one of these sign types on or within the right-of-way in front of private or publicly owned property in accord with Subsection 7.4.1304D (Owner Authorization).
- (2) Signs may not be placed within City owned right-of-way unless a revocable permit has been granted in accord with Subsection 3.2.217.D (Revocable Permits) of this Code.
- (3) Signs may not be placed within State right-of-way without the express approval of CDOT.
- (4) Signs are not permitted to be attached to public or City owned infrastructure, facilities, utility poles or signposts.

**7.4.1308 Coordinated Sign Plan**

- A.** Owners or developers of property that desire signage that varies from the requirements of this Sign Code or owners that would like unified commercial center signage may apply for approval of a coordinated sign plan (CSP) for the entire site. This plan will be reviewed and approved by Planning Department staff and may be referred to Planning Commission for approval. A CSP shall include the design, color, size, height, lighting, location, number, and construction type of all signs in the area proposed for the CSP. Each CSP shall be subject to review and approval as required.
- B.** The coordinated sign plan:

1. May be used for a commercial center with three (3) or more adjacent properties or lots as a center with planned signage for Commercial, Office, Civic, or Mixed-Use development; and
  2. Must be applied to properties with up to two (2) condominium platted lots or parcels that are commercial, office, or civic uses.
- C. A CSP may be submitted that permits consideration of unique conditions, flexibility, and creativity. The application of such plan may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site and appropriate landscaping associated with the freestanding signs. The CSP bonus incentive for the commercial center shall not exceed fifteen (15) percent of the standards in Section 7.4.1307 (Sign Types and Criteria by Sign Category) without the approval of a nonuse variance. This may be applied to any sign standard and applied to multiple sign standards. Once a CSP has been approved subsequent sign permits shall be approved administratively when the proposed sign is in compliance with the approved CSP.

Examples of Signage that Qualifies for the CSP Bonus Incentive



**7.4.1309 Prohibited Signs**

The following signs and sign types shall be prohibited:

- A. Any sign erected or painted upon light poles, retaining walls, fences, rocks, trees, or natural features unless the sign meets the definition of a low profile or freestanding sign as described in Subsection 7.6.203C (Lot Area).
- B. Any sign displaying flashing or intermittent lights or lights of varying intensity.
- C. Any sign with a digital electronic message that changes in any manner except those permitted by Section 7.4.1307 (Sign Types and Criteria by Sign Category).
- D. Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.
- E. Signs that advertise activities that are unlawful and not recognized as permitted or conditional uses per Article 7.3 (Use Regulations).
- F. Any private sign that is an imitation of an official government protective or warning sign, including signs using the words "Stop" or "Danger" to imply a need or requirement to stop or a caution for the existence of danger, and including signs that are copies of, or which are likely to be confused with, any official government protective or warning sign.

- G. Any sign that obstructs a window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building as required by law.
- H. The parking of any motor vehicle, recreational vehicle, trailer, or other movable device in a manner that the vehicle constitutes a billboard or off premises sign.
- I. Any sign attached to a flat roof.

**7.4.1310 Signs Along State Highways and Interstates**

For the purpose of regulating signs visible from an interstate highway as defined by C.R.S. § 43-2-101(2), there are hereby created the following zones, each zone measured perpendicularly from the boundary of the interstate highway right-of-way. Frontage roads shall be considered as lying outside the Interstate right-of-way.

**A. Zone Number 1**

This zone shall be the area within two hundred and twenty (220) feet of the Interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the faces of which are visible from the highway, shall exceed one hundred (100) square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

**B. Zone Number 2**

This zone shall be that area from two hundred and twenty (220) feet to four hundred and forty (440) feet from the Interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which are visible from the highway, shall exceed two hundred (200) square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

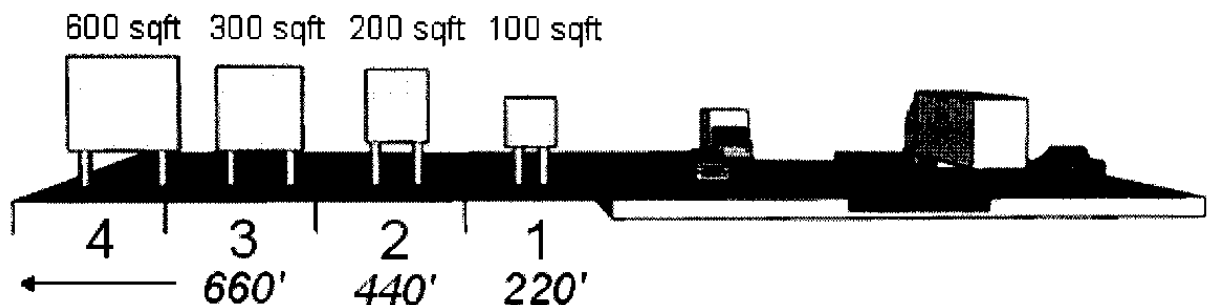
**C. Zone Number 3**

This zone shall be that area from four hundred and forty (440) feet to six hundred and sixty (660) feet from the Interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which is visible from the highway, shall exceed three hundred (300) square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

**D. Zone Number 4**

This zone shall be that area more than six hundred and sixty (660) feet from the Interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which is visible from the highway boundary, shall exceed six hundred (600) square feet, or the area specified in the applicable zone requirement, whichever is the more restrictive.

## Signs Along Interstate Highways



**7.4.1311 Nonconforming and Abandoned Signs**

- A. Any legally established sign in existence at the time of the enactment of this Part 7.4.13 is considered nonconforming and may remain. A nonconforming sign may continue so long as it is not enlarged, replaced, or abandoned. If a nonconforming sign is removed for any reason, it may not be replaced. If

## 7.4.1312: Off Premises Advertising (Billboards)

fifty (50) percent or more of the sign area of a nonconforming sign is destroyed, the nonconforming sign may not be repaired or replaced and shall be removed.

- B. Any nonconforming sign upgraded to incorporate an EMC component shall lose its legal nonconforming designation. Upgrading to an EMC will require the sign to comply with the provisions of this Part 7.4.13.
- C. A nonconforming sign may continue in existence and function provided the sign is maintained in good condition.
- D. An abandoned sign that is deemed to be in disrepair and structurally unsound with the potential to cause health, safety and welfare concerns must be removed and shall lose its nonconforming designation.

**7.4.1312 Off Premises Advertising (Billboards)**

All new billboards shall comply with the following:

**A. Purposes and Intent**

1. The purpose of this Section 7.4.1312 is to limit the impact of billboards on the community; to improve the appearance of the Interstate 25, Highway 24, Highway 24 bypass, and Municipal Airport entryway corridors; to enhance the urban design of the greater downtown area; to ensure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The City recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.
2. It is the intent of this Section 7.4.1312 to address the following specific concerns regarding the impact of billboards upon the community:
  - a. The citizens of Colorado Springs and others visiting or traveling through the City are very concerned about the urban design and visual integrity of the City.
  - b. Billboards are often incongruous with the City's natural setting and features due to their large-scale figures, numbers, letters, and colors.
  - c. A billboard can dominate the view from vehicles and interfere with the occupants' enjoyment of the City's natural setting and features.
  - d. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
  - e. Billboards of excessive size or height should be downsized within a reasonable time period.
  - f. Billboards are incompatible with residential uses.
  - g. The Interstate 25, Highway 24, Highway 24 bypass, and Municipal Airport entryway corridors are major entryways to the City that are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.
  - h. The downtown planning area is an area in which urban design significantly influences the health and vitality of the total community.

**B. Area, Height, and Face Standards**

All billboards shall be constructed in accord with the Uniform Sign Code as set forth in this Part 7.4.13 and shall conform to the following standards:

**1. Sign Area**

New billboard faces and supporting framework shall not exceed the following sign areas:

- a. New billboards shall be a maximum of two hundred and forty-five (245) square feet.

- b. Replacement billboards, existing billboards four hundred (400) square feet or larger in face area may be replaced at a size up to four hundred (400) square feet; billboards with face areas less than four hundred (400) square feet and two hundred and forty-five (245) feet or greater shall be replaced at a size up to two hundred and forty-five (245) square feet. Existing billboards of less than two hundred and forty-five (245) square feet shall be restricted to their current size in the event they are relocated.

**2. Height**

Billboards shall not exceed the maximum height permitted for freestanding signs in the zone district in which they are located.

**3. Faces**

There shall be no more than two (2) billboard faces per supporting structure.

**C. Location Standards**

All billboards shall be located in accord with the following standards:

**1. Zones**

After the Effective Date, billboards shall be allowed as conditional uses in the following zones: MX-L, LI, GI, and BP.

**2. Conditional Uses**

All new billboards shall be required to obtain a conditional use permit in accord with Section 7.5.601 (Conditional Use Permit).

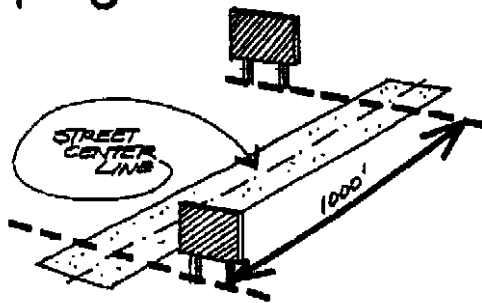
**3. Location Standards**

- a. Billboards shall be set back the same distance required for freestanding signs in the zone district in which they are located.
- b. No billboard shall be placed on the roof of any building or structure.
- c. No billboard shall cantilever over any building or structure.

**4. Spacing Standards**

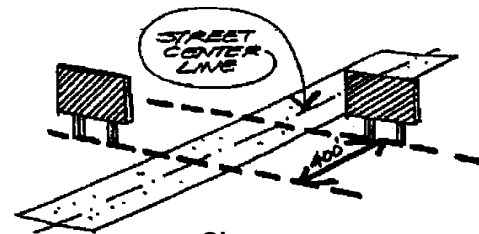
- a. No billboards shall be spaced less than one thousand (1,000) feet from the nearest billboard, except billboards in GI zones shall be spaced no less than four hundred (400) feet from the nearest billboard. In determining the physical spacing of billboards, the City will consider existing billboards and approved conditional use billboard locations.
- b. Distances between billboards shall be measured horizontally along the centerline of the street or highway to which the sign is directed as set forth in the figure below.

**Spacing Standards**



**MX-L, LI, and BP**

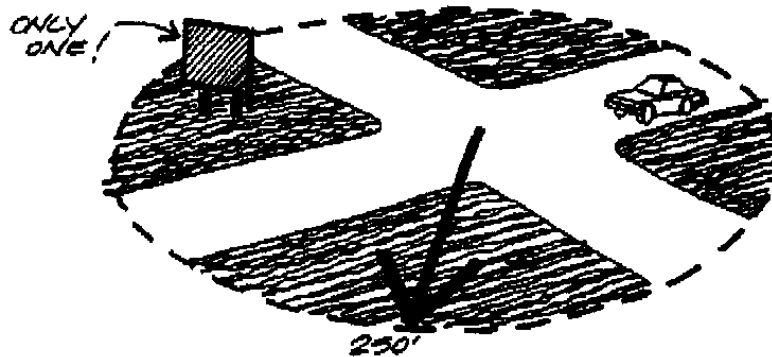
**Spacing Standards**



**GI**

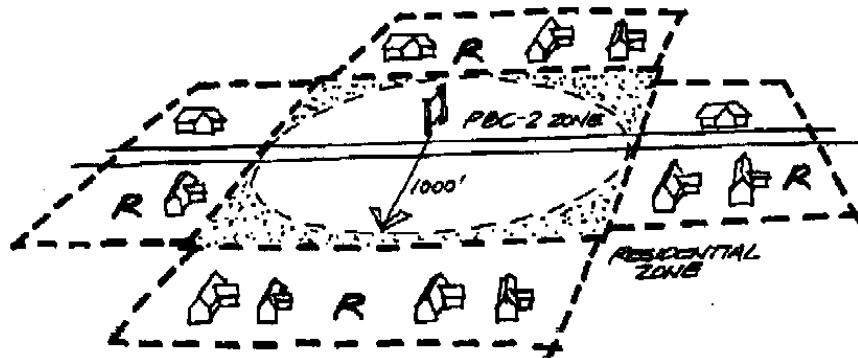
- c. Only one billboard shall be placed within a radius of two hundred and fifty (250) feet from the center point of any street or highway intersection as set forth in the figure below.

### Spacing Standards



- d. No billboard shall be placed within five hundred (500) feet of any residential zone as set forth in the figure below.

### Spacing Standards



## 5. Railroad Rights-of-way

- New billboards shall not be allowed to be placed within any railroad rights-of-way.
- Existing billboards within a railroad right-of-way shall be grandfathered and allowed to remain in their current locations.

## D. Maintenance and Discontinuance

### 1. Maintenance

All sign supports, braces, guys, and anchors shall be kept in good repair. Faces of all signs shall be kept neatly painted or posted at all times. The City shall notify the sign owner or its agent of any sign that is not in proper state of repair. If corrective action is not taken within thirty (30) days, the City official may order the removal of the sign.

### 2. Discontinuance

The Manager may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) continuous days. The billboard shall be removed by the owner within thirty (30) days of notification by the City.

**E. Billboard Credit**

Permits to erect new billboards shall only be issued to those persons possessing a “billboard credit.”

**1. Billboard Credit**

Billboard credits shall be issued by the City to those billboard owners who have removed a previously existing, lawfully erected billboard after the Effective Date. It shall be the responsibility of the permit applicant to show the ownership, location, and date of removal of the billboard.

**2. Credit Basis**

Billboard credits shall be issued on a per face and per structure basis. One credit shall be issued for each billboard face removed and one credit for each structure removed. If a billboard is not located upon a separate supporting structure, the building or other structure to which the billboard is attached shall constitute a single structure for the purpose of receiving one credit.

- a. No credit shall be granted for the partial removal of faces.
- b. No credit shall be granted for the removal of billboard faces that are less than eighty-four (84) square feet.

**3. Use of Billboard Credits**

A billboard credit may only be used in a location that meets all standards of this UDC.

**4. Transfer of Credits**

Credits may be transferred between parties through legal means.

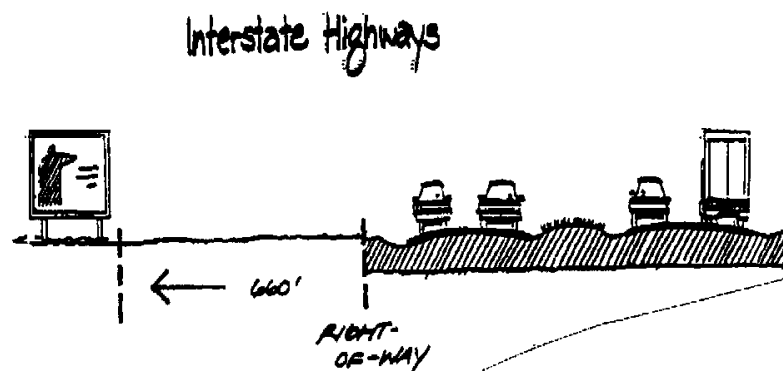
**5. Size**

Credits will allow billboards to be reconstructed in the following sizes:

- a. A credit for a new four hundred (400) square foot billboard will be issued for billboards that are removed that are in excess of three hundred and ninety-nine (399) square feet.
- b. A credit for a new two hundred and forty-five (245) square foot billboard will be issued for billboards that are removed that are between two hundred and forty-five (245) and three hundred and ninety-nine (399) square feet.
- c. A credit will be issued for a new billboard of equal size for billboards that are removed that are less than two hundred and forty-five (245) square feet.

**F. Downsizing****1. Restricted Corridors**

All existing billboards that are directed toward and visible from and within six hundred and sixty (660) feet of Interstate 25, Highway 24, Highway 24 bypass, and airport entryway (Powers





## 7.4.1312: Off Premises Advertising (Billboards)

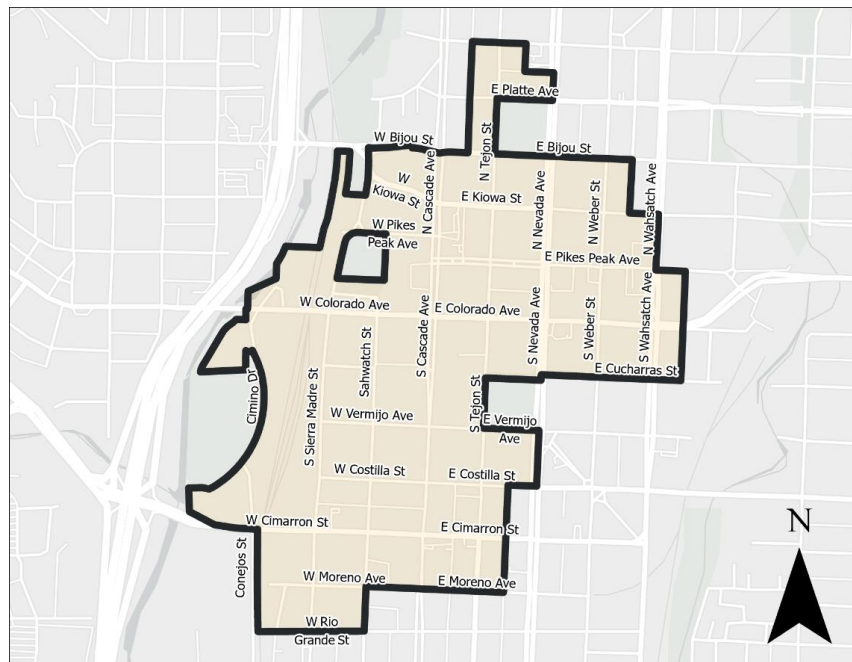
Boulevard between Fountain Boulevard and Milton Proby Parkway, Airport Entrance Road between Powers Boulevard and the airport terminal) corridors shall be downsized as follows:

- a. Billboards larger than four hundred (400) square feet in face area before December 31, 1996, shall not exceed four hundred (400) square feet.
- b. Billboards containing between two hundred and forty-five (245) and three hundred and ninety-nine (399) square feet in face area before December 31, 1996, shall not exceed two hundred and forty-five (245) square feet.

## 2. Downtown Planning Area

All existing billboards within the area of the FBZ district, as shown on the map below, on the Effective Date shall be downsized as follows:

- a. Billboards larger than four hundred (400) square feet in face area before December 31, 1996, shall not exceed four hundred (400) square feet.
- b. Billboards containing at least two hundred and forty-five (245) and less than four hundred (400) square feet in face area before December 31, 1996, shall not exceed two hundred and forty-five (245) square feet.



## 3. Nonrestricted Areas

All existing billboards, in areas other than the restricted corridors or downtown planning area, shall be downsized as follows:

- a. Billboards larger than four hundred (400) square feet in face area before December 31, 1996, shall not exceed four hundred (400) square feet.
- b. Billboards containing between two hundred and forty-five (245) and less than four hundred (400) square feet in face area before December 31, 1996, shall not exceed two hundred and forty-five (245) square feet.

**G. Cap on Number of Billboards****1. Restricted Corridors and Downtown Planning Area**

There shall be a cap on the number of billboards within the restricted corridors or Interstate 25, Highway 24, Highway 24 bypass, Powers Boulevard (between Fountain Boulevard and Milton Proby Parkway) and the airport entrance road (between Powers Boulevard and the airport terminal) as well as within the downtown planning area. No new billboards shall be allowed within these areas except with the removal of an existing billboard from the same corridor/area. Permits for new billboards within the restricted corridors or downtown planning area will only be issued to those persons possessing a “billboard credit” indicating they have removed a billboard from the same corridor or downtown planning area. All new billboards within restricted corridors or the downtown planning area shall comply with the design standards as set forth in this Section 7.4.1312.

**2. Citywide Cap**

There shall be a limit of two hundred and eight (208) total billboard locations within the corporate limits.

**H. Exemptions**

This Section 7.4.1312 shall not pertain to the following types of off premises signs:

1. State approved signs within Colorado State highway rights-of-way.
2. Signs approved by the revocable permit process as set forth in Chapter 3, Article 2, Part 2 of this Code.
3. Off premises temporary signs that comply with the provisions of Subsection 7.4.1307F (Temporary Sign Types Additional Criteria).
4. Signs announcing a “special event” as defined in Section 3.2.403 (Definitions) of this Code.

**I. General Provisions**

All billboards are subject to the applicable provisions for signs as set forth in this Part 7.4.13, except Section 7.4.1311 (Nonconforming and Abandoned Signs). All billboards are subject to the provisions set forth in Part 7.5.8 (Nonconformities) except that where any provision of this Part 7.4.13 imposes a more specific requirement than imposed by Part 7.5.8, then that specific requirement shall govern.

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## 7.4.14 BUILDING CODES

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**7.4.1401 Purpose**

This Part 7.4.14 adopts the applicable Regional Building Code for construction, development, and redevelopment in the City, requires compliance with the Regional Building Code, and clarifies the relationship between the adopted Regional Building Code and other portions of this UDC.

**7.4.1402 Applicability**

The Regional Building Code as adopted in this Part 7.4.14 shall apply to every building or structure the use of which the City has jurisdiction and authority to regulate.

**7.4.1403 Interpretation**

The Regional Building Code shall be so interpreted and construed as to effectuate its general purpose to make uniform the local building regulations contained in the Regional Building Code.

**7.4.1404 Code Adopted by Reference**

- A. There is hereby adopted by reference the most recent edition of the Pikes Peak Regional Building Code, as published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, including all referenced and adopted codes listed in that

document. Three (3) copies of the Pikes Peak Regional Building Code, are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Regional Building Code is being adopted as if set out at length.

**B.** The Regional Building Code is subject to the following additions and modifications:

**1. RBC108.2**

Add the following to the end:

- a. A fee schedule shall be established by resolution of the City Council.

**2. RBC302.4.1. Section 202.1**

Add the following definitions:

- a. Composition Wood roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.
- b. Solid Wood roofing products are roofing materials that are defined as “wood shakes,” “wood shingles,” or “wood shakes and shingles, fire-retardant (treated).” These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

**3. RBC302.4.29**

Insert a new section as follows:

**a. Section RBC302.4.29.1. Section 1505.1**

Add the following:

- (1) All buildings shall have a minimum roof covering of class B.
- (2) Exception: Buildings containing twenty (20) percent or more of a group R fire area shall have a minimum roof covering of class A excluding solid wood roofing products. These requirements shall also apply when completely recovering or replacing a roof covering in accordance with Section 1511 of the International Building Code, 2015 edition, and Section RBC104.4 of the Building Code.

**4. RBC302.4.29.2. Table 1505.1**

Delete.

**5. RBC303.4.1. Section R202.**

Add the following definitions:

- a. Composition Wood roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.
- b. Solid Wood roofing products are roofing materials that are defined as “wood shakes”, “wood shingles”, or “wood shakes and shingles, fire-retardant (treated).” These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

**6. RBC303.4.61.1**

Insert a new section as follows:

**a. Section RBC303.4.61.1. Section R902.1.**

Amend the section as follows:

- (1) Delete the second sentence and replace with the following:

One- and two-family dwellings shall have a minimum roof covering of class A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of class B.

(2) In the third sentence, delete “classes A, B, and C” and replace with “classes A and B”.

(3) Add the following to the end of the paragraph:

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with section R90 8 of the International Residential Code, 2015 Edition and section RBC104.4 of the Building Code.

#### 7. RBC306.2.

Amend this section as follows:

a. Section RBC306.2. Code Adopted By Reference. There is hereby adopted by reference the Colorado Plumbing Code adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Plumbing Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto made by such board, appearing at 3 CCR 720-1, entire rule effective June 14, 2020. Three (3) copies of the Code are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The code is being adopted in its entirety.

#### 8. RBC307.2.

Delete this section and insert a new section as follows:

a. Section RBC307.2. Codes Adopted By Reference. There is hereby adopted by reference the National Electrical Code, 2020 edition, adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Electrical Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, appearing at 3 CCR 710 -1 adopted and effective August 1, 2020. Three (3) copies of the Code are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The code is being adopted in its entirety.

#### 9. RBC310.3.

Delete this section and insert a new section as follows:

a. Section RBC310.3. Codes Adopted By Reference. There is hereby adopted by reference American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1, 2019, including Table 2-3-2 of 7 CCR 1101-8 and all supplements thereto; the Safety Code for Existing Elevators and Escalators, ASME A17.3, 2005, and all supplements thereto, and the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, 2017, adopted by the Department of Labor and Employment, Division of Oil and Public Safety, 633 17<sup>th</sup> Street, Suite 500, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto, appearing in 7 CCR 1101-8, and effective January 1, 2021. Three (3) copies of these Codes are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The codes are being adopted in their entirety.

#### 10. RBC313.6.

This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

#### 11. RBC313.17.1.

This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

**12. RBC313.17.2.**

This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

**13. RBC313.18.5.**

This section is subject to the additions modifications, and/or deletions set forth in Section 7.4.802.

**7.4.1405 Street Numbering**

See Section RBC312 of the Regional Building Code.



## Article 7.5 Administration and Enforcement

### 7.5.1 INTRODUCTION AND SUMMARY TABLES OF PROCEDURES

#### 7.5.101 Purpose

The purpose of this Article 7.5 is to describe the procedures used by the City to administer the provisions of this UDC, including which City official, department, agency, or appointed or elected officials will make the decision, the criteria by which the decision will be made, and who will hear and decide appeals of those decisions. It also addresses how uses and buildings that were legally created, but that no longer meet the requirements of this UDC, will be treated, and how the provisions of this UDC will be enforced.

#### 7.5.102 General Information

Table 7.5.1-A identifies the development procedures authorized by this UDC and establishes whether public notice is required, whether pre-submittal activities are required, the role of City review and decision-making bodies, and whether public hearings are required during each process.

<b>Table 7.5.1-A Summary of Review Procedures [1]</b> R = Recommendation    D = Decision    A = Appeal M = Manager's Discretion (based on UDC Criteria and Standards) * = Quasi-judicial Public Hearing    ✓ = Suggested N = Published (Newspaper) Notice Required L = Mailed (Letter) Notice Required    S = Posted (Sign) Notice Required								
Procedure	Pre-Submittal Activities		Notice	Review and Decision-Making Bodies				Code Ref.
	Pre-Application Meeting	Neighborhood Meeting	Type Required	Staff / Manager	Historic Pres. Board	Planning Comm. / FBZ Review Board	City Council	
<b>Permits</b>								
Adult Use Permit				D		A [2]	A [2]	7.5.502
Coordinated Sign Plan				D		A [2]	A [2]	7.5.504
Front Yard Carport Permit			L	D		A	A	7.5.505
Grading and Erosion Control Permit				D [3]				7.5.506
Home Occupation Permit				D		A [2]	A [2]	7.5.507
Sign Permit				D				7.5.508
Site Plan to Unplatted Lands				D		A	A	7.5.509
Short Term Rental Permit				D		A [2]	A [2]	7.5.510
Temporary Use Permit				D		A [2]	A [2]	7.5.511
WCF Eligible Facilities Request				D				7.5.512
WCF Permit				D		A	A	7.5.513
<b>Land Use and Development Plans</b>								
Land Use Plan				D		D*[6]/A	A	7.5.514
With Annexation	✓	M	N, L, S	R		R	D	
With Rezoning	✓	M	L, S	R		R*	D*	
Development Plan	✓	M	S[7]	D		D* [8]/A		7.5.515
Amendments	✓	M	L, S	D		D*/A		

<b>Table 7.5.1-A Summary of Review Procedures [1]</b> R = Recommendation D = Decision A = Appeal M = Manager’s Discretion (based on UDC Criteria and Standards) * = Quasi-judicial Public Hearing ✓ = Suggested N = Published (Newspaper) Notice Required L = Mailed (Letter) Notice Required S = Posted (Sign) Notice Required								
Procedure	Pre-Submittal Activities		Notice	Review and Decision-Making Bodies				Code Ref.
	Pre-Application Meeting	Neighborhood Meeting	Type Required	Staff / Manager	Historic Pres. Board	Planning Comm. / FBZ Review Board	City Council	
Hillside Site and Grading Plan	✓			D		A	A	
Site Plan to Unplatted Land	✓			D		A	A	7.5.509
<b>Subdivision-Related Procedures</b>								
Amendment to Plat Restriction	✓		L, S	D		A	A	7.5.518
Final Plat, Plat Modification Prior to Recording, and/or Replat				D				7.5.519
Preservation Area Boundary Adjustment	✓		L, S	D		A	A	7.5.520
Property Boundary/Lot Line Adjustment	✓			D				7.5.521
Vacation Plat (no public streets or ROW)				D			A	7.5.522
Waiver of Replat	✓			D				7.5.523
<b>Variances and Adjustments</b>								
Administrative Adjustment	✓	M		D		A	A	7.5.524
Development Standards Adjustment	✓	M	L, S	R		D*	A	7.5.525
Non-Use Variance	✓	M	L, S	R		D*	A	7.5.526
Use Variance	✓	M	L, S	R		R*	D*	7.5.527
<b>Other Procedure</b>								
Historic Resources Alteration or Demolition	✓	M	L, S	D [for Minor]	D* [for Major] /A		A	7.5.528
Interpretation of UDC				D				7.5.529
Numeric Address Change				See Section RBC312.7 of Regional Building Code				7.5.530
Street Name Change	✓		N, L, S			D	A	7.5.531
<b>Decisions Requiring a Planning Commission Hearing</b>								
Conditional Use Permit	✓	M	L, S	R		D*	A	7.5.601
<b>Policy Decisions by City Council</b>								
Annexation of Land	✓	M	N, L, S	R		R	D	7.5.701
Amendment to the UDC Text		M	N	R	R[7]	R*	D*	7.5.702
Vacation of Public Streets or Right of Way	✓	M	N, L, S	R			D	7.5.703
Zoning Map Amendment (Rezoning)	✓	M	N, L, S		R[7]	R*	D*	7.5.704



<b>Table 7.5.1-A Summary of Review Procedures [1]</b> R = Recommendation    D = Decision    A = Appeal M = Manager's Discretion (based on UDC Criteria and Standards) * = Quasi-judicial Public Hearing    ✓ = Suggested N = Published (Newspaper) Notice Required L = Mailed (Letter) Notice Required    S = Posted (Sign) Notice Required								
Procedure	Pre-Submittal Activities		Notice	Review and Decision-Making Bodies				Code Ref.
	Pre-Application Meeting	Neighborhood Meeting	Type Required	Staff / Manager	Historic Pres. Board	Planning Comm. / FBZ Review Board	City Council	
Zoning Map Amendment (upon Annexation)	✓	M	N, S			R	D	7.5.704
<b>Appeals</b>								
Appeals of Administrative Decisions [9]			L			A*	A	7.5.415
Appeal of Planning Commission, FBZ Board, or Historic Preservation Board Decisions [10]			L, S		D*	D*	A*	7.5.705

**NOTES:**

- [1] The Manager may refer any item to the Planning Commission, FBZ Review Board, or Historic Preservation Board if found necessary for final review authority.
- [2] In the event of a denial, the Administrative Decision may be appealed to the Planning Commission.
- [3] Decision is made by the Stormwater Enterprise Manager; appeal is available to the Public Works Director.
- [4] Posting for ten (10) days after submitted and prior to final decision by Manager.
- [5] Decision is made by the Stormwater Enterprise Manager; appeal is available to the Drainage Board.
- [6] The Planning Commission will have the final approval only if the Manager refers an administrative level Land Use Plan for review.
- [7] If the application relates to an HP-O District
- [8] The Planning Commission will have the final approval only if the Manager refers an administrative level Development Plan for Review
- [9] Applicable to appealable Administrative Decisions as indicated in Table 7.5-1A
- [10] Applicable to appealable Planning Commission, FBZ Review Board, and Historic Preservation Board decisions as indicated in Table 7.5.1.

## 7.5.2 REVIEW AND DECISION-MAKING BODIES

### 7.5.201 City Council

In addition to the powers granted by the City Charter and the City Code, the City Council shall perform the functions specified in this UDC and shown in Table 7.5.1-C.

### 7.5.202 Planning Commission

#### A. Appointment, Terms, and Service

1. The Planning Commission shall consist of nine (9) members appointed by City Council. No more than two (2) of the nine (9) members may reside out of but within three (3) miles of the corporate limits of the City. City Council may appoint two (2) alternate members to serve if Planning Commission does not have a quorum present.
2. Each member shall be appointed for a term of three (3) years. Terms of office shall be staggered so that no more than three (3) members' terms are scheduled to expire at the same time. Vacancies shall be filled by appointment only for the unexpired portion of a term.
3. All members shall serve without compensation but may be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

**B. Meetings and Organization**

1. The members of the Planning Commission shall select a chair and vice chair to serve for one (1) year and until their successors have been selected.
2. The Commission shall meet at least once per month at a time and place they fix by motion and may hold special meetings called at any time by the chair, vice chair, or any other member designated by the chair. Minutes shall be kept of all commission proceedings.
3. A majority of the Commission shall constitute a quorum for the transaction of business.

**C. Powers and Duties**

The Planning Commission shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

1. Engage in cooperative planning programs with the planning agencies, officials, and representatives of other governmental units and with private agencies and organization to encourage, coordinate, and unify planning of the urban metropolitan area centering on the City.
2. Call upon any officer or employee of the City for any services, advice, or consultation the Commission deems necessary.
3. Request outside consultants or other entities to assist the Commission in performing its functions, provided City Council has appropriated funds for those expenses.

**7.5.203 Planning Manager**

The Manager shall perform the functions specified in this UDC and shown in Table 7.5.1-A and establish priorities for the abatement of zoning violations and implement appropriate procedures to abate each category of violations in accordance with Part 7.5.9 (General Enforcement), as well as the following:

- A. Manage the comprehensive planning and development review process.
- B. Maintain data relating to this UDC including the official zoning map.
- C. Approve the creation of, and amendments to, the Landscaping Policy Manual and other manuals referred to in this UDC, and necessary for the administration of this UDC, where this UDC or another City regulation does not allocate that responsibility to another department of the City, or another governmental or quasi-governmental agency, or to an elected or appointed body.

**7.5.204 Form-Based Zoning Review Board**

A form-based zoning (FBZ) review board is appointed by City Council in conjunction with the adoption of an FBZ regulating plan (see Section 7.2.306 (7.2.306FBZ: Form-Based Zone (Regulating Plan District)) and assists in implementation of the plan. The powers and duties of an FBZ Review Board are set forth in the regulating plan adopted by City Council. The Downtown Review Board is an example of a FBZ Review Board.

**7.5.205 Historic Preservation Board****A. Appointment, Terms, and Service**

1. The Historic Preservation Board shall consist of seven (7) members appointed by City Council. In making appointments to the Board, the Council shall attempt to balance the interests and skills of board members on the basis of, among other qualifications, their training, experience, knowledge, or demonstrated interest in one (1) or more of the following fields: landscape architecture, architecture, history, archaeology, general contracting, building trades, urban planning, mortgage lending, real estate, urban design, fine arts, law, business, economics, and engineering.
2. Each member shall be appointed for a term of three (3) years. Vacancies shall be filled by appointment only for the unexpired portion of a term.

3. All members shall serve without compensation but may be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

**B. Meetings and Organization**

1. The members of the Historic Preservation Board shall select a chair and vice chair to serve for one (1) year and until their successors have been selected.
2. The Board shall conduct business at regular meetings or at any special meeting called by the chair. The Board shall hold an annual meeting in June and establish a schedule of its regular meetings.
3. A majority of the Board shall constitute a quorum for the transaction of business.

**C. Powers and Duties**

The Historic Preservation Board shall perform the functions specified in this UDC and shown in Table 7.5.1-A and shall have authority:

1. To survey, inventory, and identify historically and architecturally significant structures and areas within the City;
2. To make recommendations to City Council regarding historic structures and areas for historic preservation zoning;
3. To review and take action on applications for rehabilitation, alteration, or demolition of historic buildings, or construction of new buildings and other structures including signs in historic preservation zones;
4. To advise Planning Commission and City Council on amendments to the zoning map and the Colorado Springs Comprehensive Plan involving historic resources or areas;
5. To make recommendations regarding City Code provisions pertaining to historic preservation;
6. To develop and possibly adopt design guidelines to identify characteristics of resources worthy of preservation and identify policies that will assist in the preservation and enhancement of those resources;
7. To prepare a historic preservation plan;
8. To make recommendations to the Planning Commission on relief to preserve historic resources as set forth in Section 7.5.528 (Historic Resource Alteration or Demolition); and
9. To develop, and recommend for Council adoption, design standards to establish criteria for use by the board in the consideration of an application for a report of acceptability for properties in the HP-O district.

**7.5.206 Parks and Recreation Advisory Board**

The Parks and Recreation Advisory Board is established by Chapter 4, Article 1 of the City Code and shall perform those functions specified in this UDC, and Chapter 4 (Parks, Recreation and Cultural Services) and other applicable provisions of the City Code.

**7.5.207 Drainage Board**

**A. General**

The Drainage Board is established pursuant to the agreement between the City of Colorado Springs and the Board of County Commissioners of El Paso County dated November 22, 1983.

**B. Appointment, Terms, and Service**

1. The Drainage Board shall consist of seven (7) members appointed by City Council and the Board of County Commissioners of El Paso County. The membership of the Board shall include:

- a. One (1) member shall be a banker;
  - b. One (1) member shall be a land developer experienced in the subdivision and improvement of land;
  - c. One (1) member shall be a registered practicing engineer qualified in the subdivision and improvement in land;
  - d. One (1) member shall be a registered practicing engineer qualified in drainage matters incident to the subdivision and development of lands;
  - e. One (1) member shall be a person actively engaged in the construction and sale of housing; and
  - f. Two (2) members shall be members-at-large residing in El Paso County.
2. The County Engineer and Stormwater Enterprise Manager shall serve as board secretaries but shall not have a vote.
  3. Each member shall be appointed for a term of three (3) years. Terms of office shall be staggered so that no more than three (3) members' terms are scheduled to expire at the same time. Vacancies shall be filled by appointment only for the unexpired portion of a term.
  4. All members shall serve without compensation but may be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

**C. Powers and Duties**

The Drainage Board shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

1. Arterial roadway bridge cost determination pursuant to Section 7.4.305 (Arterial Roadway Bridges).
2. To administer the subdivision drainage funds;
3. To approve repayments from the drainage funds;
4. To review and approve drainage basin planning studies for the City and County; and
5. To recommend to the City Council and Board of County Commissioners the establishment of and changes to drainage and bridge fees, including pond land, pond facility, and surcharge fees:
  - a. Investment of surplus funds that may temporarily accumulate in the drainage funds;
  - b. Repayments to be made from a drainage fund; and
  - c. Depositing of drainage fees to the City or County drainage fund.

**7.5.208 Regional Building Department and Commission**

- A. The Pikes Peak Regional Building Department ("Regional Building Department") is a multijurisdictional entity created pursuant to a resolution of the City dated April 27, 1976, and a resolution adopted by the El Paso County Commissioners on April 22, 1976. The resolutions authorized the execution agreements between the City and County entered into on April 17, 1976, and December 10, 1985, in accord with C.R.S. § 26-6-102.
- B. The Regional Building Department is administered by a governing body of the Department to be known as the Regional Building Commission. The Regional Building Commission has the power and functions set forth in the agreements establishing the Regional Building Department that include the appointment of the Administrator of the Regional Building Department, known as the Building Official.
- C. The cost of operation of the Regional Building Department is as set forth in the agreements establishing the Regional Building Department. A budget is prepared annually by the Building Official

and approved by the Regional Building Commission. At the end of each year a report is submitted by the Building Official of all income received. Any deficit in operation of the Department is made up in accord with the agreements establishing the Regional Building Department.

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## 7.5.3 TYPES OF PLANS RELATED TO DEVELOPMENT APPLICATIONS

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### 7.5.301 Purpose

This Section clarifies the differences between, and the intended use of, two (2) types of plans that the Manager may require to be submitted and approved before different types of development may proceed. It does not address plans prepared by or at the direction of the City, such as comprehensive plans, neighborhood plans, transportation corridor plans, or facility master plans.

### 7.5.302 Land Use Plan

- A. A Land Use Plan is a plan required in some circumstances to show the proposed layouts of land uses, development intensities and densities, primary access points, green space, public open space systems and areas that should be preserved or protected, potential needs for public land dedications, and other aspects of proposed development at a conceptual level. The purpose of a Land Use Plan is to provide the City the information needed to evaluate how a proposed development may impact surrounding development without requiring the applicant to provide the levels of detail required on a Development Plan.
- B. The Manager may waive or modify the level of detail required based on the type and scale of the proposed development and the type of application involved.
- C. Land Use Plans are generally required in connection with applications for annexation of land and applications to rezone land. Details about Land Use Plans and the Land Use Plan review process are in Section 7.5.514 (Land Use Plan).

### 7.5.303 Development Plan

- A. A Development Plan is a detailed plan for development that is used to confirm that proposed development will comply with all applicable requirements of this UDC and related regulations adopted by the City. Among other things, it is used to confirm compliance with the requirements in Article 7.2 (Zone Districts), Article 7.3 (Use Regulations), and those provisions of Article 7.4 (Development Standards and Incentives) applicable when a specific development is proposed.
- B. Development Plans are generally required for all proposed development of primary land uses and primary structures except those that include only attached or detached single-family, two-family dwellings, or Accessory Dwelling Units. Development Plans are also generally required for significant expansions of existing buildings, significant changes of property use within an existing building, and conversions of vacant land for development (with exceptions).
- C. Development Plan review may indicate that alternative measures beyond the applicable minimum standards may be required in order to address the Development Plan review criteria.
- D. Details about Development Plans and the Development Plan review process are in Section 7.5.515 (Development Plan).

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## 7.5.4 GENERAL PROCEDURES

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### 7.5.401 Pre-Application Meeting

#### A. Purpose

The purpose of the pre-application meeting is to:

1. Allow City staff to meet with applicants before an application has been prepared and submitted to introduce staff to the project;
2. Provide an initial informational review;
3. Identify and discuss with the applicant specific planning issues that might be associated with the project;
4. Determine whether a neighborhood meeting should be held prior to application submittal;
5. Inform applicant of required applications and associated approval processes; and
6. Determine whether the project will require review by the Land Development Technical Committee.

**B. Applicability**

A pre-application meeting may be required for those applications identified in Table 7.5.1-A. An applicant may voluntarily request a pre-application meeting before submission of all other applications. Pre-application meetings shall be voluntary for all applications where federal or state law or regulation requires that the City issue a decision on the application within a specified amount of time.

**C. Effect**

Any information or discussions held during the pre-application meeting shall not be binding on the City or the applicant.

**7.5.402 Neighborhood Meeting****A. Purpose**

The purpose of a neighborhood meeting is to allow residents, business, and neighborhood groups in the area surrounding a proposed development project an opportunity to learn about the proposed land uses, size, height, and layout of the project at an early stage of the development process and to communicate directly with the City and the applicant about their issues, concerns, or comments either before or after an application is submitted.

**B. Applicability**

A neighborhood meeting may be required as indicated in Table 7.5.1-A.

**C. Notification**

Pursuant to Section 7.5.406 (Public Notice), mailed notice to each Neighborhood Association whose boundaries include the project site and to each property owner located within one thousand (1,000) feet of the project site, at least ten (10) days before a Neighborhood Meeting.

**D. Location**

1. The neighborhood meeting shall take place at a location that is accessible to persons with disabilities.
2. The neighborhood meeting location shall be selected in coordination with Staff.

**7.5.403 Application Submission****A. Authority to Submit Applications**

Unless expressly stated otherwise in this UDC, applications reviewed under this UDC shall be submitted by:

1. The property owner or owners;
2. Authorized agents of the property owner(s);
3. Persons under contract to purchase the property subject to the application; or

4. The City Council, Planning Commission, Historic Preservation Board, Manager, or any other City department, division, section, or appointed board.

**B. Application Timing**

If an application is not submitted within one hundred and eighty (180) days after the pre-application meeting held in accord with Section 7.5.401 above, the Manager may require another pre-application meeting and neighborhood meeting in order to ensure that information provided regarding City requirements and neighborhood input are current.

**C. Application Content**

1. Applications shall be submitted to the Manager in the format required by the City. Formatting requirements are available from the Planning Department or the City's website. In some cases this UDC requires the submission of additional information, documents, or materials. In addition, the Manager, Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council may require that additional material be submitted with the application if they determine that such additional information is necessary to evaluate the impacts of the actions that are the subject of the application.
2. Prior to application submittal, an applicant may request in writing that the Manager waive or modify application submission if the required material is not necessary for review of the application. The Manager's decision as to required materials may not be appealed.

**D. Multiple Applications**

Applications may be filed concurrently. Each application will be reviewed by the appropriate reviewing authority as provided for in Part 7.5.1. The Manager shall delay decisions on administratively reviewed applications until Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council have acted on the applications that require a hearing.

**E. Withdrawal of Application**

An application shall be deemed withdrawn and the review terminated if:

1. The applicant requests that the application be withdrawn; or
2. The applicant fails to respond or submit revised plans, reports, or correspondence to the Manager for more than one hundred and eighty (180) days following a request from the Manager. The Manager may extend the response period for good cause shown by the applicant.

**F. Notification**

Pursuant to Section 7.5.406 (Public Notice), mailed notice to each Neighborhood Association whose boundaries include the project site, and to each property owner located within one thousand (1,000) feet of the project site, no later than ten (10) days after filing the application.

**7.5.404 Fees**

Application fees are established by City Council and are available from the Planning Department or on the City's website. The Manager may waive or modify fees if the applicant demonstrates the applicant's indigence in a manner proscribed by the Manager.

**7.5.405 Determination of Application Completeness**

**A. Completeness Review**

The Manager may return an incomplete application. An application is complete if it:

1. Contains all information and materials required by Section 7.5.403 (Application Submission);
2. Is in the form required by the Manager for submittal of the application; and
3. Is accompanied by the appropriate fee established for the application.

**B. Incomplete Application**

1. The Manager shall notify the applicant of any deficiencies in the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Manager determines the application is complete.
2. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within thirty (30) days after being notified of submittal deficiencies, the application shall be considered abandoned. No fee shall be refunded.
3. No application shall be reviewed for compliance with this UDC or scheduled for a public hearing by any review or advisory body until it is determined to be complete.
4. A decision by the Manager that an application is incomplete may not be appealed.

**C. Complete Application**

Upon determining that an application is complete, the Manager shall accept the application for review in accordance with the procedures and standards of this UDC. The Manager is authorized to refer any application to all interested or affected departments and agencies within and outside the City for their review and input.

**7.5.406 Public Notice****A. Purpose**

The purpose of this Section is to provide the procedures for public notice. Public notice serves to inform vicinity property owners, neighborhood associations, and the community of pending development projects along with the date, time, and place of public hearings including appeals of development projects.

**B. Applicability**

1. Public notice shall be published, posted, or mailed, and may also be sent electronically, as indicated in this Section 7.5.406, Table 7.5.1-A, Section 7.5.5 (Administrative Decisions), Section 7.5.6 (Decisions Requiring a Planning Commission Hearing), and Section 7.5.7 (Policy Decisions by City Council), as applicable to the type of application being submitted, in accord with the standards of this Section 7.5.406.
2. Where the Manager determines that the size, complexity, or location of the project may create negative impacts on surrounding properties, the Manager may require that posted or mailed notice be provided at least ten (10) days before a Pre-Application Meeting for the project.
3. Mailed notice shall be required for the following:
  - a. At least ten (10) days before a Neighborhood Meeting;
  - b. At the time of submittal of an application that will be decided upon by the Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council; and
  - c. At least fourteen (14) days prior to each public hearing.

**C. Content of Notice**

The content of the notice shall be established by City staff during the application review process. At minimum, the notice shall include:

1. The address(es) of the land subject to the application;
2. An area map of the development proposal;
3. A general description of the type of project; and
4. For any public meeting or hearing, the date, time, and place of the meeting or hearing.



**D. Types of Notice**

**1. Published (Newspaper) Notice**

When required, notice shall be published in a newspaper or newspapers available in the City as designated for that purpose by the City Council. Notice shall be published between fourteen (14) and thirty (30) days prior to the date of the hearing, decision, or other event for which notice is being provided.

**2. Posted (Sign) Notice**

- a. When required, at least one poster providing notice shall be placed along each street or right-of-way frontage of the property subject to the application. The property shall be posted at least fourteen (14) days prior to the date of the hearing, decision, or other event for which notice is being provided.
- b. The required poster shall be placed along the perimeter of the subject property in locations that are visible from adjacent public ways. Posting may also be outside the actual boundary of the project site if the Manager determines the alternative posting location offers more visibility for public notice.

**3. Mailed (Letter) Notice**

The Manager may require mailed notification at least fourteen (14) days before the scheduled meeting date to all Neighborhood Associations and property owners within one thousand (1,000) feet of the project site of the proposal. When required, notification shall be mailed within a reasonable time after submittal has been reviewed and accepted.

**4. Electronic Notice**

Notice may be sent electronically to property owners at the discretion of the Manager.

**E. Neighborhood Association Responsibility**

Each Neighborhood Association shall be responsible for providing notice of the association and contact information and neighborhood boundary information to the City. The association shall be responsible for updating the contact information and neighborhood boundary information on file with the City as needed. Failure of a Neighborhood Association or a specific officer or member of the association to receive notice due to inaccurate information on file with the City shall not be grounds for a delay of application review or public hearings or for appeal of the resulting decision.

**F. Effect of Notice**

Evidence that the required notices were published, posted, mailed, or sent electronically in accordance with this Section will be deemed effective and no delay request shall be granted on the grounds of ineffective or improper notice.

**7.5.407 Meetings and Decisions**

**A. Applicability**

An application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 7.5.1-A.

**B. Discussions**

During consideration of an application, the Manager may consider alternative potential conditions. No discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, regulations, or governing court decisions. Discussions of potential conditions to mitigate impacts do not reflect actions by the City unless and until the City takes formal action to attach that condition to a development approval.

**C. Hearings**

1. Hearings shall be held at the date, time, and place for which public notice was provided in accordance with Section 7.5.406 (Public Notice). A hearing may be continued without additional notice provided that, prior to the adjournment or recess of the hearing, the body holding the hearing establishes and announces the date, time, and location at which the hearing will be continued.
2. Any person may present evidence or testimony during a public hearing, subject to the rules of procedure for the decision-making body holding the hearing.

**D. Meetings and Decisions****1. Manager**

The Manager's decision on an application shall be deemed final and shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

**2. Planning Commission, FBZ Review Board, or Historic Preservation Board**

- a. The Planning Commission, FBZ Review Board, or Historic Preservation Board shall announce its decision at the conclusion of the public hearing. The decision shall set forth any conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.
- b. The decision of the Planning Commission, FBZ Review Board, or Historic Preservation Board regarding matters over it has authority according to Table 7.5.1-A shall be deemed to be final agency action unless appealed to City Council pursuant to Section 7.5.705 (Appeals).

**3. City Council**

- a. Without further public notice or hearing, the City Council may:
  - (1) Refer the item back to the Planning Commission, FBZ Review Board, or Historic Preservation Board for further review or consideration;
  - (2) Affirm any decision of the Planning Commission, FBZ Review Board, or Historic Review Board that appears on the City Council agenda;
  - (3) Reverse any decision of the Planning Commission, FBZ Review Board, or Historic Review Board that appears on the City Council agenda; or
  - (4) Modify any decision of the Planning Commission, FBZ Review Board, or Historic Review Board that appears on the City Council agenda.
- b. In all matters before the City Council the entire file of the Department pertaining to the matters shall be made a part of the record of the City Council. The file shall include at a minimum: the minutes from Planning Commission, FBZ Review Board, or Historic Preservation Board; maps; drawings; departmental reports; and applications.
- c. In all matters before the City Council where an ordinance is required to give effect to a quasi-judicial land use decision or where an ordinance is accompanied by a related quasi-judicial application pursuant to Subsection 7.5.403D (Multiple Applications), Council shall vote on the ordinance on first reading without conducting a hearing or taking public comment. Hearings for the ordinance and any related applications shall be conducted prior to the second reading of the ordinance. City Council shall vote on related applications concurrent to the second reading of the ordinance.

**7.5.408 Referral to Planning Commission, FBZ Review Board, or Historic Preservation Board**

- A. The Manager may refer any application listed as an Administrative Decision in Part 7.5.5 (Administrative Decisions) to the Planning Commission, FBZ Review Board, or Historic Preservation Board for a decision.
- B. When an administrative decision is referred to the Planning Commission, FBZ Review Board, or Historic Preservation Board, the Commission or Board shall hold a public hearing and make a decision pursuant to Section 7.5.407 (Meetings and Decisions) based on the same criteria that would have applied if the Manager had made the decision.

**7.5.409 General Criteria for Approval**

When Parts 7.5.5 (Administrative Decisions), 7.5.6 (Decisions Requiring a Planning Commission Hearing), and 7.5.7 (Policy Decisions by City Council), or another provision of this UDC does not provide more specific review or decision-making criteria, or refers to the criteria in this Section, the review or decision-making bodies shall evaluate applications for compliance with the general review criteria below.

**A. Compliance with this UDC**

The proposed use and development shall comply with all applicable standards in this UDC, unless the standard is lawfully modified or varied.

**B. Compliance with Other Applicable Regulations**

The proposed use and development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

**C. Compliance with Engineering Standards and Utilities**

The proposed use and development shall comply with standards for roadway design and construction, access, drainage, water, sewer, emergency/fire protection, and others established by federal, state, county, service district, City, Colorado Springs Utilities, and other regulatory authorities. Utility services must be connected as required by this UDC.

**D. Compliance with Prior Approvals**

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any Annexation Agreement, Land Use Plan, or approved phasing plan for development and installation of public improvements and amenities.

**7.5.410 Conditions on Approvals****A. General**

In conjunction with approval of an application under this UDC, the decision-making body may require conditions which are reasonable and necessary in order to further the purpose of this UDC as provided in Subsection B below.

**B. Conditions**

1. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development, or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and this UDC.
2. When conditions are imposed by the Manager or other decision-making body, the Manager shall determine when the conditions have been met.

**C. Effect of Violation of Conditions**

Violations of conditions attached to an approved application is a violation of this UDC.

**7.5.411 Final Decisions**

- A.** Administrative Decisions made pursuant to this Article 7.5 shall be final unless the decision is referred to the Planning Commission pursuant to Section 7.5.408 (Referral to Planning Commission, FBZ Review Board, or Historic Preservation Board) or appealed to the Planning Commission pursuant to Section 7.5.415 (Appeals). The date of final administrative decision shall be the date of the approval or denial letter on the application.
- B.** For decisions made by the Planning Commission, FBZ Review Board, Historic Preservation Board, or appealed to the City Council pursuant to this Article 7.5, the date of final decision by one of those bodies shall be the date of the final action taken, regardless of whether conditions were imposed as part of the decision.
- C.** No person may file an appeal of a decision made pursuant to this UDC to the courts under rule 106 of the Colorado Rules of Civil Procedure until the decision has first been appealed to that body or those bodies shown in Table 7.5.1-A and that appeal has been resolved. The failure of any person to file an appeal in accord with the provisions of Section 7.5.415 (Appeals) shall constitute a waiver of the applicant's or a party in interest's right to appeal to the courts under rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.

**7.5.412 Vested Rights****A. Establishment of Vested Rights**

- 1.** A "vested property right," as used in this Section, means the right to undertake and complete development and use of property under the terms and conditions of approval at the time of vesting.
- 2.** A vested property right shall accrue following approval of a Development Plan and shall be subject to any terms and conditions imposed at the time of approval.

**B. Additional Provisions**

- 1.** The vesting period for a Development Plan shall be six (6) years unless a Building Permit is issued prior to that date, or the vesting period is extended in the FBZ district pursuant to Subsection 7.2.306G (Regulatory Incentives).
- 2.** Vested property rights may be changed through a Development Agreement between the City and affected landowner. City Council, in its legislative capacity, may change vested property rights for public health, safety, and welfare reasons.
- 3.** Vested property rights are subject to applicable ordinances, resolutions, and regulations that are general in nature and applicable to a broad class of properties.
- 4.** Only approval of Development Plans may result in the creation of a vested right under this Section. Any modification of an approved Development Plan does not change the effective or expiration date of a vested right.

**7.5.413 Limitation on Similar Application**

- A.** If an application or appeal has been decided, no same or similar application on all or part of the same land shall be submitted within twelve (12) months after the date of denial.
- B.** The applicant may apply to the Manager for an exception to this limitation if the following apply:
  - 1.** Because of a change of circumstances, the existing zoning precludes the use of the property for any purpose to which it may be reasonably adapted;
  - 2.** For a Short Term Rental Permit Application pursuant to Subsection 7.3.301.C (Short Term Rentals), surrounding permits have expired such that the application may meet spacing requirements;
  - 3.** The landowner is deprived of all reasonable uses of the land; or
  - 4.** The land is not susceptible to any reasonable use under the existing zoning.

**7.5.414 Development Agreements**

In all zone districts:

- A.** The Manager may require, or the applicant may request and the Manager may agree, that the City and the applicant enter into a Development Agreement related to an application to ensure that the proposed development or related improvements, amenities, conditions, or other matters are completed as required at the time of approval of an application as required by this UDC or other plans, policies, regulations of the City.
- B.** A Development Agreement may include the parties agreement on any matter related to the proposed development or related improvements, amenities, conditions, or other matters, including without limitation, the timing and phasing of development or improvements and the duration of any vested rights beyond the time period stated in Section 7.5.412 (Vested Rights), that are within the City's authority pursuant to the City's Charter, applicable ordinances, and the provisions of state and federal law.
- C.** A Development Agreement may include the following information, as applicable:
  - 1.** The project, property, and improvements covered by the Development Agreement;
  - 2.** The term or duration of the Development Agreement;
  - 3.** The specific date or event after which an improvement becomes a required improvement;
  - 4.** The requirement for an assurance to be posted by the date an improvement is required to be completed, as well as the amount of each required assurance;
  - 5.** The specific or determinable date or event when each required improvement must be completed;
  - 6.** The conditions under which draws on or against the assurance will be permitted in the absence of a default, and any administrative costs that must be paid when draws are taken;
  - 7.** Any other terms and conditions the parties determine are appropriate in light of the nature of the project and the types of obligations included in the Development Agreement and the following events of default;
    - a.** The Manager determines that an improvement was not completed by the improvement completion date;
    - b.** An assurance is not posted by the date an improvement becomes required; and

- c. The entity issuing the assurance fails to deliver the funds to the City within fourteen (14) days of the date the Manager certifies that an improvement was not constructed by the improvement completion date.
- D. Development Agreements shall be approved by the Manager following referral to any City departments or agencies whose facilities, services, or duties are affected by the content of the proposed Development Agreement.

#### 7.5.415 Appeals

##### A. General Requirements

###### 1. Right to Appeal

- a. An Affected Party aggrieved by an appealable administrative decision made by the Manager or other City official under this UDC may appeal the decision, except where appeals are specifically barred under this UDC.
- b. For purposes of this Section, an Affected Party is:
  - (1) The applicant for the decision being appealed;
  - (2) The owner or tenant of a lot or parcel of land located within one thousand (1,000) feet of the subject lot; or
  - (3) Any owner or tenant of a lot or parcel of land located within two (2) miles of the subject property who has preserved standing by:
    - (a) Testifying at the public hearing on the application;
    - (b) Submitting written comments prior to the public hearing on the application; or
    - (c) In the case of applications approved by the Manager or an administrative official, submitting written comments to the Manager or administrative official during the comment period before the Manager or administrative official's action.

###### 2. Notice of Appeal

- a. The notice of appeal shall state:
  - (1) The specific provision(s) of this UDC that is the basis of the appeal;
  - (2) Which of the following criteria for reversal or modification of the decision is applicable to the appeal:
    - (a) The decision is contrary to the express language of this UDC;
    - (b) The decision is erroneous; or
    - (c) The decision is clearly contrary to law; and
  - (3) Describe how the criteria for the relevant application have or have not been met.
- b. A recommendation to City Council to approve an application shall not be the basis for an appeal.
- c. As a preliminary matter, the body hearing the appeal may choose to vote on the sufficiency of the appeal to determine if the appeal has met the requirements of this Subsection. Upon a finding of insufficiency by a majority of the body hearing the appeal, the appeal shall be rejected, and no hearing held.

###### 3. Complete Appeal Required

Any person pursuing an appeal subject to this Section 7.5.416 (Appeals) shall complete all forms pursuant to Section 7.5.403 (Application Submission) and the payment of all fees required by

Section 7.5.404 (Fees). Failure to pay any required fee or to properly complete any required form within the time provided shall be deemed a waiver of the right to appeal.

**4. Failure to appeal**

An Affected Party shall file a written notice of appeal with the City within ten (10) days from the date of the final decision. The failure to appeal an appealable decision within ten (10) days of the decision shall be deemed a waiver of right to appeal to the courts under rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative the remedies.

**5. Stay of Decision**

A perfected appeal to a City appellate body operates as a stay of the decision unless the Manager certifies in writing that one of the following apply:

- a. A stay would cause or result in an imminent hazard to public health, safety, and welfare; or
- b. The appeal or violation of this UDC relates to a current or proposed activity that is of such a short term nature that by the time an appeal hearing is held, the activity or violation will have been concluded, terminated, or moved to another site. The time frame in which violations of this nature operate is such that a stay of proceedings will make the enforcement process ineffective. Examples of short term violations include, but are not limited to, temporary vendors, promotional events, and temporary signs.

**6. Scheduling of Hearing**

Upon receiving a complete notice of appeal and payment of fee, the City shall schedule a public hearing on the agenda of the next regular meeting of the appellate body that is at least twenty (20) days after receipt of the appeal.

**7. Record on Appeal**

On appeal the entire file of the Planning Department pertaining to the matter shall be made a part of the record. The file must include at a minimum, the minutes of any related hearings, maps, drawings, reports, and applications.

**8. Further Appeals**

Appeals decided by the Planning Commission, Historic Preservation Board, or FBZ Review Board may be further appealed to the City Council, unless the matter is remanded to the City official or body that made the decision that is the subject of the appeal.

**9. Final Decision**

On appeals to City Council, the decision of the City Council is a final decision and may be subject to review by the courts under rule 106 of the Colorado Rules of Civil Procedure and other applicable rules and statutes, unless the matter is remanded to the body that made the appealed-from decision.

**B. Decisions of the Manager or Other City Official**

**1. Appellate Body**

Appeal shall be made to the Planning Commission except in the following cases:

- a. If the appeal relates to an FBZ regulating plan, the appeal shall be made to an FBZ Review Board;
- b. If the appeal relates to a decision made by the Stormwater Enterprise Manager, the appeal shall be made to the Public Works Director;
- c. If the appeal relates to a decision made by the City Engineer pursuant to this Code, the appeal shall be made to the Public Works Director pursuant to those procedures for appeals of City Engineer decisions in Section 7.5.1006 (Appeals); or

- d. If the appeal relates to a decision of the Manager regarding a WCF Small Facility or a WCF Eligible Facilities Request, the appeal shall be subject to review by the courts under rule 106 of the Colorado Rules of Civil Procedure and other applicable rules and statutes.

## 2. Procedure and Effect of Appeal

- a. In all cases except appeals of decisions under Subsection 1.b above, the Manager shall place the appeal on the calendar of the Planning Commission or FBZ Review Board, as applicable, for the next regularly scheduled meeting that is more than twenty (20) days after the City's receipt of the notice of appeal.
- b. For an appeal of a decision made by the Stormwater Enterprise, the Manager shall refer the appeal to the Public Works Director.

## C. Hearing Procedure

### 1. Standard of Review

The appellate body may hear the appeal de novo or may limit the hearing to matters raised on appeal.

### 2. Decisions

Following review by the appellate body, the appellate body may affirm, reverse, modify the decision of the decision-making body, or remand the item back to the decision-making body for further consideration.

### 3. Postponement

- a. Any request for postponement of a hearing may only be granted for good cause shown to and found by the decision-making body.
- b. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the body that made the appealed-from decision for further hearing and recommendations.

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## 7.5.5 ADMINISTRATIVE DECISIONS

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### 7.5.501 General

- A. This Part 7.5.5 describes the types of applications under this UDC that may be approved administratively by the Manager without the need for a public hearing.
- B. This Part 7.5.5 also describes the circumstances under which an application listed in this Part may require approval by the Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council because of the size or complexity of the proposed development, the combination of related applications submitted for the development, or the context in which the application was submitted. In such cases, the listing of the application as an "administrative decision" in this Part shall not be deemed a substantive inconsistency with text or flowcharts requiring higher level review, and the provisions for review by the Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council shall apply.
- C. Unless otherwise stated in this Part 7.5.5, the General Provisions in Part 7.5.4 apply to these administrative decisions without being restated in this Section. In the event of a conflict between the General Procedures in Part 7.5.4 and more specific procedures in this Part 7.5.4, the provisions in this Part 7.5.5 shall apply.



## Permits

### 7.5.502 Adult Use Permit

#### A. Purpose

The purpose of this Section is to provide a mechanism for enforcement of the regulations that apply to Adult Retail and Adult Entertainment uses in this UDC.

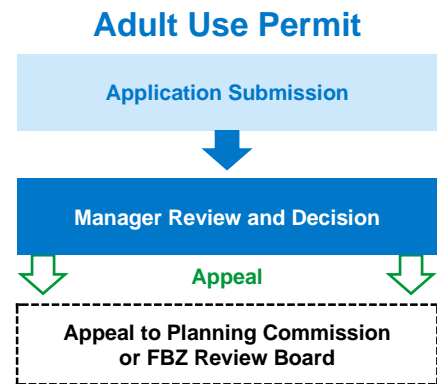
#### B. Applicability

Approval of an Adult Use Permit shall be required before any Adult Retail or Adult Entertainment use is conducted within the City.

#### C. Adult Use Permit Process

##### 1. Meetings and Decision

- a. The Manager shall review the Adult Use Permit application and shall approve, approve with conditions, or deny the petition based on the following criteria:
  - (1) Compliance with the review criteria in Section 7.5.409 (General Criteria for Approval);
  - (2) Compliance with the use-specific standards applicable to Adult Entertainment uses (Subsection 7.3.303B.1) and Adult Retail uses (Subsection 7.3.303G.1), as applicable;
  - (3) The subject property contains off-street parking in accord with the requirements of Part 7.4.10 (Parking and Loading);
  - (4) The building in which the use will take place has a Certificate of Occupancy which meets the requirements of Section RBC110 of the Building Code; and
  - (5) The facility holds valid local and State business licenses and local and State sales tax licenses, as applicable.
- b. The Manager shall make a decision within ninety (90) days after receiving a complete application.



### 7.5.503 Building Permits and Certificates of Occupancy

#### A. Purpose

The purpose of the Building Permit and Certificate of Occupancy procedure is to ensure compliance with all applicable provisions of this UDC, the Regional Building Code, and any applicable Utility Codes and City of Colorado Springs Fire Prevention Code and Standards.

#### B. Applicability

1. It shall be unlawful to perform any work for which a building permit is required under Section RBC105.1 of the Regional Building Code without first obtaining a building permit.
2. A building permit shall not be issued for the construction or reconstruction of structures upon any land, or the addition to any building or structure situation on any land, unless one of the following applies:
  - a. The lot is platted;
  - b. A Waiver of Replat was issued for the land (see Section 7.5.522 (Waiver of Replat));

- c. The applicant has acquired an administrative approval under Section 7.5.509 (Site Plan to Unplatted Lands);
  - d. The proposed alteration is limited to repair or modification of the interior of the structure, commonly known as an interior remodel, or modification of other structural elements exterior to but attached as part of the structure, such as roofing, windows, doors, siding, porch, stoop, stairway, deck, and patio/porch cover;
  - e. The property is a Lot of Record and one of the following apply:
    - (1) The addition to the principal structure is no larger than fifty (50) percent of the principal structure gross floor area; or
    - (2) The gross floor area of the addition of a detached accessory structure(s) is no larger than one hundred (100) percent of the gross floor area of the principal structure ; or the addition of a deck(s) or patio/porch cover(s) or both.
  - f. The construction takes place on public park lands and all the following apply:
    - (1) The property is in the PK or PF zone district;
    - (2) The park was deeded to the City prior to January 1, 1990;
    - (3) A detailed site plan with required dimensions is submitted with the Building Permit application and shows the existing site improvements and the proposed improvements in relation to the site and adjacent properties;
    - (4) The proposed structure benefits the public in general; and
    - (5) The structure will not require a street extension.
3. A Building Permit may be withheld until utilities critical to the site are installed.
4. It is unlawful to commence occupancy of a structure unless a Certificate of Occupancy has been issued.

**C. Building Permit Process**

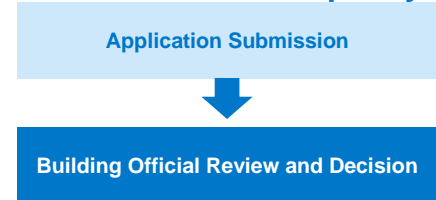
**1. Application Submission**

Applications for building permits shall be submitted to the Building Official. If a Development Plan is required for the development in accordance with Section 7.5.515 (Development Plan), an approved Development Plan shall be submitted with the building permit application.

**2. Decision by Building Official**

The Building Official shall approve an application for a Building Permit only upon determining that the application complies with all applicable requirements. No Building Permit shall be issued until all applicable utility and subdivision fees have been paid.

**Building Permit or Certificate of Occupancy**



**D. Certificate of Occupancy Process**

**1. Application Submission**

Applications for Certificates of Occupancy shall be submitted to the Building Official.

**2. Decision by Building Official**

The Building Official shall issue a Certificate of Occupancy if the Official determines that the structure complies with all City codes and ordinances and the relevant provisions of the Regional Building Code, including Section RBC110 of the Regional Building Code.

### 7.5.504 Coordinated Sign Plan

#### A. Purpose

The purpose of this Section is to allow for approval of signage plans for a development that varies from the requirements of Part 7.4.13 (Signs).

#### B. Applicability

The Coordinating Sign Plan procedure applies to development eligible for a Coordinated Sign Plan in accord with Section 7.4.1308 (Coordinated Sign Plan).

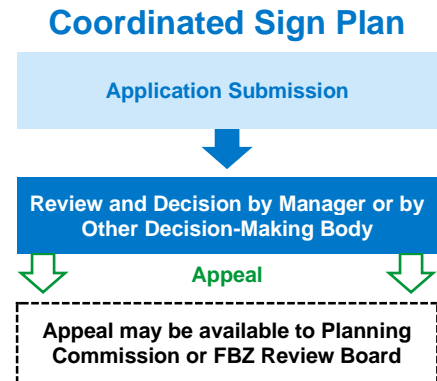
#### C. Coordinated Sign Plan Process

##### 1. Application Submission

In addition to the requirements of Section 7.5.403 (Application Submission), an application for approval of a Coordinated Sign Plan shall contain the information required in Section 7.4.1308 (Coordinated Sign Plan).

##### 2. Meeting and Decision

- a. The Manager shall review the Coordinated Sign Plan application and shall approve, approve with conditions, or deny the application based on the following criteria:
  - (1) Compliance with Section 7.4.1308 (Coordinated Sign Plan); and
  - (2) Compliance with Section 7.5.409 (General Criteria for Approval)
- b. If the Coordinated Sign Plan application is submitted in conjunction with an application that requires review and approval by the Planning Commission, FBZ Review Board, or City Council, such as a Development Plan in conjunction with a zoning map amendment, the Coordinated Sign Plan application shall be reviewed and decided by the decision-making body in conjunction with the other application.



### 7.5.505 Front Yard Carport Permit

#### A. Purpose

The purpose of the Front Yard Carport Permit is to facilitate the permitting of front yard carports while retaining the character of residential neighborhoods and ensuring that the standards of Subsection 7.3.304C (Carport or Garage, Accessory) are met.

#### B. Applicability

Approval of a Front Yard Carport Permit is required before erecting a carport in the front yard setback of a property.

**C. Front Yard Carport Permit Process**

**1. Notice Required**

The Manager shall notify vicinity property owners of the application by mailed notice, pursuant to Subsection 7.5.406D.3 (Mailed (Letter) Notice).

**2. Manager’s Decision**

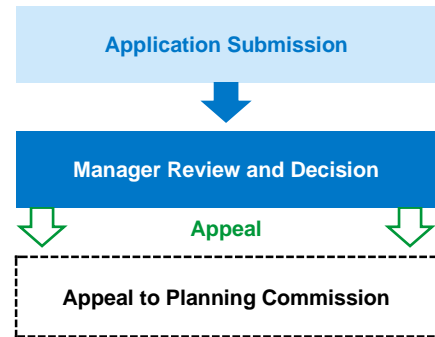
The Manager shall review the Front Yard Carport Permit application and within ten (10) business days after the determination of application completeness and shall approve, approve with conditions, or deny the petition based on the following criteria:

- a. Compliance with the standards applicable to carports in the front-yard setback in Subsection 7.3.304C (Carport or Garage, Accessory); and
- b. Compliance with the Section 7.5.409 (General Criteria for Approval).

**3. Post-Decision Actions and Limitations**

A Front Yard Carport Permit shall expire if construction of the carport has not commenced within one (1) year of the date on which the permit was issued, or after the use commences shall expire upon the subsequent removal or destruction of the carport.

**Front Yard Carport Permit**



**7.5.506 Grading and Erosion Control Permit**

**A. Purpose**

The purpose of this Section is to allow for review of a plan for land disturbance or other activity on a property that will have impacts to grading and erosion control and to assure compliance with Part 7.4.6 (Grading and Erosion Control).

**B. Applicability**

The provisions of this Section apply to all construction activities within the City.

**C. Grading and Erosion Control Permit Process**

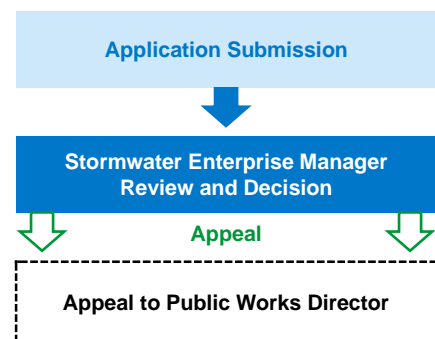
**1. Application Submission**

The application shall include all materials required in the Engineering Criteria.

**2. Meetings and Decision**

The Stormwater Enterprise Manager shall review the grading and erosion control application and approve, approve with conditions, or deny the application for a Grading and Erosion Control (GEC) Permit or an Associate GEC Permit based on compliance with the standards in Part 7.4.6 (Grading and Erosion Control) and the Engineering Criteria.

**GEC Permit**



**7.5.507 Home Occupation Permit**

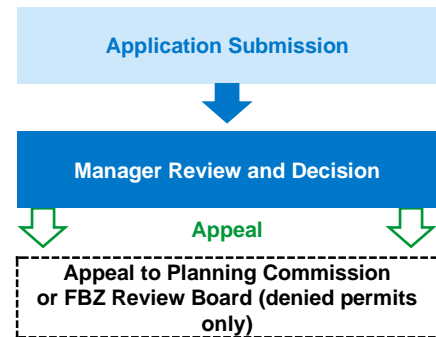
**A. Purpose**

This Section is intended to accommodate the desire of owners or occupants of residential dwelling units to operate accessory home occupations within their residences while mitigating the impacts on neighboring residents and ensuring that there are no substantial adverse effects on the residential character of the residential zone district.

**B. Applicability**

1. All Home Occupations shall comply with the standards pursuant to Subsection 7.3.304I (Home Occupation, Accessory).
2. A Home Occupation Permit shall be obtained prior to the establishment of a home occupation that:
  - a. Has customers who enter upon the property;
  - b. Generates excessive traffic; or
  - c. Requires a Federal or State license or permit to operate, including the production or sale of firearms or ammunition.

**Home Occupation Permit**



**C. Home Occupation Permit Process**

**1. Manager’s Decision**

- a. The Manager shall review the Home Occupation Permit application and approve, approve with conditions, or deny the petition in accordance with Subsection 7.5.407D.1 (Manager), the standards applicable to home occupations in Subsection 7.3.304I (Home Occupation, Accessory), and the review criteria in Section 7.5.409 (General Criteria for Approval).
- b. Only a denied Home Occupation Permit may be appealed to the Planning Commission.

**2. Post-Decision Actions and Limitations**

The Manager’s decision on a Home Occupation Permit application is subject to the following:

**a. Change in Operation**

If any of the following occur after the approval of a Home Occupation Permit, the applicant shall submit a new application indicating the new or altered home occupation use, and the Manager shall review and make a decision on that home occupation in compliance with the standards applicable to home occupations in Subsection 7.3.304I (Home Occupation, Accessory):

- (1) Any change in the approved home occupation’s operation, including but not limited to expansion of the approved use;
- (2) Any change in the approved home occupation’s scope of business; or
- (3) Any change to a permitted home occupation use that differs from the home occupation use that was originally established.

**b. Expiration**

- (1) A Home Occupation Permit does not run with the property but is issued to the specific owner of the property in a specific location. The permit shall expire upon sale or transfer of the property.
- (2) In the event of a sale or transfer of the property, if the property owner is relocating within the City and choosing to continue operations, a new Home Occupation Permit for the new location is required.

**7.5.508 Sign Permit**

**A. Purpose**

The purpose of this Section is to provide a mechanism for enforcement of the sign regulations in Part 7.4.13 (Signs) of this UDC to effectuate their purposes.

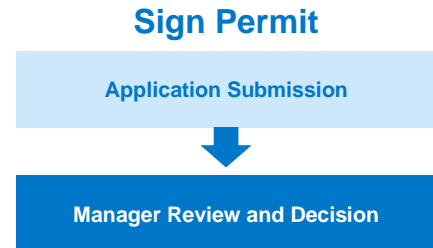
**B. Applicability**

Approval of a sign plan and issuance of a Sign Permit is required before erecting any sign as defined in this UDC and not exempted by Section 7.4.1303 (Exemptions). The use requesting the approval of a Sign Permit shall be legally established on the property for which the signage is being requested.

**C. Sign Permit Review Process**

**1. Application Submission**

In addition to the requirements of Section 7.5.403 (Application Submission), a Sign Permit application shall meet the requirements of Subsection 7.4.1304B (Plan Requirements).



**2. Manager’s Decision**

No Sign Permit shall be issued until a Building Permit has been issued, if applicable, in accord with Subsection 7.4.1304G (Issuance of Building Permit). The Manager shall review the application and approve, approve with conditions, or deny the application in accord with the standards in Part 7.4.13 (Signs), and the review criteria in Section 7.5.409 (General Criteria for Approval).

**7.5.509 Site Plan to Unplatted Lands**

**A. Purpose**

The purpose of this Section is to allow new development or the modification of existing structures on unplatted lands in certain circumstances.

**B. Applicability**

1. This Section applies only to land that meets one or more of the following conditions:
  - a. Land that was developed and within the City on February 13, 1951;
  - b. Land that was annexed to the City after February 13, 1951, but unplatted because platting was not required at the time that the land was developed;
  - c. A developed parcel of land that was created in El Paso County no later than September 1, 1972; or
  - d. Land that was owned by the City and used for park and recreation purposes prior to January 1, 1990.
2. Building Permits shall be issued without requiring platting only for a structural addition to one (1) or more buildings that exist on the property if:
  - a. The addition will comply with the provisions of this UDC;
  - b. The addition constitutes no change in land use;
  - c. The addition will not require street extension;
  - d. The addition will not intrude upon setback lines determined by the Traffic Engineer to accommodate any proposed rights-of-way;
  - e. Drainage fees are paid on proposed addition or previous additions that results in an increased floor area exceeding fifty (50) percent the area of the structure(s) existing on July 18, 1975, or the date of annexation if annexation is after July 18, 1975; and
  - f. The owner agrees to dedicate any rights-of-way that would normally be required as a condition of a platting. If dedication is required, the owner shall dedicate the right-of-way by

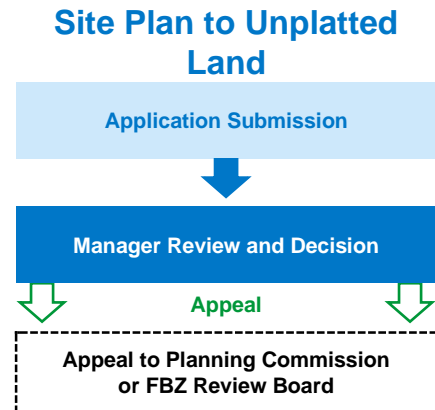
a separate deed and pay for the preparation and recording of the deed after such deed is approved by City Real Estate Services.

**C. Site Plan to Unplatted Land Review Process**

**1. Application Submission**

The applicant shall submit the number of copies of a site plan with dimensions as required by the Manager, each of which shall include:

- a. The legal description of the property, taken from the deed to the property, and the recording information (book and page or reception number) of that deed;
- b. All existing lot lines and easements with dimensions;
- c. All existing utilities located on the site, clearly labeled;
- d. Adjacent rights-of-way with dimensions;
- e. Location, dimensions, and setbacks of all existing and proposed structures, if any, and their floor area;
- f. Owner’s name, address, and phone number;
- g. North arrow and scale;
- h. Information on all survey monuments recovered or set and used in determination of property boundaries; and
- i. A statement reading as follows:  
“Under the provisions of Section 7.5.509 of the Code of the City of Colorado Springs the ownership configuration detailed on this site plan is eligible for the issuance of a Building Permit on unplatted land. Compliance with all other applicable requirements of the City of Colorado Springs and the Regional Building Department is required. Approval of this request pertains only to the application submitted and does not release the applicant from complying with other requirements.”



**2. Manager Action**

The Manager shall approve the request only if the request complies with requirements of this Section. If the Manager approves the request, the applicant will be provided a signed copy of the submitted plan. If the Manager denies the request, the Manager shall notify the applicant of the reasons for denial.

**7.5.510 Short Term Rental Permit**

**A. Purpose**

The purpose of this Section is to facilitate the permitting of Short Term Rental subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.

**B. Applicability**

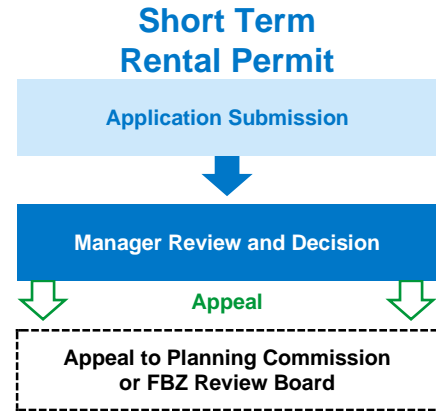
A Short Term Rental Permit shall be required prior to the operation of any Short Term Rental.

**C. Short Term Rental Process**

**1. Application**

The application for a Short Term Rental Permit shall include the following:

- a. A safety self-inspection certification;
- b. A Sales Tax license customer ID;
- c. The name, address, and contact information, including a 24-hour contact phone number, for the owner, the owner’s property manager, or agent within El Paso County, or a Colorado Springs resident who can be contacted in the event of an emergency and respond within one (1) hour;
- d. Proof of insurance;
- e. Proof that the use-specific standards that apply to a Short Term Rental in Section 7.3.301C (Short Term Rental) will be met;
- f. Election of an owner occupied or non-owner occupied Short Term Rental Permit; and
- g. A statement that the owner has read and understands the rules and regulations for a Short Term Rental.



**2. Manager’s Decision**

The Manager shall review the Short Term Rental Permit application and within ten (10) business days after the determination of application completeness approve, approve with conditions, or deny the petition in accord with Subsection 7.5.407D.1 (Manager), the standards applicable to Short Term Rentals in Subsection 7.3.301C (Short Term Rental), and the review criteria in Section 7.5.409 (General Criteria for Approval).

**3. Post-Decision Actions and Limitations**

The Manager’s decision on a Short Term Rental Permit application is subject to the following:

- a. The Short Term Rental Permit is valid for one (1) year from the date of issuance and may be renewed for additional one (1) year periods; and
- b. The Short Term Rental Permit does not run with the property but is issued to the specific owner of the property. The permit expires upon sale or transfer of the property. The Permit shall not be transferred or assigned to another individual, person, entity, or address, but may be managed by a third party on behalf of the owner.

**7.5.511 Temporary Use Permit**

**A. Purpose**

The purpose of this Section is to provide a mechanism for enforcement of the temporary use regulations that apply to short-term, seasonal, and transient uses such as community festivals, fresh produce stands, and temporary promotions by permanent businesses, but does not apply to Short Term Rentals.

**B. Applicability**

- 1. A Temporary Use Permit shall be required prior to the establishment of any temporary use except:
  - a. Construction office or yard, temporary (included in Building Permit approval);
  - b. Garage sale, temporary; or
  - c. Outdoor display of goods, temporary (except as required by the use-specific standards at Subsection 7.3.305D (Outdoor Display of Goods, Temporary)).



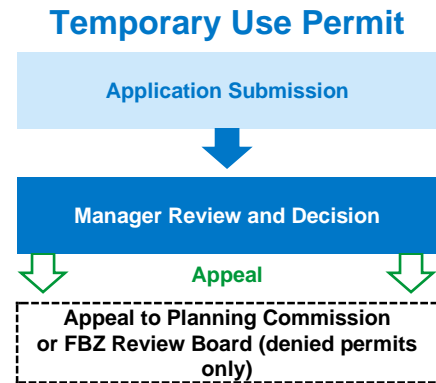
2. The Manager shall approve a Temporary Use Permit for an appropriate specified period not to exceed five (5) years. Upon expiration, a new Temporary Use Permit may be requested. If a use extends beyond one (1) year, a Conditional Use Permit may be granted, subject to requirements in Section 7.5.601 (Conditional Use Permit).

**C. Temporary Use Permit Process**

**1. Manager’s Decision**

The Manager shall review the Temporary Use Permit application and within three (3) business days after the determination of application completeness shall approve, approve with conditions, or deny the application based on its compliance with the standards applicable to temporary uses generally in Section 7.3.304 (Accessory Uses), any use-specific standards applicable to that particular temporary use, and the following criteria:

- a. The use will not be determinantal to the public health, safety, and general welfare, and is compatible with the purpose and intent of this UDC and the zone district in which it will be located;
- b. The use is compatible in intensity, characteristics, and appearance with existing land uses in the immediate vicinity of the proposed location, and the use, value, and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control, and hours of operation shall all be considered;
- c. The use is not on City-owned property unless the applicant first obtains approval of a revocable permit under Part 3.2.2 of the City Code authorizing such use;
- d. Display of merchandise for sale need not comply with the yard and setback requirements of this UDC provided that no merchandise shall be displayed within thirty (30) feet of the intersection of the curb line of any two (2) streets or within the required landscaped setback area;
- e. Adequate off-street parking meeting the standards in Part 7.4.10 (Parking and Loading) is provided to serve the use, and the use does not displace the required off-street parking spaces or loading areas of any principal permitted uses on the site; and
- f. A sales tax license is obtained from the City’s sales tax office for a temporary use involving the sale of tangible personal property or taxable services.



**7.5.512 WCF Eligible Facilities Requests**

**A. Purpose**

The purpose of this Section is to provide a mechanism for evaluating whether a change to an Existing Tower or Existing Base Station is an Eligible Facilities Request and for approving Eligible Facilities Requests.

**B. Applicability**

This Section applies to all proposed changes to Wireless Communication Facilities that the applicant seeks to qualify as an Eligible Facilities Request.

**C. Eligible Facilities Request Process**

**1. Application Submission**

The applicant shall submit the application on a form provided by the City that is limited to the information necessary for a determination of the eligibility for an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation. Such information may include, without limitation, whether the project:

- a. Would result in a Substantial Change; or
- b. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

**2. Determination of Application Completeness**

a. Applications shall be subject to a review period of sixty (60) days. The sixty (60)-day review period begins to run when the application is filed and may be tolled only by mutual agreement of the City and the Applicant, or in cases where the Manager determines that the application is incomplete. If the Manager determines that the application is incomplete:

- (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application and specifically identify all missing documents or information required in the application.
- (2) The timeframe for review continues running again when the applicant makes a supplemental written submission in response to the City’s notice of incompleteness.
- (3) Following a supplemental submission, the City shall notify the applicant within ten (10) days that the supplemental submission did not provide the missing information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection (1) above. In the case of a second or subsequent notice of incompleteness, the Manager may not specify missing information or documents that were not delineated in the original notice of incompleteness.

**WCF Eligible Facilities Request**



b. For purposes of determining if a constructed Tower or Base Station is Existing, the Tower or Base Station shall be presumed to have not been approved under a zoning or siting process, or other regulatory review process, unless a Building Permit or other proof of such process is provided by the applicant or by the City.

**3. Manager’s Decision**

If the Manager determines that the request is an Eligible Facilities Request, the Manager shall approve the application. If the Manager determines that the Applicant’s request is not an Eligible Facilities Request, the Manager shall deny the application, and, notwithstanding any other provision in this UDC, the applicant may immediately submit an application for modification of the WCF. Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

**4. Post-Decision Actions or Limitations**

If the Manager denies an application for an Eligible Facilities Request at least fifteen (15) days prior to the expiration of the review period, the applicant may request reconsideration of the application by submitting a written objection that identifies clear error on the part of the Manager

at least ten (10) days prior to the expiration of the review period. If the Manager does not approve the application in writing upon reconsideration, the original denial shall stand as the final decision of the Manager.

### 7.5.513 WCF Permit

#### A. Purpose

The purpose of this Section is to ensure that Wireless Communication Facilities that are installed within the City comply with the standards of this UDC, including the use-specific standards in Subsection 7.3.303I.1 (Wireless Communication Facility).

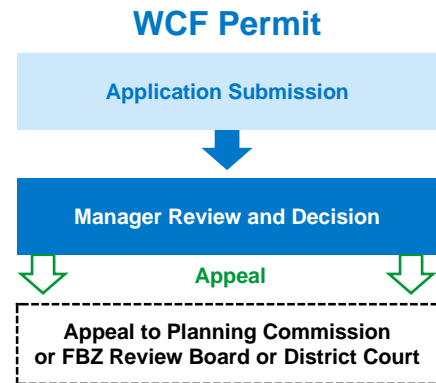
#### B. Applicability

The WCF Permit procedure applies to all WCFs that are subject to the standards of Subsection 7.3.303I.1 (Wireless Communication Facility).

#### C. WCF Permit Process

##### 1. Application Submission

- a. In addition to the appropriate application form identified in Table 7.5.5-A, the applicant shall submit with the application:
  - (1) A Signal Non-Interference Letter;
  - (2) A Radio Frequency Emissions Letter;
  - (3) A lease, license, or other written permission from the owner of the site;
  - (4) A scaled site plan, photo simulations (before and after), scaled elevation view, and line-of-sight drawing/rendering;
  - (5) If the application is for a new WCF, a Collocation Letter;
  - (6) Other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Manager to be necessary to assess compliance with this Section; and
  - (7) Except for Small Cell Facilities in the right-of-way, prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of twelve (12) months.
- b. For the first WCF application submitted to the City in a calendar year, the applicant shall provide to the Manager a narrative and map description of the applicant's existing or then-currently proposed WCFs within the City. If possible, this will include a before-and-after graphic or map showing coverage changes by the installation of the WCF. This provision is not intended to be a requirement that the applicant submit its business plan or proprietary information, or make commitments regarding locations of WCFs within the City. It is intended to allow all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users. The requirement of any inventory of existing sites may be satisfied for Small Cell Facility applications through a master license agreement or similar authorization executed with the City.



- c. The Manager may share such information with other applicants applying for administrative approvals or conditional permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Table 7.5.5-A WCF Application Forms	
Facility Type [1]	Application
<b>Residential Zone Districts</b>	
Nonstealth freestanding facility [2]	CM1 [3]
Roof/wall mount: [4]	
10 feet or less above roofline [5]	CM3 [6]
More than 10 feet above roofline and less than the maximum height of zoning district	CM2 [7]
Located on single- and two-family dwelling units	CM1 [3]
Stealth freestanding facility [2]	CM2 [7]
<b>Mixed-Use and Nonresidential Zone Districts</b>	
Broadcasting tower	CM1 [3]
Collocation on existing facility [8]	CM3 [6]
Nonstealth freestanding facility [9]	CM1 [3]
Roof/wall mount:	
10 feet or less above roofline [5]	CM3 [6]
More than 10 feet above roofline	CM2 [7]
Stealth freestanding facility: [2]	
Equal to or less than maximum height of zone district	CM2 [7]
Located within utility substations or within utility easements and exceeding the height of other vertical infrastructure by more than 4 feet	CM1 [3]
Small Cell Facilities in the right-of-way	CM5 [10]
<b>NOTES</b>	
<p>[1] Eligible Facilities Requests application requirements are addressed in Section 3 (WCF Eligible Facilities Requests).</p> <p>[2] Within residential zones, applications for freestanding facilities (stealth and nonstealth) shall only be considered on multi-family, institutional, or nonresidential sites such as churches, schools, museums, etc. Except for Small Cell Facilities, freestanding facilities are not permitted in conjunction with a single- or two-family building.</p> <p>[3] Conditional use (CM1) applications shall be subject to Planning Commission review as a conditional use in accordance with Section 7.5.601 (Conditional Use).</p> <p>[4] Except with respect to Small Cell Facilities, roof/wall mount on single- and two-family buildings shall only be permitted as a conditional use where the design, materials, color, and location of the facilities blend in architecturally with the wall and substantially conceals the antennas and equipment.</p> <p>[5] The 10-foot extension above the building is allowed to exceed the maximum height limitation of the zone district if screened by existing screens or parapets as provided for in the design standards.</p> <p>[6] WCF Development Plan (CM3) applications shall be subject to expedited administrative review in accord with the procedures in Section 7.5.515 (Development Plan). No public notice or site posting shall be required unless determined to be necessary by the Manager.</p> <p>[7] WCF Development Plan (CM2) applications shall be subject to administrative review in accord with the procedures in Section 7.5.515 (Development Plan). The findings of this Section and notice shall be provided as required by this UDC.</p> <p>[8] Except for Eligible Facilities Requests, the collocation height shall be restricted to the maximum height of the zone district. If the height exceeds the maximum height of the zone district, an Administrative Waiver in accord with Subsection 7.3.303I.1.f(10) (Administrative Waiver) shall be required.</p> <p>[9] In the APD and PF zone districts, a nonstealth freestanding facility requires a CM2 Development Plan application.</p>	

Table 7.5.5-A WCF Application Forms	
Facility Type [1]	Application
[10]	Small Cell Facilities in the right-of-way (CM5) applications shall be subject to administrative review in accordance with the procedures and findings of this article. No public notice or site posting shall be required unless determined to be necessary by the Manager.

## 2. Determination of Application Completeness

### a. Review Periods

- (1) Subject to tolling as provided in Subsection b below, and unless a longer review period is agreed to by the applicant, applications for WCF shall be subject to the following review period:
  - (a) For a new WCF other than a Small Cell Facility in the right-of-way, one hundred and fifty (150) days.
  - (b) For a Small Cell Facility in the right-of-way, ninety (90) days.
  - (c) For modifications to, or collocations with, existing WCFs that do not qualify as an Eligible Facilities Request, ninety (90) days.
- (2) The City's failure to meet the review period shall not be deemed approval of the application.

### b. Tolling of Review Period

- (1) The review period begins to run when the application is filed and may be tolled where the City determines that the application is incomplete, or by mutual agreement of the City and the applicant.
- (2) To toll the review period for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application.
- (3) The timeframe for review period continues running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

## 3. Manager's Decision

The Manager shall review the WCF Permit application and shall approve, approve with conditions, or deny the petition in accord with Subsection 7.5.407D.1 (Manager), the provisions of this Section 7.5.513, the use-specific standards in Subsection 7.3.303I.1 (Wireless Communication Facility), and the review criteria in Section 7.5.409 (General Criteria for Approval). Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

## 4. Post-Decision Actions or Limitations

The following provisions apply following the Manager's decision to approve or approve with conditions an application:

- a. The Manager's decision regarding a WCF Permit for a small cell facility may not be appealed pursuant to Section 7.5.415 (Appeals).
- b. An approved application for a Small Cell Facility in the right-of-way shall expire after one (1) year if construction of the Small Cell Facility has not been substantially completed.
- c. Upon approval, all installation or modifications done to WCFs must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in the City Code and any other applicable laws or regulations.
- d. All WCFs shall:

- (1) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction over the WCF;
  - (2) Comply with existing entitlements for the underlying real property;
  - (3) Be maintained in good working condition and to the standards established at the time of application approval; and
  - (4) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than thirty (30) days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other City-owned property may be removed by the City at its discretion and without liability to the City upon fourteen (14) days' notice to the owner/and or operator of the WCF. The owner and/or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the City.
- e. Upon request by the City, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements, and standard regulations.

## Land Use Plans and Development Plans

### 7.5.514 Land Use Plan

#### A. Purpose

A Land Use Plan is used to review the impact of the proposed land uses on surrounding development early in the project planning process. Land Use Plans contain an outline of a proposed zone district or project that shows land uses, development intensities and densities, access points, green space or public open space systems, and areas that should be preserved or protected.

#### B. Applicability

##### 1. General

A Land Use Plan is required in connection with the following types of applications and shall be approved before or simultaneously with the following types of applications:

- a. An application to annex land into the City.
- b. An application to establish or change the boundaries of any zone district, unless specifically waived pursuant to Subsection 3 below.

##### 2. Expiration and Modification of Previously Approved Plans

A Master Plan or Concept Plan approved prior to the Effective Date shall not expire unless the Master or Concept Plan includes an expiration date. Modifications to adopted Master Plans or Concept Plans may be processed pursuant to Section 7.5.516 (Modification of Approved Applications).

##### 3. Waiver by Manager and Land Use Statement

- a. The Manager may waive the requirement for approval of a Land Use Plan if the Manager determines that requiring approval of a Land Use Plan would not serve the purposes of this Section or the UDC because:

- (1) The land area under review is less than ten (10) acres and is planned to be developed in a single phase;

- (2) The land is contained in and subject to a previously approved Master or Concept Plan;
  - (3) The land is included in a Development Plan application;
  - (4) The land area is part of an established surrounding development pattern;
  - (5) The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or
  - (6) Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed.
- b. An applicant requesting a Land Use Plan waiver shall submit a Land Use Statement demonstrating that the application complies with the criteria for a waiver outlined in Subsection a above. The Manager’s decision on the Land Use Statement shall be in writing and may not be appealed.

**C. Land Use Plan Approval Process**

**1. Application Submission**

**a. General Requirements**

In addition to the application submission requirements in Section 7.5.403 (Application Submission), the following items shall be included in an application submission unless the Manager determines that the required information is not necessary due to the scope of the Land Use Plan.



**(1) Project Statement**

The proposed application shall include a statement identifying and demonstrating:

- (a) The development’s proposed land uses, housing densities (if applicable), and development intensity; and
- (b) Evaluation of how the Plan meets Land Use Plan review criteria.

**(2) Access Nodes**

The proposed Land Use Plan must indicate points of access, ingress, and egress.

**(3) Roadway System**

The proposed Land Use Plan must indicate internal connections from proposed access nodes.

**(4) R-Flex and PDZ Districts**

For development that is proposed in an R-Flex district or a PDZ district, the proposed Land Use Plan shall indicate:

- (a) The proposed overall housing density and the locations of different housing types; and
- (b) The location of green space, recreational facilities, or other common amenities as applicable.

**(5) Use Types**

For development that is proposed in an MX district or a PDZ district, the proposed Land Use Plan shall indicate the location of use types permitted within the proposed development.

**(6) Residential Proposals**

For residential proposals, the proposed Land Use Plan shall demonstrate how the land dedication requirements in Sections 7.4.307 (Park Land Dedications) and 7.4.308 (School Site Dedications) have been or will be met.

**(7) Fiscal Analysis for Proposed Land Use Plan**

A Land Use Plan that accompanies a request for annexation shall include the following information and demonstrate compliance with the following standards:

- (a) A fiscal impact analysis and a calculation of total costs to the City to provide infrastructure to the proposed development for a period of at least ten (10) years;

**(8) Land Suitability Analysis**

The proposed Land Use Plan shall include a Land Suitability Analysis if required in accord with Sections 7.2.603 (SS-O: Streamside Overlay) and 7.2.610 (HS-O: Hillside Overlay).

**(9) Geohazard Hazard Study**

The proposed Land Use Plan shall include a Geologic Hazard Study if required in accord with Part 7.4.5 (Geological Hazards).

**(10) Phasing Plan**

If the applicant wishes to phase development within a Land Use Plan area, the application shall include a phasing plan reflecting the established maximum residential density or mixed-use or nonresidential development intensity within the applicable zone district.

**b. Zone Specific Requirements**

Additional requirements and criteria for the Land Use Plan may be contained in the description of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

**2. Decision-Making Body**

- a. Except as noted in Subsection b below, all Land Use Plans shall be reviewed and decided by the Manager based on the criteria in Subsection 3 below.
- b. Land Use Plans submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed by the Planning Commission and City Council and a decision made by City Council pursuant to Section 7.5.704 (Zoning Map Amendment (Rezoning)).

**3. Land Use Plan Criteria**

If the Land Use Plan is submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed based on the following criteria:

- a. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;
- b. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;
- c. Compatibility with the land uses and development intensities surrounding the property;
- d. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;



- e. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;
- f. Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;
- g. Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.

**4. Conditions and Modifications**

- a. If a Land Use Plan is approved or approved with conditions, all subsequent development approvals and permits within the Land Use Plan area shall be consistent with the Land Use Plan as approved, subject to Subsection c below.
- b. A proposal to modify an approved Land Use Plan shall be reviewed and a decision made pursuant to Section 7.5.516 (Modification of Approved Applications).
- c. An approved modification of a Development Plan pursuant to Section 7.5.516 (Modification of Approved Applications) shall be treated as a modification of a Land Use Plan affecting the same property, and no revision or resubmission of the Land Use Plan shall be required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Land Use Plan as of the date on which the modification was approved.

**7.5.515 Development Plan**

**A. Purpose**

The Purpose of this Section is to allow for review of a plan for development to evaluate the specific impacts of the proposed land use and site design on the adjacent properties, neighborhood, schools, parks, road systems, and existing and planned infrastructure to ensure that proposed development is appropriate at a particular location. The specific purposes of the Development Plan review procedure are to:

- 1. Ensure the development complies with the standards of this UDC, including site development standards;
- 2. Minimize potential adverse effects of proposed land use by proposing specific site design solutions;
- 3. Ensure points of access, internal circulation, and pedestrian movement to all proposed lots, land uses, and adjacent properties;
- 4. Ensure, when used in conjunction with a final Subdivision Plat, that all subdivision requirements include easement and public facility dedication requirements can be met;
- 5. Establish the approval of specified uses, dimensional standards, site design, and other conditions; and
- 6. Evaluate existing and proposed road systems, utilities, schools, parks, and other public facilities to determine if they are adequate to serve the proposed project.

**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, unless specifically exempted in Subsection 2 below.
  - a. All new construction.

- b. When no Development Plan for the property has previously been approved by the City, additions to an existing building that cumulatively, as of September 12, 1995, increases the gross floor area of the building by fifty (50) percent or greater.
  - 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. Conversion of vacant land into a new use.
  - e. Application for a Conditional Use Permit.
  - f. The conversion of an existing use to a use in another category as set forth in Part 7.3.2.
  - g. The total redevelopment (demolition and new construction) of an existing building or site.
2. Notwithstanding Subsection 1 above, a Development Plan is not required in connection with the following:
- a. New construction of or an addition to an existing detached single-family or attached two-family residential structure, accessory dwelling unit, and accessory structures upon an existing platted lot.
  - b. Additions to an existing building that cumulatively, after September 12, 1995, increase the gross floor area of the building by less than fifty (50) percent.
  - c. Public parks in which a Park Master Plan has been or will be reviewed by the Parks, Recreation, and Cultural Services Department.
  - d. A project of the federal government if both the property and the structure will be owned, maintained, and operated by the government.
  - e. One (1) lot single-family residentially zoned property located within the HS-O district platted prior to June 7, 1996, and not part of an existing Development Plan. However, prior to issuance of Building Permits for homes on these properties, an approved Hillside Site and Grading Plan and geologic hazard study are required.
  - f. If the Manager finds that the scope or potential impacts of the project does not warrant the review and approval of a Development Plan.
3. A Land Use Plan shall be approved prior to the approval of a Development Plan unless a Land Use Plan is not required pursuant to this UDC.
4. A Development Plan is a planning document only. Approval of a Development Plan does not grant any variances to this UDC and does not waive any of the requirements of design as contained in the City of Colorado Springs Engineering Criteria. Development Plans shall not be considered construction drawings.

### C. Development Plan Approval Process

#### 1. Application Submission

##### a. General Requirements

A Development Plan must meet the following requirements:

- (1) Access and interior roadway systems shall be reflective of the approved Land Use Plan if applicable.
- (2) A phasing plan shall be required if the applicant proposes to phase the submittal of a Development Plan for the zone district or phase the platting and construction of the development. The phasing plan shall propose a sequence of development and the provision of required public improvements. Each phase of a plan shall reflect the established zone density of the overall Land Use Plan.

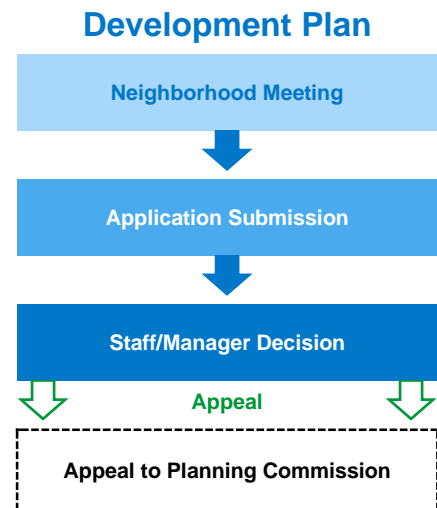
- (3) An application that proposes the removal of residential dwellings with rents below the fair market rate established by the U.S. Department of Housing and Urban Development shall be forwarded to the Manager for review and comment.

**b. Zone Specific Requirements**

Additional requirements and criteria for the Development Plan may be contained in the description of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

**c. Preliminary Development Plan Review**

- (1) A preliminary Development Plan review is required in connection with the following types of applications and shall be approved before or simultaneously with related applications.
  - (a) For properties located within an A, R-E, R-1 9, R-1 6, or R-2 zone districts when, prior to the issuance of a Building Permit, an approved Final Plat, intended for single-family or two-family residential use, has been recorded.
  - (b) For a single- and two-family residential use located within a single- and two-family residentially zoned property, upon an already platted lot, and where no Development Plan exists.
- (2) The Manager may require that a preliminary plan include preliminary grading plan, preliminary utilities plan, and site plan.



**D. Development Plan Review Criteria**

**1. General**

The decision-making body shall review the Development Plan application or amendment and approve, approve with conditions, or deny the application based on the following criteria:

- a. The decision-making criteria in Section 7.5.409 (General Criteria for Approval) apply unless modified by this Subsection 4;
- b. The application complies with all applicable Use-specific standards in Part 7.3.3 related to the proposed use(s);
- c. The details of the site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans;
- d. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable;
- e. The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as Land Use Plans, approved master plans for a specific development, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals;
- f. The project meets dimensional standards applicable to the zone district, or any applicable requirement in an FBZ or PDZ district;

- g. The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Engineering Criteria, the drainage report prepared for the project on file with the Stormwater Enterprise Manager, and other federal, state, and City regulations;
- h. The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including access and connectivity requirements in Part 7.4.4 (Access and Connectivity), the landscaping and green space requirements in Part 7.4.9 (Landscaping and Green Space), and the parking and loading requirements in Part 7.4.10 (Parking and Loading);
- i. The project complies with all applicable requirements of any Overlay District in which the property is located, as listed in Part 7.2.6 (Overlay Districts);
- j. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;
- k. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties; and
- l. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Engineering Criteria, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.

## 2. Streamside Overlay Approval Criteria

In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the SS-O district shall meet all standards as required by Section 7.2.603 (SS-O: Streamside Overlay), unless any of these requirements are waived by the Manager.

## 3. Hillside Overlay Approval Criteria

In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the HS-O district shall include all documentation required by, and shall meet all standards in Section 7.2.610 (HS-O: Hillside Overlay), unless any of these requirements are waived by the Manager based on the size, scale, or potential impacts of the application.

## 4. Airport Overlay Approval Criteria

In addition to the Development Plan review criteria as set forth in Subsection 1 above, all Development Plans submitted for review for property within the AP-O or AF-O districts shall include all documentation required by, and shall meet all standards in Sections 7.2.601 (AP-O: Airport Overlay) or 7.2.602 (AF-O: United States Air Force Academy Overlay), unless any of these requirements are waived by the Manager based on the size, scale, or potential impacts of the application, and shall comply with the following criteria:

### a. Development Plans within the AP-O: Airport Overlay

- (1) All Development Plans submitted together with a Final Plat in which any portion of the property is located within the AP-O district shall include the following statement:  
 "An avigation easement effecting the subject property and development is established by the "Subdivision Plat Name" Subdivision Plat. This easement is subject to the terms and conditions as specified in the instrument recorded under reception no. 217069667 of the records of El Paso County, Colorado."

- (2) All Development Plans submitted on an existing platted lot in which any portion of the property is located within the AP-O district and that does not have an existing avigation easement across the property, shall include the following statement:  
“Prior to issuance of a Building Permit or beginning any development, an avigation easement for the benefit of the Colorado Springs Airport will be established either by Subdivision Plat or separate recorded instrument.”

**b. Development Plans within the AF-O: United States Air Force Academy Overlay**

- (1) All Development Plans submitted together with a Final Plat in which any portion of the property is located within the AF-O district shall include the following statement:  
“Note: This property may be impacted by noise and other similar sensory effects of flight caused by aircraft both in the United States Air Force Academy’s Airmanship program and during special events. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes, or until all airports on the Air Force Academy shall cease to be actively used. This notice shall run in perpetuity with the land.”
- (2) All Development Plans submitted on an existing platted lot in which any portion of the property is located within the AF-O district and that does not have an existing avigation easement across the property, shall include the following statement:  
“All lots and tracts within this subdivision are subject to an avigation easement to the United States Air Force Academy as recorded under reception no. \_\_\_\_\_ in the office of the Clerk and Recorder of El Paso, County, Colorado.”

**E. Decision-Making Body**

The decision-making body shall review the Development Plan application or amendment application at a public hearing and shall approve, approve with conditions, or deny the application based on applicable criteria listed in Subsection D above.

**1. Manager Decisions**

The Manager shall determine if the Development Plan meets the criteria in Subsection D above and approve or refer to the Planning Commission if found necessary for final review authority.

**2. Recommendation to the Planning Commission**

- a. If the Development Plan is referred to the Planning Commission, the Manager shall prepare a recommendation for the Planning Commission to approve, approve with conditions, or deny the Development Plan based on the criteria in Subsection D above.
- b. Development Plans submitted in connection with an application for a Conditional Use Permit shall be reviewed and a decision made by the Planning Commission pursuant to Section 7.5.601 (Conditional Use ).

**F. Post-Decision Actions and Limitations**

**1. Expiration**

- a. Except as stated in Subsection b, a Development Plan expires six (6) years after approval if no Building Permit has been issued or no use illustrated on the plan has commenced. Prior to the expiration of a Development Plan, the applicant may request and the Manager may authorize a maximum of two (2), two-year extensions of the Development Plan approval if a review of the plan shows that no major changes in the City’s development standards or in the development pattern of the surrounding properties has occurred.
- b. A Development Plan does not expire for:
  - (1) A single-family residential subdivision project when a final Subdivision Plat for all or a portion of the individual lots has been recorded.

- (2) A project where public water, sewer, electric, and gas utilities and public or private streets, drainage, and other public improvements have been installed, constructed, inspected, and accepted by the City.
- (3) Any part of the Development Plan area that has been constructed or a use authorized by the Development Plan has commenced.

## 2. Reconstruction of Damaged Buildings with a Previously Approved Development Plan

A building or buildings may be rebuilt according to the approved Development Plan within six (6) years of the date of damage or destruction.

## 3. Continuing Validity of Land Use Plan

If a Development Plan is approved for part of an area within an approved Land Use Plan, the remaining area(s) of the Land Use Plan shall remain approved and valid unless the Manager determines that the Development Plan differs significantly from the Land Use Plan in way that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.

## 4. Continuing Compliance Required

All properties subject to an approved Development Plan shall be developed and maintained in accord with the approved Plan. All new construction, alteration, enlargement, or modification of existing structures and changes of land uses must substantially conform to the approved Development Plan or as amended or as modified.

### 7.5.516 Modification of Approved Applications

#### A. Applicability

This Section applies to all applications to modify an approval granted under this UDC. Requests to deviate from the standards in this UDC prior to granting of an initial development approval or permit are reviewed pursuant to Sections 7.5.524 (Administrative Adjustment) or 7.5.525 (Development Standards Adjustment).

#### B. Procedure

Following City approval of an application:

1. A Minor Modification of the permit or approval may be approved by the Manager as described in this Section, unless a condition of the permit or approval requires that the type of modification being requested be heard by the Planning Commission or City Council.
2. A Major Modification to the permit or approval may only be approved by the decision-making body that approved the original permit or approval, using the same procedure used for the original permit or approval.
3. Changes to or relocation of an easement not held by the City shall require the approval of the easement holder. Relocation of a lot line approved by the City does not result in any changes to existing recorded easements defined with respect to lot lines.

#### C. Major and Minor Modifications

The following criteria shall be used to categorize a request to modify an approval as a Major or Minor Modification.

##### 1. Major Modifications

Major Modifications include any modification that includes any of the following:

- a. The creation of new freestanding buildings over two hundred (200) square feet in gross floor area;

- b. An increase in gross floor area of the established square footage by fifteen (15) percent or more;
- c. A significant relocation of buildings, lot lines, and easements for which the City is the easement holder, as determined by the Manager;
- d. Relocation of points of access that do not clearly improve traffic circulation on adjacent public rights-of-way, as determined by the Traffic Engineer;
- e. Any change to the applicable zoning standards including allowing a more intense land use or increase in density permitted in the zone district where the property is located, but not included in the development approval or permit;
- f. Any increase of maximum building heights in the development approval or permit, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.524 (Administrative Adjustment);
- g. Any decrease of building setbacks, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.524 (Administrative Adjustment);
- h. Any decrease of required perimeter landscape, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.4.913 (Alternatives and Adjustments); or
- i. Any renewal of an expired Development Plan in which major design changes are necessary to comply with current development standards.

**2. Minor Modifications**

Minor Modifications are those that include anything that is not a Major Modification as defined above.

**3. Consistency with Conditions on Modification**

If the development approval or permit proposed to be modified includes a condition that may only be approved by Planning Commission or City Council, the modification shall be treated as a Major Modification and may only be approved by the decision-making body named in that condition.

**4. Combination of Major or Minor Modifications**

- a. More than one (1) request for a Major or Minor Modification, or a combination of Major and Minor Modifications, may be included in a single application.
- b. If an application includes requests for both Major and Minor Modifications, the Manager's decision on Minor Modifications shall be considered a recommendation until a decision on the Major Modification has been made by the Planning Commission or City Council, as applicable.
- c. In order to promote consistent decision-making on the application, the decision of the Planning Commission or City Council on the Major Modifications shall state whether the recommendations of the Manager regarding each requested Minor Modification is accepted, accepted with conditions, or denied.

**D. Criteria for Approval**

An application for modification of a development approval or permit may be approved if the decision-making body identified in Subsection C above determines that the applicable criteria have been met as they relate to the area of the development approval or permit proposed to be modified:

**1. Major Modification**

A Major Modification may be approved if the applicable decision-making body determines that the request:

- a. Complies with the provisions of this UDC and all applicable City regulations;
- b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;
- c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and
- d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.

**2. Minor Modification**

A Minor Modification may be approved if the Manager determines that the request:

- a. Complies with the provisions of this UDC and all applicable City regulations;
- b. Is consistent with any conditions in the approval or permit proposed to be modified; and
- c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.

**E. Development Plan Requirement**

Following approval of a Major Modification to a Development Plan, the applicant shall be required to submit a revised Development Plan that reflects the site conditions modified if requested by the Manager to document the modification and ensure that later decisions under this Code are consistent with the modification. This requirement does not apply to administrative relief requests granted for single-family residential or duplex uses.

**F. Effect on Prior Approvals**

An approved Major or Minor Modification has the following effects on prior approvals:

1. An approved Major or Minor modification of a Development Plan is treated as a modification of a Land Use Plan affecting the same property, and no submission of a revised Land Use Plan is required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Land Use Plan as of the date on which the modification was approved.
2. Any amendment to a Concept Plan or Master Plan approved prior to the Effective Date shall be treated in the same manner as an amendment to a Land Use Plan.

## Subdivision Related Procedures

**7.5.517 General****A. Purpose**

The purpose of the Subdivision Related Procedures in Sections 7.5.517 through 7.5.523 is to:

1. Promote the health, safety, convenience, and general welfare of the citizens of the City;
2. Set forth appropriate standards for subdivision design;
3. Set forth appropriate standards for utilities and services;
4. Assure the provision of adequate and safe circulation;
5. Assure adequate public facilities are provided; and



6. Ensure the appropriate development of the community through the implementation of the goals and policies of the Colorado Springs Comprehensive Plan.

**B. General**

All applicable provisions of Part 7.5.4 (General Procedures) apply to all subdivision related procedures unless specifically modified by the provisions of Sections 7.5.517 through 7.5.523.

**C. Preliminary Plan Review**

The Development Plan for division of land is considered a preliminary review of land divisions, prior to application and final approved as a Final Plat.

1. Approval of a Development Plan pursuant to Section 7.5.515 (Development Plan) is required prior to approval or recording of a final plat.
2. The Development Plan for divisions of land is not a recorded document.

**7.5.518 Amendment to Plat Restriction**

**A. Purpose**

The purpose of this Section is to allow for administrative modifications to conditions or restrictions on recorded plats that no longer apply or are unnecessary.

**B. Applicability**

This Section applies to all recorded plats that contain approved conditions or restrictions.

**C. Amendment to Plat Restriction Process**

**1. Application Submission**

The applicant shall submit the following:

- a. A letter setting forth the reasons why the condition or restriction no longer applies or is unnecessary;
- b. Filing fee; and
- c. The number of copies of the recorded plat required by the Manager to provide a copy to each agency with an interest in the restriction.

**2. Public Notice**

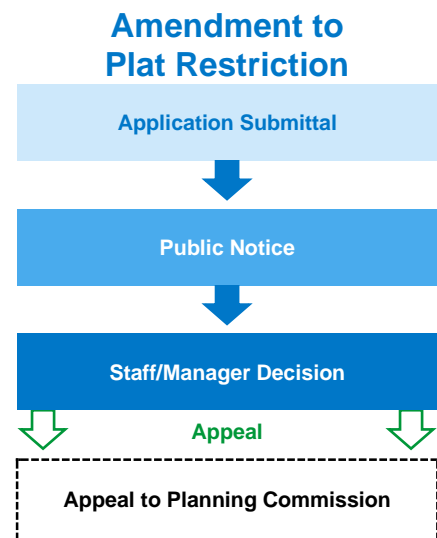
The public notice requirements in Section 7.5.406 (Public Notice) apply.

**3. Distribution**

The Manager shall date and file the application and, within three (3) working days of submission, shall transmit copies of the recorded plat to those agencies having an interest in the restriction that is to be removed for their review and comments.

**4. Manager's Action**

- a. If after consulting with the City Engineer and the Colorado Springs Utilities Chief Executive Officer the Manager determines that the requirements or conditions requested for removal or modification are no longer necessary or no longer applicable, the Manager may approve the request.
- b. If the Manager approves the request, the Manager shall record a certificate of Amendment to Plat Restriction with El Paso County Clerk and Record with the following statement:



“The Planning Department approves the application based upon the finding that the plat note is no longer necessary or applicable as provided in City Code Section 7.5.518, and amends the plat note as follows:

General Note No. \_\_\_ as established on the \_\_\_\_\_ Final Plat which reads as follows:

**Residential Lot Setback Information:**

is modified to remove or amend the \_\_\_\_\_ only.

General Note No. \_\_\_ henceforth shall state:

**Residential Lot Setback Information**

This Certificate of Amendment to Plat Restriction is approved for recordation in the records of the El Paso County Clerk and Recorders Office.”

- c. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.

**7.5.519 Final Plat or Replat**

**A. Purpose**

The purpose of this Section is to:

- 1. Provide for a preliminary plan review through a Development Plan;
- 2. Provide a procedure for certain Minor Modifications to an approved Final Plat prior to recording; and
- 3. Ensure that the resulting Final Plat is timely recorded with the Clerk and Recorder of El Paso County.

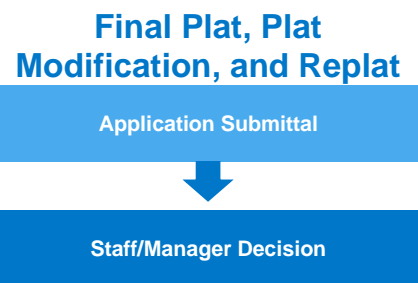
**B. Applicability**

- 1. Approval of a Final Plat is required for all proposed subdivisions or replats of property.
- 2. The Final Plat may be reviewed concurrently with the Land Use Plan or the Development Plan if the Land Use Plan or Development Plan has not already been finally approved.

**C. Final Plat or Replat Process**

A final Subdivision Plat shall be reviewed and approved administratively by the Manager pursuant to the following procedures.

- 1. The applicant shall submit the Final Plat and any related information to the Manager.
- 2. The Manager shall refer the complete Final Plat to other affected City departments or agencies, and to other governmental agencies as required by law, for review and comment.
- 3. The Manager shall review and notify the subdivider in writing (through comments on the submitted Final Plat or through a review letter) of any required Final Plat revisions.
- 4. Upon receipt of a Final Plat containing all required revisions, the Manager may:



- a. Refer the plat to City departments or agencies and/or other governmental agencies for follow up review and comment and then notify the subdivider of additional revisions; or
  - b. Approve or deny the Final Plat.
5. A Final Plat shall be approved by the Manager if it complies with the standards and requirements of this UDC and any other applicable City policies, standards, and ordinances, as modified by any Administrative Adjustments approved under Section 7.5.524 (Administrative Adjustment), and includes all required changes to, and conditions attached to, other approved applications and/or documents for the same property.

**D. Final Plat Requirements**

**1. Submission**

In addition to complying with Section 7.5.403 (Application Submission), the applicant shall submit the required Final Plat indicated on the application form and shall submit proof of ownership of all land included in the Final Plat, which may include a deed, title insurance policy, or Tax Assessor's statement.

**2. Specifications of a Final Plat**

**a. Code Requirements**

The proposed subdivision shall meet all applicable requirements of this UDC and any other applicable City policies, standards, and ordinances.

**b. Preparation**

A professional land surveyor, licensed by the State of Colorado, shall clearly and legibly prepare the Final Plat.

**c. Readability**

All line annotation and all other text must be easily and clearly readable. No text may overwrite other text or be overwritten by map lines.

**d. Sheet Size**

The sheet size shall be twenty-four (24) inches by thirty-six (36) inches including one-half (1/2) inch border with "landscape" orientation. North may be oriented from plus ninety (90) degrees to minus ninety (90) degrees of "True North."

**e. Scale**

The Final Plat must be drawn to an appropriate fixed scale to clearly and effectively communicate the required information. Alternative scales may be approved by the City Engineer based on their ability to clearly and effectively communicate required information. A bar scale reflecting this scale shall be placed on the Final Plat.

**f. Leader Lines**

Plats shall include leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment, arc, or line and curve table.

**g. Identification System**

All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter "A". Lots and tracts shall be labeled with the area of the lot or tract.

**h. Multiple Sheets**

Whenever a plat drawing spans multiple sheets, clear and well labeled match lines and a key map shall be included on each sheet. Labels will be of the nature "see sheet number."

Duplicate street names, widths, lot numbers, tract names, easement labeling, or any such labeling is required when any feature is shown on multiple sheets.

### 3. Information Required to be Shown on a Final Plat

#### a. Subdivision Name, Subtitle

The name of the subdivision shall be included at the top of each sheet, followed by a subtitle identifying the section, township, and range information along with City, County, and State.

#### b. Property Description

An accurate and clear metes and bounds property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision is required. All courses, calls, monuments, and similar information used in the description shall be shown and labeled on the drawing, including the point of beginning and point of commencement. Property descriptions in any other format, as may be provided by a title company, deed, etc., may be shown, followed by “also described as (metes and bounds description) or as surveyed description.” Replats shall use the legal description of the recorded subdivision including the name of the subdivision, blocks, and lots, as appropriate.

#### c. Dedication Statements

Statements of each tract of land to be dedicated to the City for parks, public open space, drainage, or other public uses, grants of easements, and dedication of public streets and alleys to the City shall be included.

- (1) All plats with dedicated public streets, easements, or tracts must have the following sentence in the dedication statement:

“The undersigned does hereby dedicate, grant and convey to the City of Colorado Springs those public streets, tracts and public easements as shown on the plat; and further restricts the use of all public easements to the City of Colorado Springs and/or its assigns; provided however, that the sole right and authority to vacate, release or quitclaim all or any dedicated public streets, tracts and public easements shall remain exclusively vested in the City of Colorado Springs.”

- (2) All plats with public streets or additional public right-of-way shall have the following sentence in the dedication statement:

“All public streets or additional public rights-of-way are hereby dedicated to the City of Colorado Springs for public use.”

- (3) All plats with other tracts being dedicated to the City shall have the following similar sentence in the dedication statement for each tract:

“Tract X is hereby dedicated to the City of Colorado Springs for (list the purposed public use, i.e., park, open space or drainage) and any other public use the City deems appropriate.”

#### d. Statement Regarding Private Streets

All plats with private streets shall have a special numbered plat note with the following sentence:

“All private streets (insert names) are privately owned and maintained by (list owner name, owner’s association, etc.)”

#### e. Statement Regarding Public Easements or Tracts

- (1) All plats with public easements or tracts shall have a special numbered plat note defining the purpose and perpetual surface maintenance responsibility for each public easement or tract, such as:

“Easement or Tract X is for (list the proposed public use i.e., park, open space or drainage) with maintenance of the surface being vested in the (City, owner, homeowners’ association or district, etc.)”

- (2) A statement of a public purpose for dedication of a tract shall not be deemed a limitation on the use of the tract by the City or the City’s ability to dispose of the tract.

**f. Statement Regarding, and Conveyance of, Private Easements or Tracts**

- (1) Private easements cannot be created by plat but shall be created through separate instrument.
- (2) All plats with private tracts shall have a special numbered plat note defining the purpose and perpetual maintenance responsibility for each private easement or tract, such as:  
“Easement of Tract X is for (list the proposed private use, i.e., landscaping, private pocket park or drainage) with maintenance of the surface being vested in the (owner, homeowners’ association or district, etc.)”
- (3) All private easements shall be required to be conveyed to the entity responsible for perpetual maintenance by separate instrument prior to or after recording of the Final Plat.

**g. Statement Regarding Avigation Easements**

- (1) All plats in which any portion of the property to be platted is located within the AP-O district, or is located within the AF-O district, or within the latest 65 DNL noise contour for that airport, whether submitted independently with a Development Plan or together with a Development Plan, and for which an avigation easement has not been recorded, shall include the statement in Subsection (a) below and the statement in Subsection (b) below, as applicable.

(a) Plats within the AF-O: United States Air Force Academy Overlay

“Note: This property may be impacted by noise and other similar sensory effects of flight caused by aircraft both in the United States Air Force Academy’s Airmanship Program and during special events. This notice shall remain in effect until the Air Force Academy shall cease to be used for flight training purposes, or until all airports on the Air Force Academy shall cease to be actively used. This notice shall run in perpetuity with the land.”

(b) Plats within the AP-O: Airport Overlay

The avigation easement dedicated herein for public avigation purposes, shall be considered a public easement subject to those terms and conditions as specified on the instrument recorded at reception no. 217069667 of the records of El Paso County, Colorado (or a successor instrument identified by the Manager). All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

**h. Statement of Ownership and Acknowledgment**

All plats shall have a notarized signature of the owner confirming ownership of the land included in the plat and acknowledging the owner’s consent to recording of the plat.

THE AFOREMENTIONED, (ENTITY NAME), A (STATE) (ENTITY TYPE), BY (SIGNERS NAME), AS (TITLE), OF (ENTITY NAME) A (STATE) (ENTITY TYPE) HAS EXECUTED THIS INSTRUMENT THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_, A.D.

---

(SIGNERS NAME), (TITLE)



a separate signed and recorded easement must be provided and referenced on the face of the plat.

- (2) If required by the City, the plat shall include a statement restricting access rights across the right-of-way lines of major highways, parkways, streets, or freeways, where required, as a provision of approval.

**n. Vicinity Map**

A vicinity location map necessary to locate the land included in the plat.

**o. Preparation Date**

Date of preparation of plat.

**p. Easement Statement**

When applicable, statement of standard easements as required on all side, rear, and front lot lines for public utilities, drainage and/or public improvements, as well as standard "triangle" public improvement easements at street intersections, as necessary. When all easements are shown and clearly labeled on the plat drawing, an "as shown on plat" statement may be used. Perpetual surface maintenance of all public easements created by the plat shall be assigned.

**q. Fee Block**

A fee block indicating the amounts of all fees required to be paid in connection with the Final Plat, including without limitation storm drainage, bridge, school, and park fees, and approved fees-in-lieu of any required land dedication, and confirming payment of each of those required fees.

**r. Certificates for Execution**

All plats shall have certificates for execution by each of the following or their duly appointed representative(s):

- (1) City Engineer;
- (2) Manager; and
- (3) City Clerk.

**s. Clerk and Recorder Block**

A signature block for the El Paso County Clerk and Recorder that also states any recording fees and/or surcharges paid to the Clerk and Recorder.

**t. Boundary Lines**

The subdivision boundary shall be clearly distinguishable from other map lines by use of a distinct line type or thickness. All lines shall be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius, and arc length. Radial bearings and/or chord bearings shall be provided for all non-tangent curves. All dimensions shall be as determined by accurate field survey that must balance and close within an acceptable tolerance approved by the City as adequate considering the size and nature of the property involved. Adjacent and/or intersecting plat/deed lines shall be shown and labeled appropriately with recording information (book and page and/or reception number).

**u. Streets**

All street rights-of-way defined by the plat shall be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines shall be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius, and arc length. Radial bearings and/or chord bearings shall be provided for all non-

tangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street centerline. All street centerlines defined by the plat shall be clearly distinguishable from other map lines by use of distinct line type and/or thickness. The plat shall show the right-of-way lines, widths, locations, and street names of all existing and proposed public or private streets:

- (1) Within the proposed subdivision; and
- (2) Immediately adjacent to the proposed subdivision; and
- (3) Any private street shall include the designation “(private)” immediately following street name; any other private right-of-way that is not named shall include the designation “(private)” in a manner that clearly conveys such a status.

v. **Easements**

All plats shall show all easements as required by Colorado Springs Utilities, the City Engineer, and other public and quasi-public agencies. All easements shall be clearly labeled to include width, use, and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. The plat shall clearly show and label all existing easements, to include width and book and page and/or reception number recording information, that cross, are adjacent to, or are located within the subdivision boundary.

w. **Lots and Blocks**

All lines of lots, blocks, and other parcels of land defined by the plat shall be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines shall be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to an acceptable tolerance approved by the City as adequate in light of the size and nature of the property involved.

x. **Legend**

The plat shall have a legend that designates all lines and symbols except where called out on the plat drawing itself.

y. **Inundation Mark**

If within a designated FEMA flood hazard area, the plat shall clearly show the 100-year floodplain line. Reference the appropriate FEMA panel by which the location of this line has been determined as a plat note.

z. **Bar Scale and North Arrow**

All plats shall include an appropriately demarcated bar scale and a correctly orientated north arrow.

aa. **Adjacent Subdivision**

All plat shall include the names of adjacent platted areas along with the reception and/or plat book and page number, and shall indicate any adjacent unplatted area. Existing street rights-of-way that intersect the subdivision boundary or are adjacent to said boundary lines shall be clearly labeled with the street name, right-of-way width, and appropriate deed or plat recording information in which the right-of-way is defined. All existing lots and blocks that are immediately adjacent to the subdivision boundary shall be shown.

bb. **Basis of Bearing**

All plats shall show a clearly defined basis of bearings, both verbally and graphically. All monumentation defining each line shall be shown and labeled on the plat drawing. When any line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances or relevant curve information.



**cc. Public Land and/or Land Reserved in Deeds**

All plats shall indicate the location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision.

**dd. Monuments**

All plats shall show and label all monuments used to determine and/or describe a boundary (including basis of bearings, point of beginning, and point of commencement) shall be placed and set in accord with all state-law requirements.

**ee. Not a Part of Subdivision**

All plats shall show all areas enclosed within the subdivision boundary that do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision." All lines pertaining to such areas shall be dashed.

**ff. Square Footage**

All plats shall label all lots and tracts with area in square feet or acres when exceeding one acre in size.

**gg. Districts and Associations**

All plats shall include recordation information (reception number, book, page, and date) for any maintenance district, metropolitan district, owners' association, or similar organization that is referenced for any ownership and/or maintenance responsibility related to the plat.

**hh. City File Number**

Each sheet of all plats shall include the City file number related to that plat in the lower right-hand corner in the one-half (1/2) inch border area of the sheet.

**ii. Lot Street Address Block**

All plats shall indicate the assigned street address of each lot included in the plat, or shall include a placeholder such as "xxx" for each lot until a street address for that block has been assigned.

**jj. Other Information**

The plat shall include all other information required by state law.

**E. Supplemental Information and Attachments Required Prior to Recording**

Each of the following shall be submitted to the City prior to recording the Final Plat.

**1. Fees**

All review, processing, and recordation fees, as well as all other fees required by this UDC or the City Code, including but not limited to drainage basin fees, detention pond fees, arterial roadway bridge fees, special district fees, and surcharges shall be paid. Payment by certified check may be required.

**2. Proof of Ownership of Land Proposed to be Platted**

Proof of ownership shall be submitted and may consist of a deed, title insurance policy, or Tax Assessor's statement.

**3. Ad Valorem Taxes**

Verification by the El Paso County Tax Assessor's Office that all ad valorem taxes applicable to the land comprising the proposed subdivision for the current year up to the date of recording and for years prior to the year in which the Final Plat is submitted for recordation have been paid. Verification may be in the form of a paid tax receipt, an archive report, Treasurer's statement, or a certificate for ad valorem property taxes.

**4. Final Drainage Report**

A final drainage report (or drainage letter when applicable) signed by the City Engineer.

**5. Geologic Hazard Study**

If required, a copy of the approved Geologic Hazard Study or exemption.

**6. Reception Numbers**

Reception numbers of all applicable easements, agreements, and documentation as may be referenced on the Subdivision Plat drawing or accompanying documentation for recording.

**7. Documentation**

Any or all accompanying documentation fully executed and ready for recordation concurrent with the Final Plat.

**8. Conveyance of Private Easements**

Conveyance of all private easements to the entity responsible for perpetual maintenance by separate instrument.

**9. Assignments**

Fully executed assignments of any reimbursements and/or land dedication credits, as applicable.

**10. Assurances**

Acceptable assurances as required by Section 7.4.306 (Assurances and Guarantees for Public Improvements).

**F. Modification of Final Plat Prior to Recording**

The Manager may approve modifications to the approved Final Plat prior to its recording only when all of the following criteria are met.

1. The rearrangement of lot lines does not increase the number of lots within the subdivision;
2. The rearrangement of lot lines does not move an approved lot line by more than ten (10) feet;
3. The requested modification complies with all other provisions of this UDC; and
4. None of the reviewing agencies objects to the requested modification.

**G. Replats**

A replat may be filed whenever it is desired to make changes to an existing plat. No changes to an existing plat shall be effective until a replat is approved and recorded pursuant to this Section.

1. Replats shall be approved by the Manager through the process in Section 7.5.519C (Final Plat or Replat Process).
2. Replats shall comply with the standards in Subsection 7.5.519D (Final Plat Requirements), except as modified by this Subsection G.
  - a. The title block of the replat shall identify the subdivision of record or that portion of the subdivision of record that is being replatted and any unplatted land that may also be included in the replat. The replat shall be identified by its own title. Example: "ABC Subdivision, a replat of Lots 4, 5 and 6 of Block 3 of XYZ Subdivision, together with a portion of Section XX, Township XX South, Range XX West" if the replat includes any unplatted portion of land.
  - b. The entire portion of all original platted lot(s) must be contained within the replat unless a waiver is approved in accord with Section 7.5.522 (Waiver of Replat).

- c. The replat shall contain the following notice: “The approval of this replat vacates all prior plats for the area described by this replat.”
  - d. The replat shall include two (2) drawings, one showing the “Currently Existing” lot and easement configuration, which also includes any unplatted land that will be included in the replat, and the other drawing showing the “As Replatted” lot and easement configuration.
  - e. The replat shall also show any unplatted land being included.
  - f. The replat shall include the book and page number or reception number and all existing and proposed easements, unless already vacated by a recorded quitclaim deed.
3. Approval of the replat vacates the previous platting of the replatted area.

**H. Post-Approval Recording Process**

- 1. Once the applicant receives a written approval letter from the Manager approving the Final Plat, the applicant shall submit a mylar copy of the Final Plat to the Manager for recording within one (1) year after the date of the approval letter.
- 2. Failure to submit the approved Final Plat within one (1) year after the date of the approval letter shall void the final approval and the subdivider/applicant shall be required to submit a new Final Plat application for review.
- 3. Prior to expiration of the one (1) year period, the Manager may grant one (1) or more extensions for a period of not more than one (1) year upon the subdivider/applicant’s request and for good cause shown.
- 4. The Final Plat approved by the Planning Department, City Engineer, and City Clerk shall be recorded by the City within three (3) business days of the final City signature.

**7.5.520 Preservation Area Boundary Adjustment**

**A. Purpose**

The purpose of this Section is to allow for administrative approval of adjustments to platted preservation areas.

**B. Applicability**

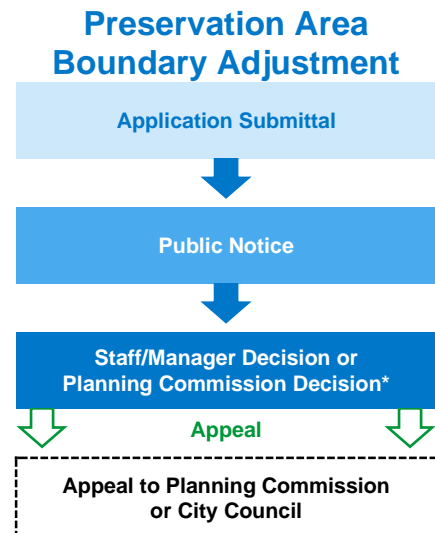
This Section applies to all plats that include any areas designated as preservation areas on the recorded plat.

**C. Preservation Area Boundary Adjustment Process**

**1. Application Submission**

The applicant shall submit all of the following:

- a. A written justification for the request, including explanations of:
  - (1) Why the area to be removed from the preservation area does not meet the definition of a preservation area;
  - (2) How the preservation area retains the overall intent of any applicable HS-O district; and
  - (3) How additional land intended to offset the removal of area within the preservation area meets the definition of preservation area.
- b. A completed application form, as required by the Manager, together with any applicable fees.



\* Applications for three (3) or fewer lots decided by Manager; applications for four (4) or more lots decided by Planning Commission

- c. Proof of ownership.
- d. The number of copies of a Preservation Area Boundary Adjustment required by the Manager, which shall include:
  - (1) The subdivision name, lot(s) and block numbers, and the book and page of the recorded plat;
  - (2) All existing lot lines and easements with dimensions;
  - (3) All preservation area boundaries, as originally approved and as proposed;
  - (4) Adjacent right-of-way with dimensions;
  - (5) All existing structures with dimensions to property lines;
  - (6) North arrow and scale;
  - (7) The following statement:

“The Preservation Area Boundary Adjustment has been reviewed and approved by the City of Colorado Springs and is henceforth to be considered the valid lot(s) configuration for purposes of the City Codes and Ordinances.”
  - (8) The following owner statement and signature blocks along with the City approval block as defined on the Preservation Easement Adjustment Application Requirement:

“I, being the owner of the following described property (type legal description), do hereby request that the preservation area boundaries of said property be adjusted as shown in the attached certified property survey and that this henceforth be considered the valid lot(s) configuration for purposes of the City Codes and Ordinances.”
  - (9) If a Drainage Easement was originally platted within the established Preservation Area, the Drainage Easement shall be vacated via separate instrument.

## 2. Public Notice

The public notice requirements of Section 7.5.406 (Public Notice) apply.

## 3. Distribution

The Manager shall date and file the application and within three (3) working days of submission shall transmit copies of the survey to the appropriate agencies for review, comments, and recommendations for compliance with their requirements.

## 4. Action

- a. If the proposed adjustment involves no more than three (3) lots, the Manager shall review the application and shall either approve or deny the request. If the request is approved, a signed copy of the survey shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.
- b. If the proposed adjustment involves four (4) or more lots, the Planning Commission shall review the application and shall either approve or deny the request. If the request is approved, a signed copy of the survey shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.

### 7.5.521 Property Boundary/Lot Line Adjustment

#### A. Purpose

The purpose of this Section is to allow administrative approval of changes to property boundaries in certain situations when such adjustments are likely to have no impact or minimal impacts on surrounding properties or the provision of public services.

#### B. Applicability

Changes may be made to the boundaries of platted lots without the necessity of replatting or vacation and platting only if the criteria below are met:

1. An engineering error was made on the original plat; or
2. No additional lot is being created and:
  - a. The proposed lotting pattern meets all requirements of this UDC including adequate setbacks and area requirements for any existing development;
  - b. The proposal has been properly submitted to the Manager and reviewed by all appropriate agencies, with no agency having objections to the adjustments;
  - c. Only two (2) whole platted lots or a platted lot and a platted tract may be involved in a single action. Neither lot involved may have received a prior Property Boundary/Lot Line Adjustment; or approval of issuance of Building Permit to previously platted lands; or a combination of lots for zoning purposes. The fifteen (15) percent limitation in Subsection e below may not be circumvented by submitting a series of Property Boundary/Lot Line Adjustment requests;
  - d. Actions requiring approval of both a Building Permit for previously platted lands and a Property Boundary/Lot Line Adjustment are prohibited, unless the Manager waives this limitation for lots located within an area of common or central ownership (such as a townhouse development);
  - e. In situations where the Property Boundary/Lot Line Adjustment is between a lot and a surrounding lot or platted tract, the surrounding lot or tract may receive as many adjustments as are necessary so as to allow each contained lot to be adjusted one time; and
  - f. No more than fifteen (15) percent of the area of any one platted lot is involved in the adjustment. Basic lot configurations cannot be changed through this process. For example, two (2) north-south oriented lots cannot be changed to two (2) east-west oriented lots. On a typical seventy (70) foot by one hundred and ten (110) foot residential lot, the procedure allows one side property line to be moved up to ten (10) feet, or an area of up to one thousand, one hundred (1,100) square feet to be changed. It does not allow a lot to be totally shifted ten (10) feet in one direction or another because such a shift involves a minimum of three (3) lots.

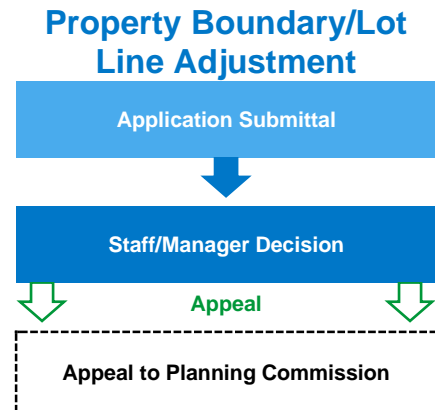
#### C. Property Boundary/Lot Line Adjustment Process

##### 1. Application Submission

The applicant shall submit all of the following:

- a. A completed application form, as required by the Manager, together with any applicable fees.
- b. Proof of ownership of each of the lots involved and written concurrence of each of the owners with the proposed changes.

- c. The number of copies of a certified property survey required by the Manager, which shall include:
  - (1) The subdivision name, lot(s) and block numbers, and the book and page of the recorded plat.
  - (2) All existing lot lines and easements with dimensions, taken from the instrument granting the easement, and the recording information (book and page or reception number) of that instrument.
  - (3) Adjacent rights-of-way with dimensions.
  - (4) All existing utilities.
  - (5) All existing structures that will remain, with dimensions to existing and proposed property lines.
  - (6) North arrow and scale.
  - (7) The City file number related to the Property Boundary/Lot Line Adjustment in the lower right-hand corner within the border.
  - (8) Information on all survey monuments recovered or set and used in determination of property boundaries.
  - (9) Approval statement per the Property Boundary Adjustment Application Requirements.



**2. Distribution**

The Manager shall date and file the application and within three (3) working days of submission shall transmit copies of the survey to the appropriate agencies for review, comment, and recommendations for compliance with their requirements.

**3. Manager’s Action**

The Manager shall either approve or disapprove the request based on the provisions of Section 7.5.409 (General Criteria for Approval). The request shall be approved by signing a copy of the submitted survey. The signed copy of the Property Boundary Adjustment shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is disapproved, the Manager shall notify the applicant with all reasons for denial clearly specified.

**1. Easements**

Existing platted easements adjacent to the property line being adjusted shall remain in their original locations as platted unless relocated or vacated by the City or the other applicable easement holder.

**2. Transfer of Property**

Approval of a property boundary adjustment does not transfer property between the two (2) affected property owners. The real estate transfer must be achieved through separate action by both property owners involved, such as a quitclaim or other deed.

**7.5.522 Vacation Plat**

**A. Purpose**

The purpose of this Section is to provide a mechanism for the City to evaluate a request to vacate a plat or to vacate a public right-of-way.

**B. Applicability**

A Vacation Plat is required to revert property to acreage or vacate a dedicated public street or alley.

**C. Vacation Plat Process**

1. The applicant shall submit the vacation request and any related information to the Manager.
2. The public notice requirements of Section 7.5.406 (Public Notice) shall apply to a Vacation Plat involving a public street or right-of-way.
3. The Manager shall refer the complete vacation request to other affected City departments or agencies and to other governmental agencies as required by law for their review and comment.
4. If it does not involve dedicated public streets or rights-of-way, the Vacation Plat request shall be reviewed and approved administratively by the Manager in accord with the following procedures.

- a. The Manager shall review and notify the applicant in writing of any required modifications.
- b. Following review of a complete application, if the proposed Vacation Plat does not contain dedicated public streets or alleys, consideration of the Vacation Plat shall be processed pursuant to the procedures for Final Plats in Section 7.5.518 (Final Plat or Replat).

5. If the proposed Vacation Plat contains dedicated public streets or rights-of-way:

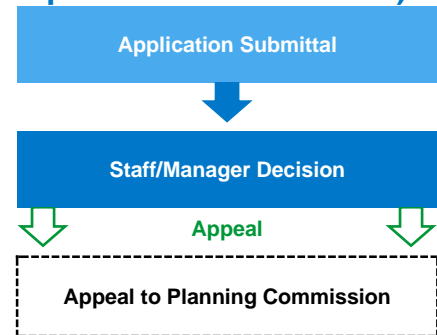
- a. The Manager shall notify the applicant in writing of the comments and recommendations of reviewing agencies. If the Vacation Plat involves an accompanying application requiring Planning Commission action, the Vacation Plat shall be presented to the Planning Commission for consideration in conjunction with the application and then forwarded to City Council for consideration. Otherwise, the Vacation Plat shall be placed on the next City Council agenda for which public notice can be given.

- b. The City Council shall approve the Vacation Plat, or approve it with conditions, by adoption of an ordinance, or shall deny the Vacation Plat. City Council shall approve the application only if it complies with the following criteria:

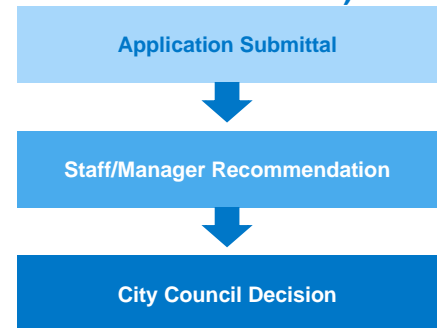
- (1) The right-of-way is no longer needed for public transportation purposes;
- (2) The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;
- (3) The vacation will not adversely impact the uniform width of the remaining portions of the public right-of-way along the block frontage for which vacation is sought;
- (4) Access to lots or properties surrounding the public right-of-way will not be adversely affected; and
- (5) The vacation is consistent with the purpose of this UDC.

- c. An action by the City Council in vacating a dedicated public street or alley shall become final on adoption of the vacation ordinance and may not be reconsidered or rescinded.

**Vacation Plat (no public streets or ROW)**



**Vacation Plat (with public streets or ROW)**



- d. If City Council approves a Vacation Plat, the applicant shall submit to the Planning Department a mylar copy of the Vacation Plat. The City shall be responsible for recording the Vacation Plat with the Clerk and Recorder of El Paso County.

#### **D. Vacation Plat Requirements**

##### **1. Preparation**

A Vacation Plat shall consist of both a Preliminary and Final Plat. The Vacation Plat shall be clearly and legibly prepared by a professional land surveyor licensed by the State of Colorado. The plat shall comply with the provisions of this Section 7.5.522 and state law.

##### **2. Application Submission**

In addition to complying with Section 7.5.403 (Application Submission), the applicant shall submit the required number of Vacation Plats indicated on the application form.

##### **3. Specifications of a Vacation Plat**

###### **a. Sheet Size**

The sheet size shall be twenty-four (24) inches by thirty-six (36) inches including one-half inch border with “landscape” orientation. North may be oriented from plus ninety (90) degrees to minus ninety (90) degrees of “True North.”

###### **b. Scale**

The Vacation Plat shall be drawn to a scale acceptable to the City Engineer.

##### **4. Information Required to Be Shown on a Vacation Plat**

###### **a. Description**

A clear description for the title of the area being vacated.

###### **b. Subdivision Name, Subtitle**

The name of the subdivision shall be included at the top of each sheet, followed by a subtitle identifying the section, township, and range information along with City, County, and State.

###### **c. Property Description**

An accurate and clear property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses in the property (legal) description shall be shown and labeled on the plat drawing, with all bearings having the same direction as called out in the legal description. The only exception being where more than one description is required, going a different direction over the same course. The direction shall then hold for the description having more weight (i.e., the overall boundary) for purposes of the plat. If both record and “as measured” dimensions are being used, the applicant shall show both and have each clearly labeled on the plat drawing. Point of commencement and/or point of beginning shall be clearly labeled on the plat drawing.

###### **d. Vicinity Map**

A vicinity location map necessary to locate the plat.

###### **e. Preparation Date**

Date of preparation, scale, and north point.

###### **f. Surveyor’s Statement**

All Plats shall have a surveyor’s statement shall reading as follows:



“The undersigned professional land surveyor licensed in the State of Colorado, hereby states and declares that the accompanying Vacation Plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land and vacation thereof, and the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief.”

**g. General Information**

All plats shall have the following statement, with signature blocks for signature by the Mayor and Attestation by the City Clerk:

**“Be it known by these presents:**

“Pursuant to Ordinance No. \_\_\_\_\_, made and adopted by the City Council on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, does hereby vacate the land set forth on this Vacation Plat and shall be known as “\_\_\_\_\_” located in the City of Colorado Springs, County of El Paso, State of Colorado.

**City Approval:**

On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying Vacation Plat of “\_\_\_\_\_”.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

State of Colorado  
County of El Paso

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, as Mayor, and by \_\_\_\_\_, as City Clerk, of the City of Colorado Springs.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Signature

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
City Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Date

Colorado Springs Utilities Chief Executive Officer Date”

h. **Statement of Ownership and Acknowledgment**

All plats shall have a notarized signature of the owner confirming ownership of the land included in the plat and acknowledging the owner’s consent to recording of the plat.

i. **Layout**

The exact layout including:

(1) **Boundary Lines**

The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(2) **Dimension, Relative Bearing, Curve Data**

The length of all arcs, internal angles, and points of curvature.

(3) **Easements**

All existing public drainage and/or utility easements as recorded, may be subject to reservation of said easements as defined in Section 2 of the Vacation Ordinance for existing drainage and utility installations. The Plat shall include a note that states:

“The vacated portions of right-of-way are subject to the reservation of easements as set forth in Section 2 of the City of Colorado Springs Ordinance No. \_\_\_\_\_” (if the easement types are known that are going to be retained as described within Section 2 of the Ordinance, that information can be added to the note).

(4) **Lots, Blocks, and Identification System**

All lines of lots, blocks, identification system and other parcels of land as recorded.

(5) **Streets**

The plat shall show the right-of-way lines, widths, locations, and street names of all streets as recorded within, and immediately adjacent to the property being vacated.

(6) **Inundation Mark**

As recorded on the previous plat.

j. **Square Footage of Area**

The area in square feet of that which is sought to be vacated.

k. **City File Number**

The city file number shall be shown in the lower right-hand corner within the border on all sheets.

l. **Monuments**

All monuments used to determine and or describe a boundary (including basis of bearings, point of beginning, and point of commencement shall be shown and clearly labeled. If monuments for corners defined by the plat, or otherwise necessary for an accurate definition of the area contained within the plat, are found to be missing in the field, those monuments shall be replaced and set in accordance with the requirements of the State of Colorado. (See Final Plat requirements for exterior boundary corners being set or recovered).

m. **Other**

All other information required by State law.

**7.5.523 Waiver of Replat**

**A. Purpose**

The purpose of this Section is to allow the requirement for a replat to be waived in single-family developments within older subdivisions in order to alleviate the time and expense platting in areas where original platting information may be hard to obtain or inaccurate. It is not the purpose of this Section to promote the subdivision or resubdivision of lots without filing a Final Plat.

**B. Applicability**

This Section authorizes the waiver of a replat only for properties that meet all the following criteria:

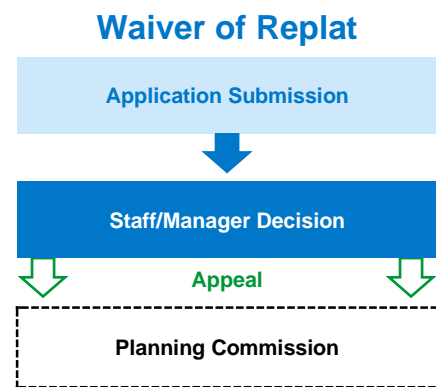
1. The current legal description comprises one of the following:
  - a. A Lot of Record;
  - b. The consolidation of multiple whole platted lots;
  - c. Portions of one (1) or more platted lots and the parcel contains the minimum lot area and minimum width for the zone district in which the property is located; or
  - d. A platted lot and an unplatted portion of vacated right-of-way.
2. If the legal description of the subject property consists of a portion of one (1) or more platted lots, proof must be provided that any illegal subdivision of the property was completed at least eighteen (18) years before submission of the waiver of replat.
3. The owner agrees to convey any rights-of-way that would normally be required as a condition of a replat. If this is required, the owner must convey the right-of-way by a separate deed and pay for the preparation and recording of the deed after the deed is approved by City Real Estate Services.
4. No major public improvements such as drainage structures are required.
5. Approved direct access to an acceptable, existing public street exists.
6. The applicant agrees to pay applicable fees that would normally be paid prior to recording of the replat.
7. The applicant agrees to convey easements required for utilities and access.
8. No structures exist across external property lines of the ownership configuration.

**C. Waiver of Replat Process**

**1. Application Submission**

The applicant shall submit all of the following:

- a. A completed application form, as required by the Manager, together with any applicable fees;
- b. Proof of ownership;
- c. Proof of the date of the creation of the legal description of the parcel under consideration;
- d. The date of annexation of the parcel;
- e. Copy of the recorded plat in order to verify rights-of-way;
- f. A waiver of replat plan, drawn to scale, that includes all of the following:



- (1) All of each platted lot of which the parcel is a part;
- (2) The boundaries and dimensions of the ownership configuration;
- (3) Location, dimensions, and setbacks of all existing structures;
- (4) Existing utilities located on the site, clearly labeled;
- (5) Location, names, and rights-of-way of all adjacent streets and alleys;
- (6) All access points on property adjacent to or across the street from the applicant's property;
- (7) A bar scale and north arrow;
- (8) The legal description of the parcel, taken from the deed to the property, and the recording information (book and page or reception number) of that deed;
- (9) The book and page and/or reception number of the recorded plat of which this parcel is a part;
- (10) The owner's name, address, and phone number; and
- (11) The City file number related to waiver of replat in the lower right-hand corner within the border;
- (12) A complete property owner authorization and notarization of the ownership statement along with the City approval statement outlined in the Waiver of Replat Application Requirements; and
- (13) The following note if applicable:

"This waiver of replat has been surveyed and/or prepared by... (Individual or firm)... for the purpose of the depiction of the improvements and property lines of this document. All monuments shown on said waiver of replat are for informational purposes only and do not represent a land survey plat or improvement survey plat and no stamp or signature by the surveyor is necessary."

## 2. Distribution

The Manager shall date and file the application and shall transmit copies of the site plan to those agencies having an interest in the proposed Building Permit for their review and comments.

## 3. Manager's Action

The Manager shall either approve, approve with conditions, or deny the request based upon compliance with the criteria in this Section. If the Manager approves the request, the site plan shall be recorded with the El Paso County Clerk and Recorder's Office. If the Manager approves the request with conditions, the applicant shall fulfill the conditions of approval prior to the issuance of Certificate of Occupancy. If the Manager denies the request, the Manager shall provide notification to the applicant with all reasons for denial clearly specified.

## 4. Easements

Unless vacated through a separate process by City Real Estate Services, existing easement(s) adjacent to the property line shall remain in their original locations as platted or created.

## Variances and Adjustments

### 7.5.524 Administrative Adjustment

#### A. Purpose

The purpose of the Administrative Adjustment procedure is to allow for minor deviations from otherwise applicable UDC development standards without a public hearing.

#### B. Applicability

1. The Administrative Adjustments in this Section 7.5.524 are available for consideration during review of a 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 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 Section 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 from any dimensional standard or numerical requirement set forth in this UDC, including standards or requirements in:
    - (1) Part 7.4.2 (Dimensional Standards);
    - (2) Part 7.4.4 (Access and Connectivity);
    - (3) Part 7.4.10 (Parking and Loading); and
    - (4) Part 7.4.11 (Building Design and Site Features).
  - b. If the Manager determines that existing developments do not comply with Part 7.4.2 (Dimensional Standards) in order to preserve the usability of a legal non-conforming development the Manager may approve Administrative Adjustments to the standards in Part 7.4.2 greater than fifteen (15) percent but only up to existing conditions.
  - c. Except as stated in Subsection b above, any adjustment request greater than fifteen (15) percent shall be treated as a Non-Use Variance that requires approval pursuant to Section 7.5.525.
  - d. Requests for Administrative Adjustments authorized by Subsections a and b above may be combined into a single request.
3. Adjustments to Part 7.4.9 (Landscaping and Green Space) are subject to requirements specified in Section 7.4.913 (Alternatives and Adjustments).
4. Administrative flexibility in the FBZ district is available only pursuant to Subsection 7.2.306G (Regulatory Incentives).
5. Alternate requirements and procedures for administrative relief may be included as a part of an FBZ regulating plan.
6. An Administrative Adjustment is not available if a similar adjustment or exception to a UDC standard is available to the applicant pursuant to Section 7.4.202 (Incentives), unless the applicant has already provided the benefit required by Subsection 7.4.202C (Additional Allowances for Incentive Developments). Administrative Adjustments are available to supplement, but not to replace or to avoid the need to provide those benefits required in return for additional allowances available under Subsection 7.4.202C (Additional Allowances for Incentive Developments).

7. Applications to modify development approvals and permits after initial approval or approval with conditions are not eligible for Administrative Adjustments but are instead reviewed under Section 7.5.516 (Modification of Approved Applications).

**C. General**

1. An Administrative Adjustment shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.
2. Each approved Administrative Adjustment and any conditions on the approval shall be indicated on the final associated application.
3. All requested amendments to the originally approved Administrative Adjustment shall be processed in the same manner as the original Administrative Adjustment request.

**D. Administrative Adjustment Process**

**1. Application**

A separate application for an Administrative Adjustment shall be submitted to the Planning Department and shall include a written justification for the type of Adjustment being requested.

**2. Public Notice**

No public notice for a requested Administrative Adjustment is required unless approval of the underlying application requires public notice, in which case the required public notice shall summarize the type of standard for which an Administrative Adjustment is requested.

**3. Decision by Manager**

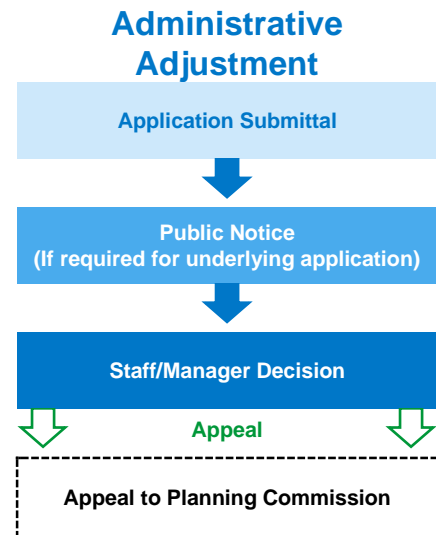
The Manager shall decide whether to approve, approve with conditions, or deny a request for Administrative Adjustment pursuant to the criteria in Subsection E below. If approved or approved with conditions, the approved Adjustments and any conditions shall be noted on the Development Plan or Final Plat.

**E. Criteria for Approval**

**1. General**

- a. If Subsections 2 (Contextual Standards), 3 (Preserving Valuable Trees), or 4 (Subdivision Regulations) below do not apply, the Manager may approve or approve with conditions the requested Administrative Adjustment if the Manager determines that all of the following criteria are met.

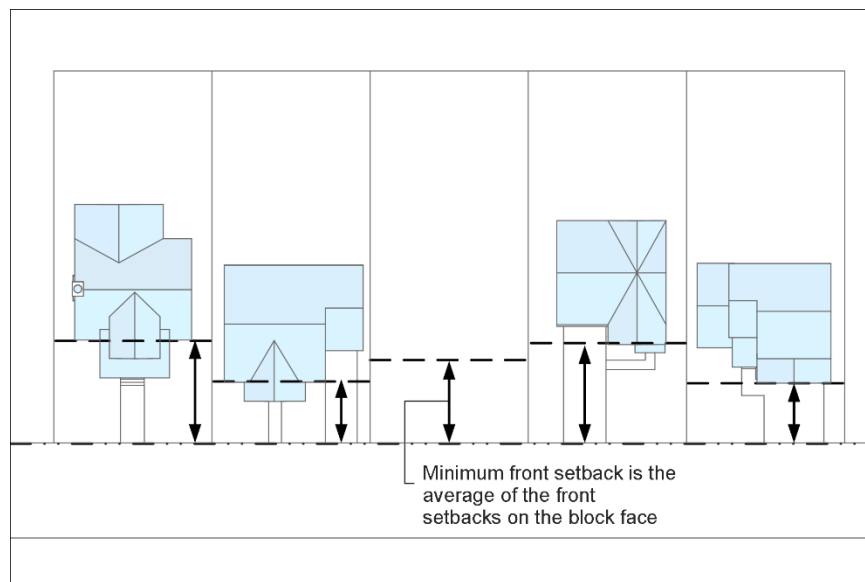
- (1) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief;
- (2) The intent of the specific regulation in question is met;
- (3) The granting of the Administrative Adjustment will not result in an adverse impact on surrounding properties; and



- (4) The granting of the Administrative Adjustment will not allow an increase in the number of dwelling units on a parcel above the permitted density in the zone district.
- b. If the Manager finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the City Planning Commission as an application for a Non-Use Variance.

## 2. Contextual Standards

- a. The Manager may use this Subsection 2 to approve or approve with conditions an Administrative Adjustment to the UDC standards for maximum building height and to front, side, street side, and rear setbacks on properties that were developed and within the City on February 13, 1951, or that were already developed but unplatted when the properties were annexed to the City after that date because platting was not required in El Paso County at the time the properties were developed.
- b. The average dimensional standard for developed properties of the same type within the block face on which the property is located shall be the minimum contextual standard that can be approved as an Administrative Adjustment. If the Manager determines that the block face on which the property is located is not representative of the surrounding development context, the Manager may extend the calculation to properties on adjacent block faces that the Manager determines are of the same and representative of the same context.



- c. The Manager may approve or approve with conditions the requested Administrative Adjustment for contextual standards if the Manager determines that the request will allow infill development to be more closely aligned with the context of surrounding development than if the maximum height or minimum setbacks in the zone district were met.
- d. If the Manager finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the City Planning Commission as an application for a Non-Use Variance.

## 3. Preserving Valuable Trees

- a. If the Manager determines that the strict application of parking standards in Part 7.4.10 (Parking and Loading) will cause the removal or destruction of high value or rare trees, the Manager may approve Administrative Adjustment to preserve those trees.

- b. Only the standards of Part 7.4.10 (Parking and Loading) may be approved pursuant to this Subsection.
- c. The Manager may approve or approve with conditions if the Manager determines that all of the criteria in Subsections E.1 and E.2 above are met, and that all the following additional criteria are also met:
  - (1) A qualified professional forester has determined that each tree to be preserved is healthy; is eight (8) inches or larger diameter at breast height; is high value or rare, and that necessary measures to ensure continued tree health will be used in site design and construction; and
  - (2) The Traffic Engineer has determined that the surrounding property will not be adversely affected by the requested Administrative Adjustment.
- d. If the Manager finds that the applicant has not met the above criteria, the applicant may request that the application be forwarded to the City Planning Commission as an application for a Non-Use Variance.

#### 4. Subdivision Regulations

If an Administrative Adjustment request for the requirements of Section 7.4.302 (Design Standards) relate to approval or modification of a Final Plat, the provisions of Subsections 1 through 3 above do not apply. Instead the Manager, after consultation with the City Engineer, Public Works Director, Fire Department, and other relevant City officials involved in subdivision review, may approve the request if the Manager determines that the adjustment is the minimum adjustment necessary to respond to terrain, soils, engineering, utility, and access constraints, while conforming with the purposes of Subsection 7.4.301A (Subdivision Standards Purpose) and complying with other applicable standards in this UDC to the maximum extent feasible.

#### F. Post-Approval Actions and Limitations

1. Each approved Administrative Adjustment and any conditions on the approval shall 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.
3. All requested amendments to the originally approved Administrative Adjustment shall be processed in the same manner as the original Administrative Adjustment request.

### 7.5.525 Development Standards Adjustment

#### A. Purpose

The Development Standards Adjustment process provides a mechanism for the Planning Commission to authorize deviations from certain development standards in 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 Section 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 standards in the following Sections of this UDC pursuant to this Section 7.5.525:

1. Part 7.4.2 (Dimensional Standards);
2. Part 7.4.10 (Parking and Loading); and
3. Part 7.4.11 (Building Design and Site Features).



**C. General**

A Development Standards Adjustment shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

**D. Development Standards Adjustment Process**

**1. Application**

- a. A separate application for a Development Standards Adjustment shall be submitted to the Planning Department and shall include a written justification for the type of Development Standards Adjustment being requested.
- b. Each approved Development Standards Adjustment shall be indicated on the final associated application if required.

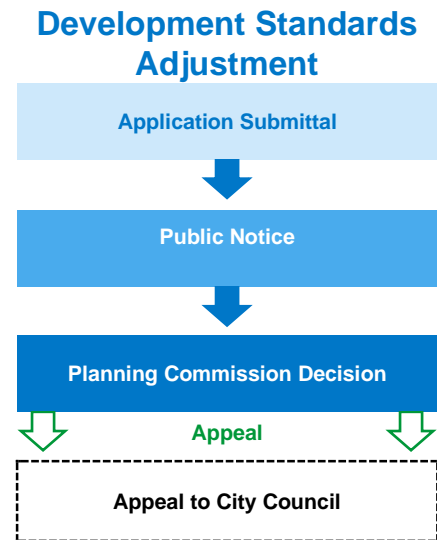
**2. Decision by Planning Commission**

The Planning Commission shall decide whether to approve, approve with conditions, or deny a request for a Development Standards Adjustment pursuant to the criteria 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.

**E. Criteria for Approval**

The Planning Commission may approve or approve with conditions a Development Standards Adjustment if the Planning Commission determines that the proposed alternative design meets the following criteria:

- 1. The alternative design achieves the intent of the subject standard to the same or better degree than the standard for which a waiver is requested;
- 2. When considered together with compensating benefits, the alternative design advances the goals and policies of this UDC to the same or better degree than the standard for which a waiver is requested;
- 3. The alternative design imposes no greater impacts on adjacent properties that would occur through compliance with the specific requirements of this UDC; and
- 4. The alternative design provides compensating benefits that are reasonably related to the proposed waiver and would not otherwise be required by this UDC or State law. Compensating benefits may include one or a combination of the following:
  - a. Benefits to the general public:
    - (1) Parks, trails, or other similar public or cultural facilities;
    - (2) Public landscape buffers or beautification areas;
    - (3) Public art;
    - (4) Permanent conservation of natural areas or lands;
    - (5) Increased building setbacks;
    - (6) Decreased building height; or
    - (7) Other benefits as agreed upon by the Planning Commission.



- b. Benefits the users, customers, or residents of the proposed development:
  - (1) Green space or public open space, trails, or other similar recreational amenities;
  - (2) Upgrades in architectural design;
  - (3) Increased landscaping;
  - (4) Increased buffering;
  - (5) Permanent conservation of natural areas or lands;
  - (6) Secure bicycle facilities, where appropriate; or
  - (7) Other benefits as agreed upon by the Planning Commission or City Council.

**F. Post-Approval Actions and Limitations**

- 1. Each approved Development Standards Adjustment and any conditions on the approval shall be indicated on the final associated application.
- 2. All requested amendments to the originally approved Development Standards Adjustment shall be processed in the same manner as the original Waiver request.
- 3. The Manager shall negotiate any agreement required as a condition of approval.

**7.5.526 Non-Use Variance**

**A. Purpose**

The purpose of this Section is to provide for Planning Commission review of applications for variations from the provisions of Article 7.4 (Development Standards and Incentives) submitted in conjunction with an application for a Development Plan, so that the variance request may be reviewed and a decision made in conjunction with the accompanying application.

**B. Applicability**

This Section applies to a request that is not related to the type of use and deviates over fifteen (15) percent from any dimensional standard or numerical requirement set forth in this UDC.

**C. General**

- 1. A Non-Use Variance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.
- 2. Each approved Non-Use Variance and any conditions on the approval shall be indicated on the final associated application.
- 3. All requested amendments to the originally approved Non-Use Variance shall be processed in the same manner as the original Non-Use Variance request.

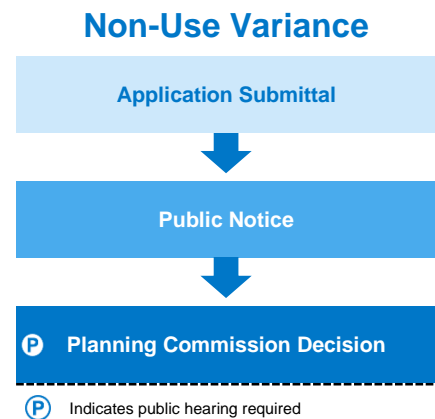
**D. Non-Use Variance Process**

The Planning Commission shall review the Non-Use Variance application at a public hearing and approve, approve with conditions, or deny the application based on the criteria in Subsection E below:

**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);



2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;
3. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief;
4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties; and

**F. Post-Approval Actions and Limitations**

1. Each approved Non-Use Variance and any conditions on the approval shall be indicated on the final associated application.
2. All requested amendments to the originally approved Non-Use Variance shall be processed in the same manner as the original Non-Use Variance request.
3. A Non-Use Variance approved with a Development Plan shall run concurrently with that approval, shall expire, and shall terminate at the same time as the Development Plan.
4. 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**

**A. Purpose**

The purpose of this Section is to provide for City Council review of applications for variations from the permitted uses of any zoning district as outlined in this UDC. The granting of a Use Variance from the requirements of this UDC may be authorized when an unnecessary hardship would result from the strict enforcement of established regulations.

**B. Applicability**

1. This Section applies to all requests for approval of a use of land or a structure that is not listed in Part 7.3.2 (Allowed Use Tables) as a Permitted or Conditional Use in the base and any applicable overlay zone district(s) where the property is located.
2. A Use Variance is not available for:
  - a. Properties that have been subject to a rezoning request at any time in the past eighteen (18) months.
  - b. New construction or development on unimproved property.
  - c. A use of a higher intensity and less restriction than what is permitted in the established zone district of the subject property.

**C. General**

1. All requested amendments to the originally approved Use Variance shall be processed in the same manner as the original Use Variance request.
2. A Use Variance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

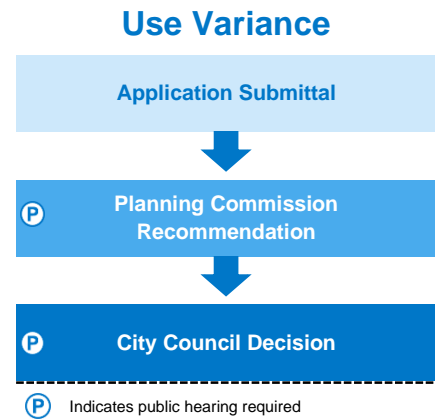
**D. Use Variance Process**

**1. Planning Commission Recommendation**

The Planning Commission shall review the application at a public hearing and shall forward its recommendation to City Council based on the approval criteria in Subsection E below. The Planning Commission may recommend approval, approval with conditions, denial, or may decide not to make a recommendation on the proposed amendment.

**2. City Council Decision**

The City Council shall review the application and the recommendation from the Planning Commission at a public hearing and make a decision based on the approval criteria in Subsection E below.



**E. Criteria for Approval**

The City Council may approve the application or approve it with conditions if Council finds that the following criteria have been met;

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the Use Variance would result in undue property loss and not solely a mere inconvenience or financial disadvantage;
2. That the Use Variance is necessary for the preservation and enjoyment of a property right of the and if not approved, the property or structure cannot yield any beneficial use;
3. That the Use Variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property;
4. That the hardship is not the result of the applicant's own actions;
5. That because of these conditions, the application of the UDC prohibition on the requested use on the subject property would effectively prohibit or unreasonably restrict the use of the property; and
6. That the Use Variance is not being requested primarily to avoid the time or expense of complying with UDC standards generally applicable to similar properties and development.

**F. Post-Approval Actions and Limitations**

1. Each approved Use Variance and any conditions on the approval shall be indicated on the final associated application.
2. Any change to the approved Use Variance shall be processed as a Major Amendment and will be decided upon by the City Council.

**Other Procedures**

**7.5.528 Historic Resource Alteration or Demolition**

**A. Purpose**

The purpose of this Section is to regulate the approval of construction related to, alterations to, demolitions of, and relocations of structures in the HP-O district.

**B. Applicability**

This Section applies to all structures in the HP-O district.

**C. Construction, Alteration, Demolition, or Relocation Approval Process**

**1. Deferral of Building Permit by Regional Building Official**

When the Building Official receives an application for any of the following actions related to a historic resource designated by City Council, and the proposed work would be visible from a public right-of-way, the Building Official shall defer action on the application except as provided in Subsection 5 below until the application is accompanied by a report of acceptability from the Historic Preservation Board:

- a. Alteration or reconstruction of or addition to the exterior of any structure including signs, or improvement that is within the HP-O district for which a Building Permit is required.
- b. Demolition or relocation of any structure including signs or improvement or object to or from the HP-O district for which a permit is required.
- c. Construction or erection of or addition to any structure including signs or improvement upon any land that is within a HP-O district for which a permit is required.

**2. Report of Acceptability and Related Decisions**

**a. Major and Minor Work**

As used in this Section 7.5.528, minor work includes any work that will not alter any distinctive feature or any improvement of the historic structure, and major work includes any work that will alter any distinctive feature or any improvement of the historic structure.

**b. Major Work**

- (1) If the initial application or later review by the minor work committee shows that the proposed work is major work, the report of acceptability shall be prepared by the Historic Preservation Board within twenty-eight (28) days after its receipt.
- (2) If upon receipt of an application for a report of acceptability, the Historic Preservation Board finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure or improvement and is compatible with both the distinctive characteristics of the HP-O district and with the spirit and purpose of this UDC, the Board shall so advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work.
- (3) In determining the decision to be made concerning the issuance of a report of acceptability, the Board shall consider the following:
  - (a) The effect of the proposed work upon the general historical and architectural character of the HP-O district;
  - (b) The architectural style, arrangement, texture, and materials of existing and proposed structures, and their relation to the structures in the HP-O district;
  - (c) The effects of the proposed work in creating, changing, or destroying the exterior architectural features of the structure upon which such work is to be done; and
  - (d) The effect of the proposed work upon the protection, enhancement, perpetuation, and use of the HP-O district.

**c. Minor Work**

- (1) To obtain a report of acceptability for minor work, the applicant shall submit with the Building Permit application such documentation as determined necessary by the Manager.
- (2) If the Manager finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the Manager shall so advise the applicant in writing by issuing a report of acceptability.
- (3) The Manager may refer proposed minor work to the Historic Preservation Board if the Manager determines, during review, that the proposed work will alter any distinctive feature or any improvement of the historic structure.

**d. Building Official Action Following Deferral**

- (1) Upon receipt of the report of acceptability and plans and specifications, the Building Official may proceed with the review of the application for a Building Permit.
- (2) No change that would defeat the purpose of this UDC shall be made in an application for a Building Permit or the plans and specifications for the proposed work approved by the Historic Preservation Board without resubmittal to the Board and approval of such changes in the same manner as the original application.

**e. Unacceptable Work on Property that is Not Nationally Designated**

- (1) If no part of the property that is the subject of the application is listed on the National Register of Historic Places, and the proposed work is not found acceptable, the Historic Preservation Board shall explore with the applicant all means for substantially preserving the improvement that would have been affected by the required permit.
- (2) If the Historic Preservation Board and applicant, after a period of ninety (90) days from the receipt of the application by the Board are unable to develop either alternative plans or an appropriate public or private use for the structure, the Board shall document the reasons for the inability of the Board and applicant to agree, and the applicant may obtain the appropriate permit from the Building Official to complete the actions included in the application in compliance this UDC and all other City codes and regulations.
- (3) The investigations by the Historic Board with the applicant under this Section may include but are not limited to:
  - (a) The feasibility of modification of the plans reflected in the application;
  - (b) The feasibility of any alternative private use of the structure or structures that would substantially preserve the original character thereof; and
  - (c) The possibility of public acquisition of the structure or structures involved for a public purpose.

**f. Unacceptable Work on Property in the National Register of Historic Places**

- (1) If any part of the property that is the subject of the application is listed on the National Register of Historic Places, and the proposed work is not found acceptable, the Historic Preservation Board shall explore with the applicant all means for substantially preserving the improvement that would have been affected by the required permit.
- (2) Except as provided in this Section 7.5.528, no demolition or alteration of property listed in the National Register of Historic Places shall be permitted unless the Board

first finds that an unreasonable economic or noneconomic hardship will result to the owner if not allowed to demolish or otherwise alter the property.

- (3) If the proposed work to construct, modify, or relocate a National Register property is not approved by the Historic Preservation Board, the applicant shall be so advised and no Building Permit shall be issued unless a certificate of hardship has been issued pursuant to Subsection 3 below.
- (4) No reapplication shall be submitted pursuant to this Subsection f based on the plans and specifications found unacceptable by the Historic Preservation Board except upon a showing of changed circumstances sufficient to justify the reapplication, as determined by the Board.

### **3. Determination of Economic Hardship**

If the Historic Preservation Board denies an application for a report of acceptability, it may, upon application or on its own motion, consider issuing a certificate of economic hardship.

#### **a. Economic Hardship Procedure**

- (1) The Historic Preservation Board may initiate consideration of economic hardship on its own motion, or the applicant may submit the application for consideration of economic hardship to the Secretary of the Board within ten (10) days of the Board's decision denying approval of the application for acceptability.
- (2) Upon application or motion for a certificate of economic hardship, the Board shall schedule a public hearing on that application or motion. The public hearing shall be scheduled for the next regular meeting of the Board or may be scheduled as a special meeting of the Board. The hearing shall be noticed to the public as an item on the Board's agenda.
- (3) The Board shall determine who may present evidence or testimony during the hearing. The hearing may be continued provided that, prior to the adjournment or recess of the Board meeting, a clear announcement is made by the Board specifying the date, time, and place at which the hearing will be continued.
- (4) The Board may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions of information before rendering its decision.
- (5) Any action of the Board approving or denying an application or motion for economic hardship shall be made in open session by a majority vote with at least four (4) Board members present during the vote. The Board's decision to approve or deny shall set forth the Board's findings of fact and, in the event of approval, shall include any special conditions of approval considered by the Board to be necessary to mitigate impacts upon and protect the intent and spirit of this UDC as it relates to the HP-O district.

#### **b. Board Actions Related to Economic Hardship**

The Historic Preservation Board shall review all of the evidence and information required of an applicant for a certificate of economic hardship and if the Board finds that without approval of the proposed work the property owner cannot obtain any reasonable economic return, not just profit, on the property, the Board shall:

- (1) Make a finding that denial of approval of the proposed work would impose an economic hardship on the property owner; and
- (2) Immediately issue a certificate of economic hardship and proceed pursuant to this Subsection 3; or
- (3) At its discretion, postpone the issuance of the certificate of economic hardship, provided that:

- (a) The postponement period shall not exceed thirty (30) days unless otherwise agreed to by the applicant. During the postponement period, the Historic Preservation Board shall investigate plans and make recommendations to the City Council to allow the property owner a reasonable economic return from the property, or to otherwise preserve the subject property. Such plans and recommendations may include but are not limited to a relaxation of the provisions of this Section 7.5.528, financial assistance, Building Code modifications, and/or changes in zoning regulations.
- (b) The Board may request an extension of the postponement period by the City Council. If the City Council determines that there is a program or project underway that could result in public or private acquisition of the building or structure and the preservation or restoration of such building or structure, and that there are reasonable grounds to believe that the program or project may be successful, the Council may extend the postponement period for an additional period for a total postponement period of not more than ninety (90) days from the date of application for a regulated permit.
- (c) The Board shall issue a certificate of economic hardship authorizing the work or demolition if, at the end of the postponement period:
  - (i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot obtain any reasonable economic return from the property;
  - (ii) The applicant has not withdrawn its application for a Building Permit; and
  - (iii) The applicant otherwise complies with this UDC and other City codes and regulations.
- (d) If the Historic Preservation Board does not find that all three (3) of the conditions in Subsection (c) above have been met, it shall deny the application or motion for a certificate of economic hardship.

#### 4. Determination of Noneconomic Hardship

As an alternative to the Determination of Economic Hardship described in Subsection 3 above, if the Historic Preservation Board denies an application for a report of acceptability submitted by an applicant acting in a religious, charitable or otherwise not for profit tax exempt capacity, it may, upon application or on its own motion, consider issuing a certificate of noneconomic hardship.

##### a. Noneconomic Hardship Procedure

- (1) The Historic Preservation Board may initiate consideration of economic hardship on its own motion, or the applicant may submit the application for consideration of economic hardship to the Secretary of the Board within ten (10) days of the Board's decision denying approval of the application for acceptability.
- (2) Upon application or motion for a certificate of noneconomic hardship, the Board shall schedule a public hearing on that application or motion. The public hearing shall be scheduled for the next regular meeting of the Board or may be scheduled as a special meeting of the Board. The hearing shall be noticed to the public as an item on the Board's agenda.
- (3) The Board shall determine who may present evidence or testimony during the hearing. The hearing may be continued provided that, prior to the adjournment or recess of the Board meeting, a clear announcement is made by the Board specifying the date, time, and place at which the hearing will be continued.



- (4) The Board may solicit expert testimony or require that the applicant for a certificate of noneconomic hardship make submissions of information before rendering its decision.
- (5) Any action of the Historic Preservation Board approving or denying an application or motion for noneconomic hardship shall be made in open session by a majority vote with at least four (4) Board members present during the vote. The Board's decision to approve or deny shall set forth the Board's findings of fact and, in the event of approval, shall include any special conditions of approval considered by the Board to be necessary to mitigate impacts upon and protect the intent and spirit of this UDC as it relates to the HP-O district.

**b. Board Actions Related to Noneconomic Hardship**

The Historic Preservation Board shall review all of the evidence and information required of an applicant for a certificate of noneconomic hardship and if the Board finds that without approval of the proposed work the property is either substantially inadequate for the owner's legitimate needs, or either physically and/or financially prevents or seriously interferes with the owner's religious, charitable or otherwise not for profit purpose, the Board shall:

- (1) Make a finding that denial of approval of the proposed work would impose a noneconomic hardship on the property owner; and
- (2) Immediately issue a certificate of noneconomic hardship and proceed as in this Subsection 4; or
- (3) At its discretion, postpone the issuance of the certificate of noneconomic hardship, provided that:
  - (a) The postponement period shall not exceed thirty (30) days unless otherwise agreed to by the applicant. During the postponement period, the Historic Preservation Board shall investigate plans and make recommendations to the City Council to render the property adequate for the owner's legitimate needs, or remove serious physical or financial interference with the owner's religious, charitable, or otherwise not for profit purpose, or to otherwise preserve the subject property. Such plans and recommendations may include but are not limited to a relaxation of the provisions of this Section 7.5.528, financial assistance, Building Code modifications, and/or changes in zoning regulations.
  - (b) The Historic Preservation Board may request an extension of the postponement period by the City Council. If the City Council determines that there is a program or project under way that could result in public or private acquisition of the building or structure and the preservation or restoration of such building or structure, and that there are reasonable grounds to believe that the program or project may be successful, the Council may extend the postponement period for an additional period for a total postponement period of not more than ninety (90) days from the date of application for a regulated permit.
  - (c) The Board shall issue a certificate of noneconomic hardship authorizing the work or demolition if, at the end of the postponement period:
    - (i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot adequately use the property for legitimate needs, or is either physically and/or financially prevented or seriously hindered from advancing religious, charitable or otherwise not for profit purposes;
    - (ii) The applicant has not withdrawn its application for a Building Permit; and

- (iii) The applicant otherwise complies with this UDC and other City codes and regulations;
- (d) If the Historic Preservation Board does not find that all three (3) of the conditions in Subsection (c) above are met, it shall deny the application or motion for a certificate of noneconomic hardship.

#### **5. Remedying of Dangerous Conditions**

- a. If the Building Official, Fire Department, or any other public authority having the power to do so orders or directs the construction, reconstruction, alteration, repair, relocation, or demolition of any structure in the HP-O district for the purpose of remedying conditions determined by that official, department, or authority to be imminently dangerous to life, health, or property, nothing contained in this UDC shall be construed as making it unlawful for any person to comply with such order.
- b. Any such official, department, or authority shall take immediate steps to notify the Historic Preservation Board of the issuance of any such order or directive and may include in such order or directive any timely received requirements or recommendations of the Board.

#### **6. Waiver of Conditions**

Upon a showing of substantial hardship or to protect against an arbitrary result, or both, the Historic Preservation Board may waive such conditions and requirements as are set forth in this UDC, provided that the spirit and purpose of this UDC are not significantly eroded.

#### **7. Limitation on Similar Application**

- a. Whenever a request for a report of acceptability, determination of economic hardship, or determination of noneconomic hardship has been finally denied by the Historic Preservation Board, no further application shall be made for a report of acceptability, economic hardship, or noneconomic hardship affecting the same property, or a part thereof, for a period of twelve (12) months from the date of the final action of denial.
- b. A property owner may apply to the Historic Preservation Board for an exception to this limitation by specifying and showing that, due to a change of circumstances and the existing condition of the property, a request for a report of acceptability, determination of economic hardship, or determination of noneconomic hardship is substantially different from the previous application.

#### **8. Normal Maintenance and Repair**

Nothing in this UDC shall be construed to prohibit the accomplishment of any work on a structure in the HP-O district that will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself, and which is considered necessary as a part of normal maintenance and repair.

#### **9. Notification of State or National Designation**

The Manager shall promptly notify the Historic Preservation Board of any known National or State designations of landmark structures or landmark districts within the City.

### **7.5.529 Interpretation of UDC**

#### **A. Purpose**

The purpose of the interpretation procedure is to:

1. Provide a uniform mechanism for requesting and rendering formal written interpretations of this UDC; and
2. Provide for consistent decision making for substantially similar applications.

**B. Applicability**

Any person with a discernible interest in matters governed by this UDC may file a request for an administrative interpretation. The Manager may decline to provide an interpretation.

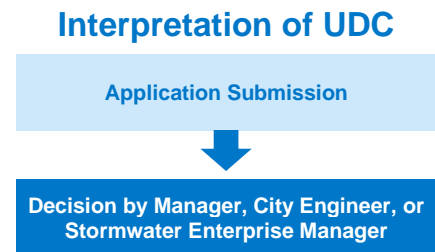
**C. Interpretation Process**

**1. Decision**

**a. Responsibility**

Responsibility for making interpretations of provisions of this UDC is assigned as follows:

- (1) The Manager shall be responsible for all interpretations of the provisions of this UDC relating to zoning and subdivision, including but not limited to:
  - (a) Interpretations as to which is the stricter and thus controlling provision in case of conflict with the UDC and other provisions of this Code;
  - (b) Interpretations of compliance with a conditional of approval;
  - (c) Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zone district;
  - (d) Interpretations about the applicability or requirements of a development standard; and
  - (e) Interpretations of the zone district boundaries on the Zoning Map.
- (2) The City Engineer or Stormwater Enterprise Manager shall be responsible for interpretation of the engineering provisions in the text of the UDC.



**b. Interpretation**

The staff responsible for making the interpretation shall review the request for interpretation, consult with the City Attorney and affected City officials, and render a decision based on the following specific approval criteria:

**(1) General Interpretation**

The interpretation shall be consistent with:

- (a) The purposes of this UDC;
- (b) The purposes of the zone district (including overlay districts, if applicable) in which the property is located;
- (c) Common use of words in the English language if the interpretation is based on the meaning of specific words that are not defined in this UDC, adopted City regulations, or the Colorado Revised Statutes; and
- (d) Prior interpretations of the UDC on similar or related topics, to the maximum extent feasible, unless a modification or replacement of a prior interpretation would be more consistent with the criteria in Subdivisions (a) through (c) above.

**(2) Use Interpretation**

- (a) The Manager shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.
- (b) When determining the level of permission or associated use-specific standards, the size, scale, operating characteristics, multimodal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.
- (c) The Manager shall consult with the City Attorney and affected City officials before rendering the interpretation.

**2. Post-Decision Actions or Limitations**

The decision on an application for interpretation is subject to the following:

**a. Notice**

- (1) The Manager shall inform the applicant in writing of the interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.
- (2) The decision shall be in writing and made available to the public.

**b. Effect of Approval**

- (1) The Manager, City Engineer, Stormwater Enterprise Manager, and other City administrative officials shall consider prior interpretations when making decisions related to the same provision of this UDC or the Zoning Map in substantially similar circumstances, unless a higher decision-making body makes a different interpretation, or this UDC is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to a court of law.
- (2) No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the City.
- (3) A land use determination finding a particular use to be permitted or allowed as a conditional use in a particular zone district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.

**c. Official Record of Interpretations**

The Manager shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

**D. Criteria for Interpretations**

All interpretations shall be based on the review criteria in Subsection 7.5.407D.3.c (City Council) and the following:

**1. Text Provisions**

Interpretation of text provisions and their petition shall be based on the following considerations:

- a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Part 7.6.3 (Definitions) and by the common and accepted usage of the term;

- b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;
- c. The general purposes served by this UDC as set forth in Section 7.1.103 (Purpose);
- d. Consistency with the Colorado Springs Comprehensive Plan and other plans adopted by City Council; and
- e. Consistency with the measurement standards of this UDC including Section 7.6.110.

**2. Zoning Map Boundaries**

Interpretation of zone district boundaries on the Official Zoning Map shall be in accord with the standards in Section 7.6.109 (Zone District Boundaries) and consistent with the Colorado Springs Comprehensive Plan and other plans adopted by City Council.

**3. Use Regulations**

Interpretations of land use determinations shall be based on the following considerations:

- a. Any listed use defined in Part 7.6.3 (Definitions) shall be interpreted as defined in that Part;
- b. No land use determination shall authorize any use in any zone district unless evidence is presented demonstrating that it will comply with the general regulations established for that particular zone district;
- c. No land use determination shall authorize any use in a particular zone district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zone district and is more similar to such uses than to other uses listed as permitted or conditional in another zone district;
- d. If the proposed use is most similar to a use allowed only as a conditional use in the zone district, then any land use determination authorizing such use shall be subject to conditional use approval pursuant to Section 7.5.601 (Conditional Use ); and
- e. No land use determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zone district in question, unless such use meets the standard of either Subsections b or c above.

**7.5.530 Numeric Address Change**

See Section RBC312.7 of the Regional Building Code.

**7.5.531 Street Name Change**

**A. Purpose**

The purpose of the Street Name Change process is to ensure that any change to the name of streets meets the standards of this UDC.

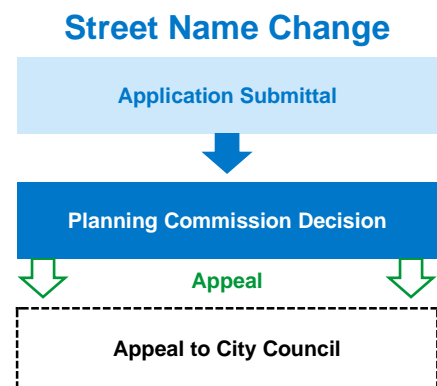
**B. Applicability**

Approval of a Street Name Change application is required before the change of the name of any public street, private street, or right-of-way.

**C. Street Name Change Process**

**1. Planning Commission’s Decision**

The Planning Commission shall review the Street Name Change application in accordance with Subsection 7.5.407D.2 (Planning Commission, FBZ Review Board) based on the requirements of Subsection 7.4.304H (Street Names). Upon a



determination that the application does not meet the requirements of Subsection 7.4.304.H, the Planning Commission shall deny the application. If the application meets the requirements of Subsection 7.4.304.H, the Planning Commission may approve or deny the application in its discretion.

## 7.5.6 DECISIONS REQUIRING A PLANNING COMMISSION HEARING

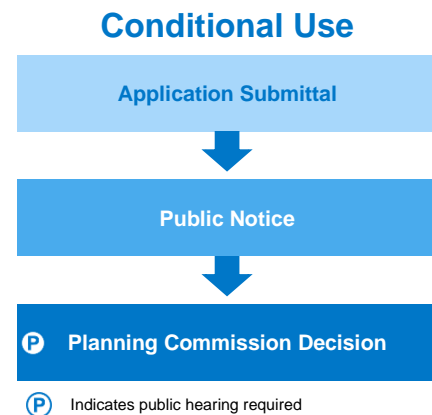
### 7.5.601 Conditional Use

#### A. Purpose

The purpose of this Section is to provide a mechanism for the City to evaluate proposed land uses in a particular zone district that are only conditionally permitted because of unique operating and/or physical characteristics and may be allowed after careful consideration of their impact upon the neighborhood and the public facilities.

#### B. Applicability

1. No use classified as conditional in Table 7.3.2-A: Base and NNA-O District Use Table or Table 7.3.2-B: Additional Overlay District Use Table and no use where conditional use approval is required as part of a use-specific standard (see Part 7.3.3) may be conducted without first obtaining a Conditional Use in accordance with this Section.
2. If a Development Plan is required for the proposed Conditional Use, the Manager shall review and decide upon the Development Plan application based on the standards and criteria in Section 7.5.515 (Development Plan), but shall include any conditions imposed by the Planning Commission on any approval of the Conditional Use Permit.
3. If no Development Plan is submitted with the Conditional Use request, the applicant shall submit a Land Use Statement. This statement shall indicate the following:
  - a. Proposed land uses, housing densities (as applicable), and development intensity;
  - b. Compatibility with adjacent development patterns; and
  - c. Impact to adjacent developments including but not limited to light, noise, and traffic.



#### C. Conditional Use Process

##### 1. Planning Commission Decision

- a. The Planning Commission shall review the Conditional Use application at a public hearing and approve, approve with conditions, or deny the application based on any criteria in the use-specific standard relating to the use, the review criteria in Section 7.5.409 (General Criteria for Approval), and the criteria in Subsection 3 below.
- b. The Manager may recommend, and/or the Planning Commission may impose, special conditions upon the subject property needed to alleviate or mitigate any potentially significant adverse impacts on other property in the neighborhood, and to carry out the stated purposes of the Colorado Springs Comprehensive Plan and this UDC. The Planning Commission may also impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

**2. Criteria for Approval**

- a. The application complies with any use-specific standards for the use in Part 7.3.3 (Use-Specific Standards),
- b. The size, scale, height, density, multimodal traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible; and
- c. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

**3. Post-Decision Actions or Limitations**

The Planning Commission's decision on a Conditional Use application is subject to the following:

- a. The approved Conditional Use, along with stipulations submitted as part of the conditional use application and all conditions imposed by the Planning Commission, shall be binding on the property and shall run with the land and shall not be affected by changes in tenancy, ownership, or management of the property.
- b. An approved Conditional Use shall expire if any of the following apply:
  - (1) The applicant fails to begin operation or fails to apply for a Building Permit and begin construction for a building related to the conditional use, within four (4) years of approval. The Manager may approve one (1) one-year extension of the Conditional Use if no major changes to the site design are required.
  - (2) A legally established conditional use is abandoned or discontinued for a period of at least one (1) consecutive year. Prior to expiration of the conditional use due to abandonment or discontinuation, the Manager may approve one (1) one-year extension of the Conditional Use if no major changes to the site design are required.
  - (3) A change to a use with higher intensity or fewer restrictions than were originally approved in the Conditional Use occurs on the property.
- c. Upon the expiration of a Conditional Use, no Building Permit or Certificate of Occupancy may be issued for that use until a new Conditional Use Permit application has been reviewed and approved in accord with this Section 7.5.601.

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## **7.5.7 POLICY DECISIONS BY CITY COUNCIL**

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### **7.5.701 Annexation of Land**

**A. Purpose**

**1. Extension Policies**

City Charter section 6-70 requires that extension policies for the services provided by the Utilities be established by the City Council.

**2. Water, Wastewater Service Outside City Limits**

City Council believes that definite statements need to be made in order to establish a policy pertaining to the provision and extension of water or wastewater, or both, to consumers outside the City limits who own or occupy land not presently eligible for annexation.

**3. Policy Statements**

- a. The citizens of the City are the owners of water provided to themselves and to consumers outside the City limits. The monies collected from development charges and the revenues generated by sale of water and processing of wastewater are necessary to pay for the acquisition and development of the water and the construction, operation and maintenance of the water and wastewater facilities.
- b. The City must consider the future water and wastewater needs of areas outside the corporate limits if the Pikes Peak urban area is to continue to grow to accommodate anticipated population. However, in considering the future water and wastewater needs of areas outside the City, consideration must be given to the capacity to serve within the corporate limits of the City.
- c. The extension or provision of water or wastewater, or both, is a method of fostering compatible land use and development inside and outside the City limits, and should be handled in a manner which will ensure sound land use relationships and promote orderly development.
- d. Persons inside the City limits who receive water or wastewater services must comply with City ordinances including, but not limited to, Construction, Fire Protection, Subdivision, Zoning and Health Codes. Such persons must pay ad valorem taxes upon their real property. It seems only reasonable then, that persons outside the City limits who desire water or wastewater services should be required to do no less than those who receive such services inside the City, as well as pay additional fees for such services.
- e. There is a need to sell water and process wastewater for revenues to meet the costs of owning and operating the City's water and wastewater system, and the need to ensure that land use and development outside of the corporate limits of the City is compatible with land use within the City and will not have an adverse impact on the City and its facilities, public and private.
- f. There is no obligation imposed by general law upon the City to permit any of the City's water to be used outside its boundaries. Neither is there an obligation under general law to reserve water for undeveloped land presently within the City's boundaries.

**B. Comply with State Laws**

Annexation, consolidation, or disconnection of territory to or from the City shall be in accord with article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as it exists now or may later be amended

**C. Conditions for Annexation**

1. To assist the City Council in its decision, each proposal for annexation shall be studied to determine whether:
  - a. The area proposed to be annexed is a logical extension of the City's boundary;
  - b. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
  - c. There is a projected available water surplus at the time of request;
  - d. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
  - e. The annexation can be effected at the time the utilities are extended or at some time in the future;



- f. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
  - g. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
  - h. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.
2. After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Subdivision Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.

**D. Rights of City**

1. This part shall not be construed to create any rights or cause of action in any person or land, whether or not the same is eligible for annexation, to demand or receive water or wastewater or other municipal service. The City has never previously and does not now assert exclusive control over the right to serve areas outside the corporate limits of the City with water and wastewater. Areas and activities outside the corporate limits of the City are free to obtain water and wastewater services from any other sources.
2. The right of the City Council to restrict and regulate the use of City water within or outside the City limits shall not be abridged by anything contained in this section. The City Council hereby declares the policy of the City to be that water belonging to the City is in no way allocated to a particular parcel of land until such land is developed and water applied to actual use upon such land. Nothing in this section shall be construed to confer upon undeveloped land within the City limits, as such City limits exist at the time of adoption of this section or as such City limits may be hereinafter altered by annexation or disconnection, any right to the preservation of existing water rights or quantities of water for the sole and exclusive use of such land.
3. In the interest of the citizens of the City, City Council will not extend water or wastewater service into any area which is not presently included within the Utilities electric service area. An exception to this policy may be made if the area requesting service can be annexed to the City at the time of utility extension and included in the electric service area upon such annexation or for special contract service for water or wastewater services outside the City

**E. Annexation Agreements for City Services**

1. Except for special contract service for water or wastewater services outside the City, as a condition precedent to the supplying of City water or wastewater services, or both, to land outside the limits of the City, under this part the City shall require an agreement executed by the owners in fee of the real property so supplied, which agreement shall provide, among other conditions as the City Council may impose, that the owners shall petition for and consent to the

annexation of the area to be supplied with such City services to the City at such future date as the area supplied or any portion thereof, becomes both eligible for annexation pursuant to section 30 of article II of the Colorado Constitution and the Municipal Annexation Act of 1965, as it now exists or may hereafter be amended or as it may be modified by section 30 of article II of the Colorado Constitution, and is found by the City Council to be proper for annexation to the City under the provisions of part 1 of this article.

2. It is recognized that a court determination may be required in order to satisfy the provisions of this part.
3. Such agreement shall be reported to the City Council at the next regular Council meeting following its execution. Such agreement shall then be recorded and shall run with the land and be binding on the heirs, assigns and successors in interest of the signers.

**F. Procedure for Handling Requests**

1. An application for water or wastewater service for premises outside the corporate limits of the City may be granted by the City Council upon finding that all conditions set forth in this part have been met by the applicant. In its discretion, the City Council may require that studies addressing the considerations expressed in this part, be prepared as a condition precedent to the granting of water or wastewater services or both.
2. In no event is City Council legally obligated to serve water or wastewater outside the City limits.
3. In the event that the City Council authorizes the extension of water or wastewater or both services outside the City boundaries, such decision shall be considered a matter of legislative discretion and not subject to judicial review. Neither shall such decision constitute a precedent controlling other pending or future applications for extraterritorial service.

**G. Water Service Previously Granted Outside City**

Any request for a change of use of previously granted municipal services shall be considered and administered as a new application for such municipal service and shall be subject to all of the provisions and requirements as set forth in this part.

**H. Service Subsequent to Annexation**

Except as otherwise provided in this section, land which at the time of request for service is eligible for annexation to the City under section 30 of article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as it now exists or may hereafter be amended and which meets the provisions of this part, as determined by City Council, shall be annexed to the City before receiving City water or wastewater service or both except as provided in this part.

**I. Service Pending Annexation**

1. For good cause shown, the City Council may approve the delivery of water or wastewater service, or both, pending completion of annexation. As used in this subsection, good cause is any reason which in the opinion of City Council:
  - a. Would cause unnecessary delay to the annexor in commencing work on the proposed development; or
  - b. Would impose an unnecessary economic hardship upon the annexor, without any compensating advantage or benefit to the City or its citizens. In any event, the City Council hereby declares that its discretion in determining the existence or nonexistence of good cause is a legislative act and is not subject to judicial review.
2. A petition for annexation, subject to such conditions as City Council in its discretion may impose, must be first filed before a permit or permits for such water or wastewater service shall be issued or any work commence to extend such water or wastewater service beyond the City limits existing at that time. Once filed such petition cannot be withdrawn except with express

permission of the City Council and shall be pursued by the annexor and affected City departments to a speedy conclusion. Authorization for water or wastewater extension beyond the City limits may be withdrawn by the City Council without notice to the annexor at any time prior to any substantial change of position (expenditure of time or money) by them in reliance on such authorization.

3. All required fees shall be payable in advance of the issuance of permit(s) for the requested service(s) and no fee or portion thereof shall be refunded.
4. In no event shall this section be used if annexation subsequent to the extension of utilities cannot be assured under the provisions of section 30 of article II of the Colorado Constitution.

**J. Service Without Annexation**

In its legislative discretion, the City Council may authorize special contract service for water or wastewater services outside the City, or service without annexation. Special contract service shall only be considered when the area to be served is legally ineligible for annexation or when City Council determines that annexation is not in the best interest of the citizens of the City, and shall comply with the provisions of section 12.4.304 of this Code.

Service without annexation is available for the delivery of water or wastewater services or both to land otherwise eligible for annexation under the criteria of the Municipal Annexation Act of 1965 but which the Council decides not to annex for failure to meet the provisions of this part. Further, in exercising its discretion for service without annexation, the City Council shall consider, among such other values and matters as may be presented to it, the following:

1. Estimated immediate and long range costs to the City under development plans proposed by the annexor, which cost estimates shall include, but need not be limited to:
  - a. **The Cost Of Extending Existing City Services**  
Examples of capital improvements are bridges, arterial streets, major drainage improvements, parks and park improvements and the maintenance and operation of such improvements;
  - b. **Capital Improvements**  
The nature and the cost of City financed capital improvements made necessary by the proposed annexation when developed;
  - c. **Time Schedule**  
The time schedule as proposed by the annexor over which such costs would be extended.
2. Revenues expected to be generated by proposed development within the area proposed to be annexed;
3. Other benefits to the City for which there is no readily acceptable method of computation except subjective judgment.
4. In addition, the City Council shall consider whether:
  - a. There is a projected available water surplus at the time of request.
  - b. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City.
  - c. The owner of the land to be served has executed an annexation agreement in the form required by the City. Such annexation agreement shall be attached to the application.
  - d. The proposed use of the land to be served is compatible with the use of adjacent land areas and to the extent acceptable to and approved by the City Council is in conformance with the plan of the Pikes Peak Area Council of Governments Urban Area Policy

Committee. Such proposed land use shall be submitted to the government entity having land use planning jurisdiction thereover for comment at least thirty (30) days before final Council action on the request for services.

- e. Water and wastewater development and other applicable utility fees will be paid, and the owner of the land to be served has agreed to abide by all conditions and terms of the Colorado Springs Utilities. Water and wastewater extension policies are available at the Office of the Utilities Executive Director.
  - f. The development of the land to which the water and wastewater services are to be provided is in conformance with those provisions of this Code, as amended, as are applicable to land development within the corporate limits of the City or adequate assurances are made that development of the land will be in compliance with City codes. Assurances of such conformance may be in the form of cash deposit, corporate surety bond, letter of credit or other assurance which the City Attorney shall approve as to form and the City Engineer shall approve as to amount. Compliance with City codes pertaining to land development may require, but shall not be limited to:
    - (1) Provision for required school/park sites or fees in lieu thereof to the applicable jurisdictions.
    - (2) Dedication, design and construction of required streets, sidewalks, curbs, gutters and utilities, including telephone, to City standards or to the standards of the entity having responsibility for maintenance thereof, whichever standard is more strict.
    - (3) Dedication of easements including, but not limited to, utility, including telephone and drainage easements as required by the Subdivision Code.
    - (4) Provision for necessary drainage facilities or the payment of drainage fees and arterial roadway bridge fees.
    - (5) The City shall require, as a condition of service without annexation, the transfer of title to all groundwater underlying the land proposed to be served with water and wastewater services. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse such service without annexation or require payment commensurate with the value of such groundwater as a condition of service without annexation. The value of such groundwater shall be determined by the Utilities, based on market conditions as presently exist.
5. Whether the annexation agreement referred to in subsection D3 of this section can be legally enforced under section 30 of article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as modified by section 30 of article II of the Constitution.

#### 7.5.702 Amendment to UDC Text

##### A. Purpose

The purpose of this Section is to establish standards and provide a mechanism for the City to review and decide on an application to amend the text of this UDC.

##### B. Applicability

1. This Section applies to all applications to amend the text of the UDC.
2. Specific types of applications may have additional standards, criteria, or requirements, as provided for in this UDC.

**C. Amendment to UDC Text Process**

**1. Application Submission**

Only a City department, enterprise, appointed board of the City, or City Council may submit an application to amend the text of the UDC.

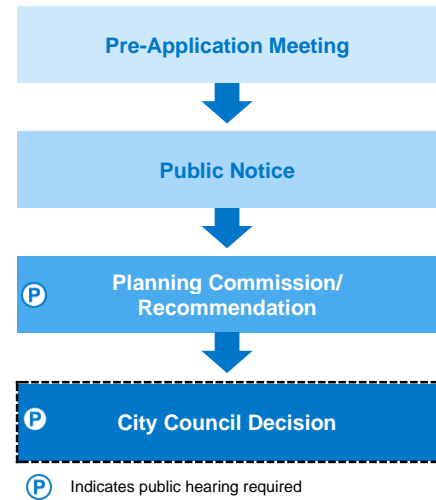
**2. Planning Commission**

- a. The Planning Commission shall review the application at a public hearing and shall forward its recommendation to City Council based on the approval criteria in Subsection D below. The Planning Commission may recommend approval, approval with conditions, denial, or may decide not to make a recommendation on the proposed amendment.
- b. If the application relates to Section 7.2.608 (HP-O: Historic Preservation Overlay), the Historic Preservation Board shall review the application transmit its recommendation to approve, approve with conditions, or deny the text change to the Planning Commission.

**3. City Council Decision**

The City Council shall review the application and the recommendation from the Planning Commission at a public hearing and make a decision based on the approval criteria in Subsection D below.

**Amendment to UDC Text**



**D. Approval Considerations**

**1. General**

The Planning Commission may recommend approval or approval with conditions, and City Council may approve or approve with conditions, after paying due regard to each of the following factors:

- a. The Colorado Springs Comprehensive Plan and other plans adopted by City Council.
- b. The current conditions and character of current structures and uses in each zone district.
- c. The most desirable use of land in each zone district.
- d. The conservation of sensitive environmental features.
- e. Promotion of responsible development and growth.

**7.5.703 Vacation of Public Streets or Rights-of-Way**

The City Council shall review and make a decision on applications to vacate any portion of a Final Plat that involve vacations of public streets or rights-of-way in those circumstances, and pursuant to those standards and criteria described in Section 7.5.522 (Vacation Plat).

**7.5.704 Zoning Map Amendment (Rezoning)**

**A. Purpose**

The purpose of this Section is to establish standards and provide a mechanism for the City to review and decide on an application to rezone property within the City’s jurisdiction, where the City has determined that rezoning of those areas is appropriate.

**B. Applicability**

This Section 7.5.703 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.

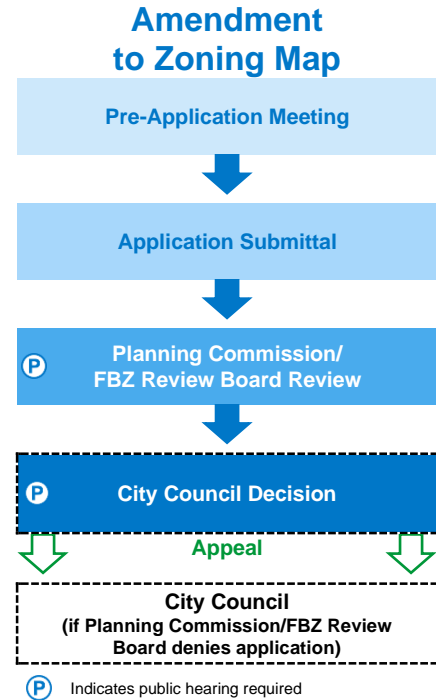
**C. Amendment to Zoning Map Process**

**1. General**

- a. A FBZ regulating plan may provide for alternate review procedures for proposed amendments of zoning map designations within the FBZ district.
- b. For an HP-O district, the standards in Subsection 7.2.501.B (Standards for Designation of Areas for Zoning Overlay) shall apply.

**2. Planning Commission, FBZ Review Board, or Historic Preservation Board Review**

- 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 based on the approval criteria in Subsection D below. The Commission or FBZ Review Board may recommend approval, approval with conditions or modifications, or decide not to make a recommendation on the proposed application, or may deny the application.
- b. The Planning Commission, FBZ Review Board, or Historic Preservation Board may recommend, and the City Council may require, the modification of requirements of any zone district so that the property under consideration may be developed in a reasonable manner and without detriment to the public welfare and interest.
- c. If a Development Plan is required with the zoning map amendment application, the Planning Commission or, if applicable, an FBZ Review Board or Historic Preservation Board shall review and decide 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.
- d. If the application is for an HP-O district designation, in addition to the conditions allowed in Section 7.5.410 (Conditions on Approvals), the Historic Preservation Board may recommend one (1) or more of the following conditions:
  - (1) Reduction of front, side, and rear yard setbacks to conform to neighborhood standards;
  - (2) Waiver for building height limitations to conform to neighborhood standards;
  - (3) Allowance of vehicles to back across property lines for parking spaces accessed from an alley as long as the vehicles are visible from both directions in the alley;
  - (4) Allowance for one hundred (100) percent of all required off street parking spaces as compact spaces;
  - (5) Allowance for tandem parking spaces;



- (6) Allowance for off-site parking spaces that are within three hundred (300) feet of the historic resource; and
  - (7) If relief allowed under Subsections (1) through (6) above is insufficient to preserve the historic resource, a reduction of up to fifty (50) percent of the minimum number of off-street parking spaces required by Part 7.4.10 (Parking and Loading) may be recommended.
- e. If the application is for creation of an ADS-O district, the procedures, standards, and limitations applicable to the creation of the text of the ADS-O district in Section 7.5.702 (Amendment to UDC Text) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.
  - 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 shall forward its recommendation to City Council for decision in accord with Subsection 3 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 Committee, FBZ Review Board, or Historic Preservation Board and make a decision based on the approval criteria in Subsection D below.

**D. Approval Criteria**

An application for an amendment to the zoning map shall be subject the following criteria for approval:

- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).
- 2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.
- 3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).
- 4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.
- 5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.
- 6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in in Subsection 7.5.514C.3 (Land Use Plan Criteria).
- 7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

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 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.
9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.
10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

#### 7.5.705 Appeals

The City Council shall hear appeals from decisions of the Planning Commission, FBZ Review Board, and Historic Preservation Board pursuant to Section 7.5.415 (Appeals) and shall make a decision to affirm, reverse, modify the action, or remand the item back to the body that made the appealed-from decision.

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## 7.5.8 NONCONFORMITIES

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### 7.5.801 Nonconforming Buildings and Structures

#### A. Damage or Destruction

Nonconforming buildings or structures that contain conforming uses, and that are damaged or destroyed by fire or other causes, may be rebuilt under the following conditions:

1. Any necessary Building Permits are obtained within twelve (12) months of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances;
2. The gross floor area and height of the new structure shall not exceed the gross floor area and height of the original nonconforming structure;
3. The new structure shall comply with all development standards for the particular zone district in which the property is located, with the exception of height which may be exceeded to the extent of the previously existing legal nonconforming development; and
4. Reconstruction of all legal nonconforming buildings or structures other than a single-family detached or duplex dwelling shall be subject to the submittal and approval of a Development Plan in accord with Section 7.5.515 (Development Plan) prior to the issuance of a Building Permit.
5. Existing attached stoops, porches, and decks on nonconforming residential structures are considered a part of the entire structure and are not subject to the fifty (50) percent replacement value limitation. Attached stoops, porches, and decks located within the required front, side, or rear yard setback may be replaced in its original location but may not be enlarged in size or height.

#### B. Repair and Maintenance

A nonconforming structure occupied by either a conforming or legal nonconforming use may be repaired and maintained and, if it is declared to be unsafe by a Regional Building Official, it may be strengthened or restored to a safe condition. However, the cost of repairs and maintenance shall not exceed fifty (50) percent of the current El Paso County Assessor's Market Value estimate of the structure, and there shall be no increase in the degree of nonconformity.



**C. Additions to and Enlargement of Structures**

1. A legal nonconforming structure occupied by a conforming use may not be added to, enlarged, or structurally altered unless such addition, enlargement, or structural alteration conforms to all regulations and site development standards of the zone district in which it is located including but not limited to square footage per dwelling unit, setbacks, off-street parking, and landscaping.
2. A legal nonconforming structure occupied by a legal nonconforming use may not be added to, enlarged, or structurally altered.

**D. Damage to or Destruction of a Structure**

When a legal nonconforming structure is damaged by fire or other causes to the extent that the cost of restoration exceeds fifty (50) percent of the pre-damage assessed value of the structure, the nonconforming structure shall be removed.

**E. Conversion of Conforming Structure**

A conforming structure shall not be changed in any way that will result in a nonconforming development.

**7.5.802 Nonconforming Lots**

**A. General**

1. A Lot of Record may be developed with any permitted use allowed in the zone district in which it is located even if it does not meet the minimum lot area or width requirements. The development shall comply with all site development requirements set forth in this UDC, except as noted in Subsection 2 below. No Lot of Record may be reduced in size so that the lot's area or width is less than required by this UDC.
2. When a Lot of Record is under separate ownership, located in a residential zone, and narrower than the minimum lot width, the following reduction of the side building setback may be allowed: For each foot by which the Lot of Record is narrower than the minimum lot width requirement of the zone in which it is located, one and one-half (1 ½) inches may be deducted from the required least width of any side setback and three (3) inches from the sum of the least widths of both side setbacks for buildings that do not exceed two (2) stories in height; however, a side setback may not be narrower at any point than ten (10) feet in an R-E zone district, five (5) feet in an R-1 9 zone district, four (4) feet in an R-1 6 zone district, and three (3) feet in the R-Flex Low zone districts.

**B. Lots Rendered Nonconforming by Public Acquisition**

Lots rendered nonconforming by public acquisition of right-of-way or for other purposes because the lots no longer meet the required minimum area or minimum width may be developed for any permitted use allowed in the zone district in which it is located. When the public acquisition results in the reduction of or elimination of existing landscaping or parking spaces, the owner of the property shall not be required to replace the removed landscaping or parking spaces.

**7.5.803 Nonconforming Site Features**

**A. Purpose**

Within the districts created by the adoption of this UDC or by the adoption of amendments to the UDC, there may exist developments of land with site features such as off-street parking areas, landscaping, fences and walls, exterior lighting, or signs that were legal prior to the adoption or amendment of this UDC, but under which the terms of this UDC, as amended, are now prohibited, restricted, or regulated. The purpose of this Section is to permit these nonconforming site features to continue until they are voluntarily removed or brought into compliance in conjunction with a proposed change in the development.

**B. Continuation**

Site features such as off-street parking areas, landscaping, fences and walls, exterior lighting, or signs that were legally existing at the time they were established but that have become nonconforming because they no longer meet the current standards of this UDC may be continued, except as otherwise provided in this Section 7.5.803.

**C. Extensions of Site Features**

The degree of nonconformity of a site feature shall not be enlarged, expanded, extended, or increased, except as provided in this UDC.

**D. Provisions Applicable to Specific Site Features****1. Off-Street Parking**

- a. Off street parking and loading areas that conform with the standards in Part 7.4.10 (Parking and Loading) shall be provided for (i) a newly constructed building or new use on previously vacant land, (ii) all uses in a building that is enlarged, and (iii) all uses in a building when any use is changed and the newly approved use requires more parking than the previously approved use. However, existing parking and loading areas do not need to be upgraded to comply with the standards in Part 7.4.10 (Parking and Loading) even if they provided part of the required parking for the new or enlarged use or building.
- b. The Manager may require additional off-street parking or loading facilities if the Manager determines it is needed to avoid congestion on public streets and for the health, safety, and convenience of the public.

**2. Landscaping**

Nonconforming landscaping, including fences and walls, may continue until the property owner engages in activities that subject the development to the standards of Part 7.4.9 (Landscaping and Green Space); see Section 7.4.902 (Applicability).

**3. Exterior Lighting**

Exterior lighting may continue even if it does not comply with the standards of this UDC until the property owner engages in activities that subject the development to the standards of Part 7.4.12 (Exterior Lighting); see Section 7.4.1202 (Applicability and Exemptions).

**4. Signs**

See Section 7.4.1311 (Nonconforming and Abandoned Signs).

**7.5.804 Nonconforming Uses****A. Extension of Use****1. Use on Land**

A legal nonconforming use of land shall not be expanded, enlarged, or extended in any way, either on the same or adjoining properties.

**2. Use in Structure**

The extension of a legal nonconforming use into any other portion of the structure in which it is located shall be allowed only if the portion of the structure into which the expansion will take place was primarily arranged or designed for such nonconforming use at the time this UDC became effective.

**B. Change of Use**

1. A legal nonconforming use may be changed only to a use that is the same intensity and as restricted, or is a lesser intensity and more restricted, or is a conforming use in the zone district

in which it is located, as determined by the Manager. The Manager shall use the following criteria to determine whether to allow the change of use:

- a. The proposed use is permitted in the same or more restrictive zone districts than the existing use.
  - b. The proposed use requires less or the same amounts of off street parking and landscape buffering and has lower or the same levels of associated traffic generation, noise, light, and dust than the existing use.
  - c. The proposed use will create no more adverse impacts on the surrounding neighborhood than the existing use.
2. After a legal nonconforming use is changed to a less intensive or more restrictive legal nonconforming use, the use shall not later be returned to a more intensive or less restrictive nonconforming use. When a legal nonconforming use is changed to a conforming use, the use shall not later be returned to a nonconforming use.

**C. Repair and Maintenance**

A legal nonconforming use may continue unless or until the structure occupied by the use is declared unsafe by the Building Official or until the cost of repairs over a twelve (12) month period exceeds fifty (50) percent of the current El Paso County Assessor's Market value estimate of the structure.

**D. Additions and Enlargements to a Structure**

A legal nonconforming structure occupied by a conforming use may be added to, enlarged, or structurally altered up to fifty (50) percent of the original footprint, so long as such addition, enlargement, or structural alteration conforms to all regulations and site development standards of the zone district in which it is located.

**E. Discontinuance**

If a nonconforming use located on any land or any structure is discontinued or its normal operation stopped for a continuous period of twelve (12) months, then any subsequent use of the land or structure shall conform to all applicable use regulations in the zone district in which it is located.

**F. Damage or Destruction to a Structure**

If a legal nonconforming use located on any land or a structure occupied by a legal nonconforming use is damaged by fire or other causes to the extent that the cost of restoration exceeds fifty (50) percent of the pre-damage assessed value of the structure, then the nonconforming use shall no longer be permitted.

**G. Conditional Use**

A preexisting, legal nonconforming use that would require the approval of a Conditional Use Permit to be allowed in its zone district shall be presumed to have the required Conditional Use Permit. Modifications to the structure or site shall be processed in accord with Section 7.5.414 (Conditional Use Permit).

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## 7.5.9 GENERAL ENFORCEMENT

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### 7.5.901 Purpose

The purpose of the comprehensive enforcement program established in this Section is to protect the public health, safety, and welfare by requiring compliance with the regulations in this UDC and to:

- A. Reduce the number of zoning violations;
- B. Abate all zoning violations in a timely and efficient manner;
- C. Establish a fair process to abate violations;

- D. Provide consistent and fair enforcement, recognizing the inherent differences in many types of zoning violations; and
- E. Develop a set of standard procedures for abating each type of violation based upon their risk of harm to the public health, safety, and welfare.

#### 7.5.902 Applicability

- A. The provisions of this Part 7.5.9 apply to all actions to enforce the provisions of this UDC.
- B. Grading or vegetation removal occurring on an individual lot or tract that does not comply with a City-approved Hillside Site and Grading Plan as required by Section 7.2.610E shall be deemed a violation of the UDC subject to the enforcement of this Section.
- C. Land disturbance activities that impact grading and erosion control, include compliance with GEC Permits or Associate GEC permits, are additionally subject to the enforcement provisions in Part 7.5.10 (Grading and Land Disturbance Enforcement).
- D. Compliance with stormwater regulations is additionally subject to the enforcement provisions in Part 7.5.11 (Stormwater Enforcement).
- E. Compliance with regulations relating to historic preservation is additionally subject to the enforcement provisions in Part 7.5.13 (Historic Preservation Enforcement).
- F. Compliance with the Building Code is subject to the enforcement provisions in Part 7.5.14 (Building Code Enforcement) as well as the regulations in the Building Code.

#### 7.5.903 Violations

- A. A violation of any term of this UDC shall be subject to enforcement pursuant to this Part 7.5.9.
- B. A violation of a condition attached to an approved application is a violation of this UDC.
- C. Obtaining an application based on the submission of false or misleading application materials is a violation of this UDC.
- D. Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies available pursuant to this Part 7.5.9.

#### 7.5.904 Enforcement

##### A. Right of Entry

1. The Manager shall have the right to enter upon any premises at any reasonable time for the purpose of enforcing this UDC, including abatement of violations.
2. If the owner or occupant of any premises located within the City refuses to permit entry to the Manager sought pursuant to this Subsection, or should permission to enter the premises otherwise not be obtainable from the owner or occupant, the Manager may make application to any Judge of the Municipal Court for the issuance of a warrant to inspect the premises or a warrant to search for and/or seize property located upon the premises. The sworn application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition that is in violation of the requirements of this UDC exists on the premises, or that a violation in fact exists and must be abated. Any warrant issued shall command the owner or occupant to permit entry to the Manager for the purposes stated.

##### B. Emergency Abatement Order

1. If the Manager deems that an emergency exists that requires immediate action to protect the public health, safety, and welfare, the Manager may, without prior notice or hearing, issue an order stating that an emergency exists and requiring that such action be taken as deemed

necessary to meet the emergency. Notwithstanding any provision of this Part 7.5.9 to the contrary, the order shall be effective immediately.

2. It shall be unlawful for any person to whom an emergency order is issued to fail to comply with the emergency order immediately. In the event that the person to whom the emergency order was issued fails or refuses to immediately comply, the Manager may request, without prior notice to the owner, occupant, or agent of the owner, that the dangerous condition be removed, corrected or otherwise abated to an extent that it is no longer an imminent hazard to the public health, safety and welfare. Except as otherwise provided, the provisions of Part 7.5.9 and Chapter 9, Article 6 of this Code, shall apply to any removal, correction, or other abatement action taken pursuant to an emergency order.

**C. Stop Work Order for Hillside Site and Grading Plan**

1. The Manager may issue a stop work order upon a determination that work is being performed without a Hillside Site and Grading Plan required by this UDC or in violation of an existing Hillside Site and Grading Plan if:
  - a. The nature of the disturbance or work being performed would cause irreparable harm;
  - b. Less harm would result to the property owner, if the stop work order is issued, than to the public if not issued; and
  - c. Public interest weighs in favor of preserving the status quo.
2. Stop Work Order decisions may be appealed pursuant to Section 7.5.415 (Appeals).

**7.5.905 Remedies**

The Manager may use any or all of the powers listed below to enforce the provisions of this UDC. Remedies provided in this Section shall be cumulative and in addition to any other remedies. Nothing contained in this Part 7.5.9 shall be construed to preclude the Manager from seeking any other remedies in addition to or in lieu of the remedies granted in this Section.

**A. No Action**

After careful consideration of the facts and circumstances, the Manager may take no action on a complaint of an alleged zoning violation.

**B. Informal Contact**

The Manager shall have the authority to effectuate the abatement of zoning violations through informal meetings or conversations.

**C. Agreement to Abate**

The Manager may enter into an agreement with a violator whereby the violator agrees to abate the violation within a certain time based upon certain conditions within the agreement. Should the violator not abide by the terms and conditions of the agreement to abate, the Manager may proceed with abatement as authorized in this Section.

**D. Notice and Order**

The Manager may issue a notice and order ordering the cessation of an illegal condition within a specified period of time based upon the nature of the violation. Should the violator not comply with the notice and order within the period of time specified, or fail to appeal the notice and order within the applicable time period, the Manager may proceed with abatement as authorized in Section 7.5.907 (Penalties).

**E. Suspension or Revocation of Permit**

1. The Manager may issue a notice to show cause as described in Subsection 7.5.906B (Service of Notice) stating the alleged grounds for suspension or revocation and the date, time, and place of

a hearing before the Planning Commission, which shall hold a public hearing on the allegations contained in the notice to show cause.

2. The Planning Commission may suspend or revoke a permit if it finds, by a preponderance of the evidence, that the activity or structure described in the notice to show cause is in violation of this UDC or a condition attached to a permit or approval related to the activity, structure, or property. Upon such a finding, the Planning Commission shall revoke the permit authorizing the activity or structure or shall suspend the permit authorizing the activity or structure until activity or structure is in compliance with this UDC and all conditions attached to any permit or approval related to the activity listed in the notice to show cause.
3. A suspended permit may be suspended for up to thirty (30) days and for so long thereafter until reinstated by the Manager upon proof that the cause of the suspension has been remedied.
4. A decision by the Planning Commission to suspend or revoke a permit may be appealed in accordance with Section 7.5.415 (Appeals).
5. A suspension or revocation shall be effective immediately upon the decision of the Planning Commission or, if appealed, of the City Council.
6. Suspension or revocation on non-renewal of a permit may be in addition to any remedy provided for in this UDC including the remedies available in this Part 7.5.9

**F. Direct Abatement**

The Manager may pursue direct abatement for removal of any UDC violation in conjunction with a search and seizure warrant issued by Municipal Court in accord with Subsection 7.5.904A (Right of Entry).

**G. Civil Action**

The Manager, with the concurrence of the Mayor, may request the City Attorney to initiate a civil action in the District Court for injunctive relief to abate violations of this UDC.

**H. Reinspection Fees**

The Manager may charge reinspection fees for UDC violations in accord with Subsection 7.5.907B (Reinspection Fees).

**I. Criminal Prosecution**

The Manager may pursue the issuance of a summons and complaint in accord with Subsection 7.5.907C (Summons and Complaint).

**J. Summary Abatement**

After consultation with the City Attorney, the Manager shall have the power to authorize the removal of an item from private property that may create an imminent hazard to the public health, safety, and welfare.

**7.5.906 Procedures**

**A. Notice**

Any notice required as part of enforcement of this UDC in accordance with Part 7.5.9 shall be in writing and shall:

1. Describe with particularity the asserted violation existing on the premises or property that gives rise to the enforcement action.
2. Specify the period within which the violation must be abated or otherwise corrected.
3. Note the availability of appeal to the Planning Commission, provided that a written notice of appeal and an appeal application is made within ten (10) days from the date of mailing, posting, or personal service of the notice and order.

**B. Service of Notice**

The notice shall be personally served whenever feasible on the owner, the owner's agent, other persons with an interest in the property, and/or the occupant of the premises, as applicable. If personal service is not feasible, the notice and order shall either be posted conspicuously at the premises or mailed to the last known address of the person by certified mail, return receipt requested.

**7.5.907 Penalties**

**A. Direct Abatement**

If any order issued in accordance with this Part 7.5.9 is not complied within the specified time, the Manager may correct the violation or abate the nuisance or hazard itself, or through private contract, and may recover the costs of such correction or abatement from the owner of the property in accordance with this Section 7.5.907.

**B. Reinspection Fee**

**1. Imposition of Fee**

The owner of the property who has been issued a notice and order for violation(s) of this UDC, and who fails to comply with an order to abate, may be assessed a reinspection fee for every reinspection necessitated by the owner's continued noncompliance with the notice and order to abate. Reinspection fees shall be assessed for all site visits until the violation is abated. The violation(s) shall be regularly reinspected until the owner successfully complies with the notice and order to abate.

**2. Fee Schedule**

**a. First-Time Offender**

- (1) A first-time offender related to a primary residential use shall be assessed a first-time offender reinspection fee of \$100 for the first reinspection, \$250 for a second reinspection, and \$500 for a third and each subsequent reinspection required until compliance is achieved.
- (2) A first-time offender for a property containing a primary mixed-use or nonresidential property shall be assessed a first-time offender reinspection fee of \$500 for the first reinspection, \$750 for the second reinspection, and \$1,000 for the third and each subsequent reinspection required until compliance is achieved.

**b. Repeat Offender**

- (1) A repeat offender previously cited for a failure to comply with a notice and order to abate during any successive six- (6) month period for a violation(s) that has occurred at the property shall be assessed a reinspection fee of \$250 for each reinspection conducted until compliance is achieved. The Manager may remove the repeat offender designation if, after abatement, the owner has no further violation(s) for a period of six (6) months. If a repeat offender designation is removed and the owner has a subsequent violation on the same property, that owner shall be reclassified as a repeat offender.
- (2) A repeat offender who reengages in prohibited zoning activities at any time within a twelve- (12) month period following the prior violation shall be assessed a reinspection fee of \$250 for each reinspection conducted until compliance is achieved. If after a period of one (1) year no UDC violations or enforcement activity relating to any UDC violation occur, the repeat offender shall be reclassified as a first-time offender.

**c. Chronic Repeat Offender**

- (1) A chronic repeat offender previously cited for a failure to comply with a notice and order to abate for a violation(s) that has occurred at the property in violation for a period of twelve (12) or more successive months shall be assessed a reinspection fee of \$500 for each reinspection completed until compliance is achieved. The Manager may remove the chronic repeat offender designation if the owner has no further violation(s) on the property for a period of twelve (12) months. If a chronic repeat offender designation is removed and the owner has a subsequent violation, that owner shall be immediately reclassified as a chronic repeat offender.
- (2) A chronic repeat offender who reengages in prohibited zoning activities at any time within a twelve- (12) month period following the prior abatement shall be assessed a reinspection fee of \$500 for each reinspection conducted until compliance is achieved. If after a period of three (3) years no UDC violations or enforcement activity relating to any UDC violation occur, the chronic repeat offender shall be reclassified as a first-time offender.

**d. Failure to Comply with Agreement to Abate**

Any owner who fails to comply with an agreement to abate prohibited zoning activity shall be classified as a chronic repeat offender and shall be assessed a reinspection fee of \$500 for each reinspection conducted until compliance with the agreement to abate is achieved.

**3. Billing and Payment**

- a. The owner shall be billed via certified mail. Payment shall be required to be made within twenty (20) days of the date of mailing.
- b. If the owner fails to make payment within twenty (20) days of the date of mailing, the Manager is authorized to file a lien against the property for fees in accordance with Subsection D below. The lien shall include any costs incurred in the perfecting of the lien, and may include all costs incurred by the City associated with the removal, correction or other abatement necessitated by the offender's continued violation and failure to abate following issuance of a notice and order to abate.

**C. Summons and Complaint**

The Manager is authorized to request the issuance of a summons and complaint for any violation of this UDC in accord with Section 1.1.201 of the City Code.

**D. Lien Assessment****1. Authority**

When a person fails or refuses to comply with an order to abate and the Manager has reinspected and removed, corrected, or abated the violation, the Manager is hereby authorized to commence lien assessment proceedings against the property in accord with the provisions of this Subsection D. The lien may include an administrative surcharge of twenty-five (25) percent of the cost of abatement proceedings. The lien created hereby shall be superior and prior to all other liens excepting liens for general and special taxes.

**2. Notice****a. Content of Notice**

Prior to the imposition of a lien, the Manager shall send the property owner written notice of lien assessment that shall include the following information:

- (1) The address of the property to be assessed and the name and address of the property owner;



- (2) The dates of the notice and order, any reinspections, and the issuance of the order to abate;
- (3) The name of the contractor that abated the condition giving rise to the issuance of the notice and order;
- (4) The total amount of the assessment, including reinspection fees, the cost of abatement, and the amount of the administrative surcharge;
- (5) A due date for payment of the assessment that is at least twenty (20) days after the date of the notice of lien assessment;
- (6) A statement that failure to pay the assessment within the time period set forth in the notice of lien assessment will result in the imposition of a lien against the property; and
- (7) A statement explaining the appeal procedure for the notice of lien assessment.

**b. Service of Notice**

- (1) The notice of assessment shall be mailed to the property owner via certified first class U.S. mail, return receipt requested. A return receipt signed by the property owner or an agent of the property owner shall be prima facie evidence of service on the date indicated by the owner, agent, or U.S. Postal Service.
- (2) If the property owner or an agent of the property owner fails to receive service of the notice of lien assessment via certified first class U.S. mail, return receipt requested, the Manager is authorized to post the notice in a conspicuous place on the property to be assessed.

**3. Appeal and Hearing**

- a. A property owner must appeal a notice of lien assessment in writing within ten (10) days of its date of mailing, posting, or personal service by the property owner or the owner's agent, or within ten (10) days from its date of mailing, posting, or personal service to be assessed. The notice of appeal shall state the name and address of the property owner, the address of the property assessed, and the grounds for appeal.
- b. The appeal shall be heard by the Planning Commission in accord with Section 7.5.415 (Appeals).
- c. The Planning Commission may, after hearing the property owner's objections, make any modification or change to the assessment as may seem equitable and just, or may confirm the assessment. The Planning Commission shall not modify or change the amount of the reinspection fee or the administrative surcharge.

**4. Effect and Effective Date of Assessment**

- a. The assessment shall become a perpetual lien against the property, superior and prior to all other liens and encumbrances excepting liens for general and special taxes. The Manager shall notify the Chief Financial Officer who shall certify any lien assessment to the El Paso County Treasurer. The El Paso County Treasurer shall collect the lien assessment in the same manner as ad valorem taxes are collected.
- b. If not appealed, the total assessment shall be levied, assessed, and charged against the property upon which abatement action was taken not less than ten (10) days from its date of mailing, posting, or personal service after the property owner's or agent's mailed receipt of the notice of lien assessment or posting on the property to be assessed.
- c. If appealed, the Planning Commission's determination of the total assessment shall then be levied, assessed, and charged against the property upon which abatement action was

taken not less than ten (10) days after the date of the Planning Commission's determination.

#### 7.5.908 Appeals

All appeals of zoning enforcement decisions made by the Manager in accordance with this Section 7.5.908 shall be heard by the Planning Commission in accord with Section 7.5.415 (Appeals).

#### 7.5.909 Additional Provisions

- A. The Manager is authorized to establish procedures and guidelines to accomplish the purposes of this Section 7.5.908. Copies of any procedures and guidelines shall be available for inspection at the offices of the Manager during regular business hours.
- B. No systematic or programmatic UDC enforcement program shall be initiated for a neighborhood or area within the City without the prior approval of the Manager.
- C. Land use inspectors may be granted special investigative authority under Section 8.1.204 of the City Code. These powers shall be limited to the authority to issue summons and complaints for violations of this Section 7.5.908.

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## 7.5.10 GRADING AND LAND DISTURBANCE ENFORCEMENT

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#### 7.5.1001 Purpose

The purpose of this Section is to protect the public health, safety, and welfare by requiring compliance with the standards relating to grading and erosion control in this UDC.

#### 7.5.1002 Applicability

The policies in this Section apply to enforcement at all permitted sites covered by Grading and Erosion Control (GEC) Permits and Associate GEC Permits in the City pursuant to Part 7.4.6. The Stormwater Enterprise Manager retains all options concerning chosen enforcement approaches and compliance is required at all times. Enforcement policies and procedures are set forth in the Engineering Criteria.

#### 7.5.1003 Enforcement Remedies

If the Stormwater Enterprise Manager determines that an activity governed by this Part 7.5.10 is creating a nuisance to the public health, safety, and welfare or is not compliant with the requirements of this UDC, the City Engineer may use any or all of the powers listed below:

##### A. Informal Contact

The Stormwater Enterprise Manager shall have the authority to effectuate the abatement of the nuisance or compliance through informal meetings or conversations resulting in a verbal agreement.

##### B. Letter of Noncompliance

The Stormwater Enterprise Manager may issue a letter of noncompliance to the property owner, developer, and/or contractor that contains a description of the measures required to eliminate the nuisance or noncompliance and a date by which these measures must be implemented.

##### C. Stop Work Order

1. If an imminent and substantial hazard exists that jeopardizes public safety, property, and/or water resources, including water quality, the Stormwater Enterprise Manager may issue an immediate stop work order and/or take emergency actions to abate or minimize the hazard at the full expense of the record owner of the property. A stop work order shall be in effect from the time issued.
2. The Stormwater Enterprise Manager may issue a stop work order for the entire site or a specified portion of the site for the purpose of preventing any adverse impacts or minimizing

additional adverse impacts. The Stormwater Enterprise Manager may specify allowable work in order to eliminate the nuisance or bring the site into compliance.

**D. Revocation of Permit**

The Stormwater Enterprise Manager may temporarily or permanently revoke the GEC Permit or Associate GEC Permit.

**E. Notice and Order**

The Stormwater Enterprise Manager may issue a notice and order ordering the elimination of the nuisance and/or noncompliance by a specified date based on the nature of the violation. If compliance with the notice and order is not achieved by the deadline, the Stormwater Enterprise Manager may proceed with abatement as authorized in this Part 7.5.10.

**F. Civil Action**

The Stormwater Enterprise Manager may ask the City Attorney to initiate a civil action in the District Court for injunctive relief to abate the violations.

**G. Issuance of Summons**

The Stormwater Enterprise Manager may request issuance of a Municipal Court summons for violations of this Part 7.5.10.

**H. Additional Actions**

Nothing in this Part 7.5.10 shall be construed to preclude the Stormwater Enterprise Manager from seeking other enforcement actions or remedies in addition to or in lieu of the remedies granted in this Section 7.5.10. Enforcement actions or remedies provided in this Part 7.5.10 shall be cumulative and in addition to any other remedies that may be available to the Stormwater Enterprise Manager.

**7.5.1004 Procedures**

**A. Notice**

Any notice required as part of enforcement of this UDC in accord with this Part 7.5.10 shall be in writing and include:

1. The street address and a description sufficient for identification of the property upon which the violation, nuisance, or noncompliance is located.
2. A statement of the asserted violation, nuisance, or noncompliance.
3. A statement of the action required to be taken and/or the date or time period by which the violation must be abated or otherwise corrected.
4. A statement advising that if any required corrective measures are not commenced within the time specified, the Stormwater Enterprise Manager may proceed to cause the corrective measures to be undertaken and charge the corrective measures against the property or its owner.
5. A statement advising that any person having any record title or legal interest in the property may appeal from the notice and order directly to the Public Works Director provided the appeal is made in writing and filed with the Stormwater Enterprise Manager within ten (10) days from the date of service of the notice and order, that failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

**B. Service of Notice**

**1. General**

The notice and order, and any amended or supplemental order, shall be served upon the record owner or the owner's agent and posted on the property. Failure to serve any person required to be served shall not invalidate any proceedings as to any other person duly served or relieve any person from any duty or obligation imposed by the provisions of this Part 7.5.10.

**2. Method of Service**

- a. Service of the notice and order shall be made either in person or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested, to each owner or agent of the owner at the address that appears on the assessment roll of the County or is known to the Stormwater Enterprise Manager. If no address of any person so appears or is not known to the Stormwater Enterprise Manager, then a copy of the notice and order shall be mailed, addressed to the person, at the address of the real property involved in the proceedings. Failure of any person to receive notice shall not affect the validity of any proceedings pursuant to this Part 7.5.10.
- b. Service by certified mail in the manner provided shall be effective on the date of mailing. Service in person shall be effective on the date service is effectuated.

**3. Proof of Service**

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the City Engineer.

**7.5.1005 Penalties**

- A. Any failure, neglect, or refusal to obey or comply with a notice and order or a stop work order shall be a violation of the City Code punishable by up to ninety (90) days in jail, a fine of not less than \$250 or more than \$500, or a combination thereof. Each day in violation of a stop work order or notice and order shall be deemed a separate offense.
- B. Notwithstanding whether a violation under Subsection A has occurred, any ongoing construction activities that take place takes place in the following circumstances shall be a violation of the City Code punishable by up to ninety (90) days in jail, a fine of not less than \$250 or more than \$500, or a combination thereof. Each day in violation of the following shall be deemed a separate offense:
  1. If a stop work order or notice and order has been issued by the City Engineer, except for specific construction activities allowed as a part of the stop work order or notice and order; or
  2. Without an active GEC Permit or Associate GEC Permit, if required by this UDC; or
  3. In a manner that causes, permits, or contributes to the discharge into the municipal stormwater drainage system pollutants that could cause the City of Colorado Springs to be in violation of its Colorado discharge permit system municipal stormwater discharge permit; or
  4. In a manner that does not comply with the Colorado Water Quality Control Act (Colorado Revised Statutes Section 25-8-103 (2013)), Clean Water Act (33 USC §§1251 et seq.), regulations promulgated, certifications or permits issued, in addition to the requirements included in the Stormwater Construction Manual. In the event of conflicts between those requirements and water quality control laws, rules, or regulations of other Federal or State agencies, the more restrictive laws, rules, or regulations shall apply.

**7.5.1006 Appeals****A. General**

All appeals of zoning enforcement decisions made by the Stormwater Enterprise Manager in accordance with this Part 7.5.10 shall be heard by the Public Works Director pursuant to this Section 7.5.1006. In hearing appeals, the Public Works Director may make reasonable interpretations of the provisions Section 7.5.1006.

**B. Eligibility, Initiation, and Effect of Appeal**

1. Any person served may appeal from any notice and order any action of the Stormwater Enterprise Manager in accord with this Part 7.5.10 by filing a written appeal with the Stormwater Enterprise Manager.
2. The written appeal shall be filed within ten (10) days after the date of service of the notice and order, and if the end of such period falls on a weekend or holiday, then the appeal shall be filed on the next business day. The appeal shall include:
  - a. The names, official mailing addresses, and signatures of all parties named as appellants.
  - b. A brief statement setting forth the legal interest of each of the appellants in the land involved in the notice and order.
  - c. A brief statement, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant. The appellant must substantiate the following:
    - (1) Identify the specific City Code provisions that are in dispute.
    - (2) Show that the Stormwater Enterprise Manager's decision is incorrect because of one (1) or more of the following:
      - (a) It was against the express language of this UDC;
      - (b) It is erroneous; or
      - (c) It is clearly contrary to law.
  - d. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order should be reversed, modified, or otherwise set aside. The appellant shall identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits to the community, including the general health, safety, and welfare.
3. If any required appeal information is not provided, the Stormwater Enterprise Manager shall notify the appellant that the appeal will not be scheduled until all required information is received.
4. Any stop work order or notice and order issued by the Stormwater Enterprise Manager shall be in effect from the time issued. The notice and order or stop work order shall be in effect and remain in effect during the pendency of any appeal. Failure to comply with a stop work order or notice and order shall be a violation of the City Code regardless of whether an appeal has been filed or is pending before the Public Works Director or the courts of Colorado.
5. The failure of any person to file an appeal in accord with this Section 7.5.1006 shall constitute a waiver of the right to a hearing and adjudication of all or a portion of the notice and order, or any portion thereof

**C. Notice**

1. The hearing shall be set to take place between ten (10) and thirty (30) days from the date the appeal was received at the office of the Stormwater Enterprise Manager. The Stormwater Enterprise Manager shall provide written notice to the appellant of the time, date, and place of the hearing .
2. A hearing notice shall be posted on or adjacent to the affected property by the appellant or a designated representative at least ten (10) days prior to the date of the hearing. The appellant or designated representative shall also sign an affidavit stating the property was properly posted in accord with the posting requirements of the Stormwater Enterprise Manager. The completed

affidavit must be received by the Stormwater Enterprise Manager at least three (3) days prior to the day of the hearing, or the hearing will be canceled.

#### **D. Meeting and Decision**

1. The hearing on the appeal shall only consider those matters or issues specifically raised by the appellant in the written appeal.
2. An audio or audio/video recording of the entire proceeding shall be made by the Stormwater Enterprise Manager. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a transcript fee established by the City Council.
3. The Public Works Director shall have the authority to make and adopt rules and regulations governing procedures before the Public Works Director. However, Colorado Rules of Evidence shall not apply at the hearing. The Stormwater Enterprise Manager and appellants shall have the following rights:
  - a. To call and examine witnesses on any relevant matter or issue;
  - b. To introduce documents or other physical evidence;
  - c. To cross examine opposing witnesses on any relevant matter or issue;
  - d. To impeach any witness regardless of which party first called them to testify;
  - e. To rebut the evidence against them; and
  - f. To represent themselves or to be represented by a licensed Colorado attorney. The Stormwater Enterprise Manager shall be represented by the Office of the City Attorney.
4. At the conclusion of the hearing on appeal, the Public Works Director may modify, affirm, or reverse the decision or requirements of the notice and order.
5. Any appellant who is aggrieved by the decision of the Public Works Director may appeal that decision to the courts of Colorado in accord with the Colorado Rules of Civil Procedure, rule 106(a)(4), as amended.

#### **7.5.1007 Billing of Property Owner**

##### **A. Imposition of Expenses**

1. The Stormwater Enterprise Manager shall keep an itemized account of the expenses incurred by Stormwater Enterprise in correction of any nuisance to the public health, safety, and welfare pursuant to this Part 7.5.10. The Stormwater Enterprise Manager shall then bill the property owner for all costs incurred by Stormwater Enterprise.
2. Service of the bill shall be made either personally or by mailing a copy of the bill by certified mail, postage prepaid, return receipt requested, to each property owner at their address as it appears on the tax records of the County or as known to the Stormwater Enterprise Manager.
3. If full payment is not received within thirty (30) days of receipt of bill (or thirty (30) days from mailing if no return receipt received), the Stormwater Enterprise Manager shall ask the City Clerk to schedule a hearing before City Council on charges to be made against the property owner or the property.

##### **B. Setting of Hearing**

The Stormwater Enterprise Manager shall fix the time, date, and place for hearing the charges as billed by the Stormwater Enterprise Manager, and any protests or objections to the charges. The Stormwater Enterprise Manager shall cause notice of the hearing to be served by certified mail, postage prepaid, return receipt requested, addressed to the property owner as their name appears on the tax records of the County Assessor, if such so appears, or as known to the Stormwater Enterprise

Manager. Notice shall be given at least ten (10) days prior to the date set for the hearing, and shall specify the day, hour, and place when City Council will hear and pass upon the charges billed by the Stormwater Enterprise Manager, together with any objections or protests that may be filed in accord with Subsection C below.

**C. Protests and Objections**

Any property owner affected by the proposed charge may file written protests or objections with the Stormwater Enterprise Manager. The protest or objection must be received by the Stormwater Enterprise Manager at least the day before the hearing. Each protest or objection must contain a description of the property and the grounds of the protest or objection. The Stormwater Enterprise Manager shall endorse on every protest or objection the date it was received and shall present the protest or objections to the City Council at the time set for the hearing. No other protests or objections shall be considered.

**D. Hearing and Decision**

1. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the charges as billed by the Stormwater Enterprise Manager together with any objections or protests. The Council may make revisions, corrections, and modifications to the charges it may deem just. The decision of the City Council on the charges, and on all protests or objections shall be final and conclusive.
2. The City Council may order that a charge be made a personal obligation of the property owner or assess the charge against the property involved:
  - a. If the City Council orders that the charge be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the Stormwater Enterprise by use of all appropriate legal remedies.
  - b. If the City Council orders that the charge be assessed against the property, it shall confirm the assessment roll, and the assessment shall then constitute a special assessment against the property and shall be collected in the same manner as any other special assessment of the City.

**E. Post-Decision Actions and Limitations**

1. The validity of any assessment made pursuant to this Part 7.5.10 shall not be contested in any action or proceeding unless the contest is commenced within thirty (30) days after the assessment is placed upon the assessment roll. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after entry of the judgment.
2. Immediately upon being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The liens shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens except for State, County and municipal liens with which it shall be at parity. The liens shall continue until the assessment and all interest due and payable are paid.
3. All assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one (1) percent per month from and after the date.
4. After confirmation of the report, certified copies of the assessment shall be given to the County Treasurer on or before October 15.
5. The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection, and enforcement of general municipal taxes shall be applicable to the assessment.

6. All money received by payment of the charge or assessment or from the sale of property at foreclosure sale shall be paid to the Chief Financial Officer who shall credit the same to the Stormwater Enterprise.

#### 7.5.1008 Liability and Limitations

##### A. Liability of Others

Any person who engages in construction activities is declared to be totally responsible to those persons who may have been endangered or, in fact, is endangered, as a result of not having or not following a GEC Plan, CSWMP, or PCM Plan or following an incorrect GEC Plan, CSWMP, or PCM Plan.

##### B. Liability of Drainage Board Members

The Public Works Director acting for the City in good faith and without malice for the City in the discharge of their duties, shall not hereby render themselves personally liable, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reason of any act or omission related to the discharge of their duties. Any suit brought against the Public Works Director due to an act or omission performed by them in the discharge of their duties, shall be defended by the City to the final termination of the proceedings.

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## 7.5.11 STORMWATER ENFORCEMENT

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### 7.5.1101 Purpose

The purpose of this Section is to protect the public health, safety, and welfare by requiring compliance with the standards relating to maintenance of permanent stormwater control measures required by this UDC.

### 7.5.1102 Enforcement

#### A. Maintenance and Repair by City

If maintenance activities are not completed in a timely manner or as specified in the approved plan or if there exists an immediate danger to public health or safety as a result of the permanent control measure, the Stormwater Enterprise Manager, other Stormwater Enterprise staff under the direction of the Stormwater Enterprise Manager, or a contractor engaged by the Stormwater Enterprise Manager may enter upon the subject private or public property and complete the necessary maintenance and/or repair at the owner's expense.

#### B. Notice of Deficiency

If deficiencies with maintenance of permanent stormwater measures are noted during City inspections, the City shall notify the owner by U.S. mail, first class, postage prepaid with a certificate of mailing, at the property's legal address listed in the records of the County Assessor's Office. The responsible party shall have twenty (20) business days or other time frame mutually agreed to between the Stormwater Enterprise Manager and the responsible party to correct the deficiencies. The Stormwater Enterprise Manager shall then conduct a follow up inspection to verify the repairs. If repairs are not undertaken or are not found to be done properly, the Stormwater Enterprise Manager may complete the necessary maintenance at the responsible party's expense.

#### C. Notice of Violation

If the annual report mandated as part of the Inspection and Maintenance (IM) Plan required by Subsection 7.4.703B is not received by the Stormwater Enterprise, the Stormwater Enterprise Manager shall notify the owner of the missed inspection report by U.S. mail, first class, postage prepaid with a certificate of mailing, at the property's legal address listed in the records of the County Assessor's Office. The responsible party will have twenty (20) business days to complete the inspection and deliver it to the Stormwater Enterprise Manager. A notice of violation may be issued by the Stormwater Enterprise Manager if an inspection is not submitted after the twentieth (20<sup>th</sup>) business day. The notice will include a date that will be identified as the "date of notice of violation" for purposes of appeal rights.



**D. Appeals**

Any person receiving a notice of violation under this Section may appeal the determination of the Stormwater Enterprise Manager to the Public Works Director, as follows:

1. The notice of appeal must be received by the Stormwater Enterprise Manager within ten (10) days from the date of the notice of violation. A hearing on the appeal before the Public Works Director shall take place within fifteen (15) days from the date the City received the timely notice of appeal.
2. The decision of the Public Works Director shall be final.

**7.5.1103 Charging Cost of Abatement**

- A. Within thirty (30) days after maintenance or repair of the permanent control measure by Stormwater Engineering, the Stormwater Enterprise Manager shall notify in writing the property owner of the cost of repair, including administrative costs. The Stormwater Enterprise Manager notice shall include an “official notice date.”
- B. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within fifteen (15) days of the “official notice date.” The Stormwater Enterprise Manager shall set the matter for public hearing by the City Council and shall notify the appellant of the date of the hearing. The decision of the City Council shall be set forth by resolution and shall be final.

**7.5.1104 Liens**

- A. In addition to any lien placed upon real property, the cost of abatement, including administrative costs, shall be deemed a joint and severable personal debt of the property owner.
- B. If the amount due is not paid within ten (10) days of the decision of the City Council or the expiration of the time in which to file an appeal to City Council under this Part 7.5.11, the charges shall become a special assessment against the property and shall constitute a priority lien on the property for the amount of the assessment. This lien shall be deemed in priority of, and superior to, any and all liens then existing on the property or later levied upon the property.
- C. A copy of the resolution shall be filed with the County Assessor and the County Treasurer so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the full amount of the assessment on the bill for taxes levied against the parcel of land.

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**7.5.12 SUBDIVISION SIGN AND ACCESS MARKING ENFORCEMENT**

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- A. Failure to erect any sign required by Subsection 7.4.304G.4 (Street Name Signs) or any road marking required by Subsection 7.4.304G.5 (Fire Apparatus Access Road Markings) shall result in disapproval of final inspection, refusal to issue a Certificate of Occupancy, revocation of Certificate of Occupancy or other action authorized in Part 7.5.9 (General Enforcement) or Section 1.1.201 (General Penalty).
- B. The property owner(s) or an authorized agent, upon notification of noncompliance and subsequently failing to meet or cause to be met all applicable requirements of Subsections 7.4.304G.4 (Street Name Signs) or 7.4.304G.5 (Fire Apparatus Access Road Markings) shall be responsible for any and all expenses incurred on the part of the City or any authorized agent in the enforcement of and compliance with either of those Sections.

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## 7.5.13 HISTORIC PRESERVATION ENFORCEMENT

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### 7.5.1301 Enforcement

- A. Regulations in this UDC relating to historic preservation shall enforced in accordance with Part 7.5.9 (General Enforcement) Appeals from notices and orders alleging violations of the regulations relating to historic preservation shall be in accord with Section 7.5.908 (Appeals).
- B. On appeal, the Planning Commission or City Council shall have the power after hearing to order restoration of the building, structure, site, or object to its appearance or setting prior to the violation. In addition, if any violation of provisions of this UDC subject to enforcement by this Part 7.5.13 are by persons licensed or registered under Chapter 2 of the Building Code, suspension or revocation proceedings may be commenced under the provisions of Chapter 2 of the Building Code.

### 7.5.1302 Failure to Comply with Order to Restore

- A. It shall be unlawful for any person to fail or refuse to comply with any order issued to that person pursuant to this Part 7.5.13.
- B. In the event that any order issued in accordance with this Part 7.5.13 or Part 7.5.9 (General Enforcement) is not complied with in such reasonable time as is specified in the order, the Manager, after notice to the owner, or agent of the owner or occupant, may direct restoration through private contract. The procedures outlined in the City Code for the collection of the cost and expenses thereof shall apply independently and in addition to the penalty provided by this UDC for violation of any provisions of this UDC.

### 7.5.1303 Lien Assessment

- A. If the owner or agent of the owner fails to pay the cost and expenses for restoration within thirty (30) days after billing, a lien may be assessed against the property for such cost in accord with this UDC.
- B. If the application of any provision of this Part 7.5.13 to any lot, building, or other structure or a tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that lot, building, or other structure or tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered, and such decision shall not affect, impair, or nullify all or any other part of the UDC regulations concerning historic preservation or the application of any historic preservation regulation in this UDC to any other lot, building, or other structure or tract of land.
- C. Section RBC311 of the Regional Building Code provides means for the preservation of historic buildings relating to their repair, alteration, relocation, and change of occupancy.
- D. Section RBC112 (Dangerous Buildings) of the Regional Building Code provides for a just, equitable, and practical method for dealing with dangerous buildings.

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## 7.5.14 BUILDING CODE ENFORCEMENT

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### 7.5.1401 Penalty Provisions from the Regional Building Code

The Regional Building Code is subject to the following penalty provisions:

#### A. RBC101.8. Violations

Any person violating the Building Code or any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500, or imprisoned not more than ninety (90) days in the City jail or County jail, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues, beginning on the date the City notifies the property owner of the violation. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of this Code or of

any provision of the Building Code, the City Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

**B. RBC103.12. Authority to Impose a Fine**

The Building Official may impose an administrative fine in an amount of up to \$1,000.00 on any person or entity engaged in any construction consulting work or construction work covered by this Code within the jurisdiction who engages in this work in violation of any provisions of this Code. Appeals to this action may be made as provided for elsewhere in this Code or the RBC, as applicable. The Building Official shall make monthly reports of any imposed fines to the Board of Review.

**C. RBC105.2.3. Emergency Work**

All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within seventy-two (72) hours after commencement of the emergency work.

**D. RBC112.2.5.3. Proof of Service**

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

**E. RBC112.3.1. Form of Appeal**

Any person entitled to service under section RBC112.2.5 of this Code may appeal from any notice and order to any action of the Building Official by filing at the Office of the Building Official within thirty (30) days from the date of the service of the order a written appeal containing:

1. A heading in the words: "Before the Board of Appeals."
2. A caption reading: "Appeal of \_\_\_\_\_," giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
5. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signature of all parties named as appellants, and that, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
7. The signature of all parties named as appellants, and their official mailing addresses.
8. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

**F. RBC201.6.6. Felony; Criminal Fraud**

No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by this jurisdiction, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in this jurisdiction.

**G. RBC201.10.4. Renewal with Fees**

Failure to renew a license within this forty-five (45) day period after the expiration date of the license will require payment of penalty at fifty (50) percent of the license fee if renewed within ninety (90) days of the expiration date. After ninety (90) days to one hundred thirty-five (135) days the penalty will be equal to the license fee, after one hundred thirty-five (135) days up to one hundred eighty (180) days the penalty will be equal to twice the license fee. All requests for renewals after one hundred eighty (180) days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective committee, and approval by the Board of Review.

**H. Appendix B****P. Investigation Fee: Work Without A Permit.**

Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit were issued. The payment of such an investigation fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.

**Q. Re-Inspection Fees:**

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.

This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

**7.5.1402 Violations**

Any person violating any provision of the Regional Building Code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500 or imprisoned not more than ninety (90) days in the City Jail or County Jail, or both. A separate offense shall be deemed committed for each and every calendar day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues, beginning on the date the Regional Building notice of violation to the property owner of the violation. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of the Building Code or of any provision of the Building Code, the City Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

**7.5.1403 Enforcement**

In addition to the powers under the Regional Building Code, the Building Official has the following authority under this UDC:

- A.** Whenever any work is being done contrary to the provisions of this UDC, to order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; such persons shall stop such work until authorized by the Building Official to proceed.

- B.** Whenever any structure is being used contrary to the provisions of this UDC, to order its use discontinued and the structure, or portion thereof, vacated by notice served on any person causing the use to be continued. The person shall:
  - 1.** Discontinue the use within ten (10) days after receipt of the notice; or
  - 2.** Make the structure, or portion of the structure, comply with requirements of this UDC.
- C.** To disconnect, or authorize a representative to disconnect, any utility service or energy supplied to the building, structure, or building service equipment in the building or structure regulated by this Code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life and property. The Building Official shall, whenever possible, notify the serving utility and the owner and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action, and shall notify the serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.
- D.** To order that equipment be removed or restored to a safe or sanitary condition, as appropriate, when the Building Official ascertains that the equipment, or a portion thereof, regulated by this Code has become hazardous to life, health, or property. The order shall be in writing and contain a fixed time limit for compliance with such order. Persons shall not use defective equipment after receiving a notice.
- E.** Following an order to disconnect, to authorize reconnection to an energy, fuel, or power supply or to supply energy or fuel to any equipment regulated by this Code after it has been condemned, disconnected, or ordered to be disconnected by the Building Official.
- F.** To impose an administrative fine in an amount up to \$1,000 on any person or entity engaged in any construction consulting work or construction work covered by this Code within the City or within the zoned area of El Paso County who engages in said work in violation of any provisions of this Code. The Building Official shall make monthly reports of fines imposed under this Subsection F to the Board of Review.
- G.** To record a certificate of alleged noncompliance thirty (30) days after notice of noncompliance is posted on the building or sent by certified mail to the individual or entity as concerns any work done by any individual or entity which allegedly fails to comply with the final inspection requirements of this Code. Following corrections to ensure the work complies with the Code, the Building Official may record a release of the certificate of alleged noncompliance.

#### **7.5.1404 Failure to Obey Order**

If, after any order of the Building Official or Board of Appeals made pursuant to Section RBC112 (Dangerous Buildings) of the Regional Building Code has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Building Official may either cause such person to be prosecuted under Section RBC112.3.11 of the Regional Building Code or institute any appropriate action to abate such building as a public nuisance.

#### **7.5.1405 Felony or Criminal Fraud**

No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by the Building Department, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in the City.

#### **7.5.1406 Contractor Penalty Provisions**

##### **A. Punishable Acts and Omissions**

See Section RBC201.11.3 of the Regional Building Code.

**B. Automatic Revocation or Suspension**

1. See Section RBC201.11.4 of the Regional Building Code.

**C. Voluntary Suspension**

See Section RBC201.11.5 of the Regional Building Code.

**7.5.1407 Altering, Defacing, or Removing a Numeric Address**

It shall be unlawful for any person to alter, deface or remove any number placed on any premises in accord with the requirements of Section RBC312 of the Regional Building Code, except for repair or replacement of such number. Upon notice, actual or otherwise, repair or replacement of any number shall be completed within twenty-four (24) hours.

**7.5.1408 Failure to Abate a Swimming Pool Nuisance**

Any party responsible for the operation of a swimming pool not in compliance with Section RBC314 of the Regional Building Code, or who fails to obey an order of the Building Official to abate the nuisance involved, or who refuses to permit the Building Official to abate the nuisance involved, or who refuses to permit the Building Official or the Building Official's authorized representative to inspect the swimming pool, shall be guilty of a misdemeanor.

## Article 7.6 Definitions and Rules of Construction

### 7.6.1 RULES OF CONSTRUCTION

#### 7.6.101 Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. More specifically:

- A. The words “owner,” “person,” or “developer” include a firm, association, partnership, trust, company, or a corporation as well as an individual.
- B. The words “used” or “occupied” include the words “intended, arranged, maintained, or designed to be used or occupied”.
- C. The word “lot” includes the words “plot” or “parcel.”
- D. The words “existing,” “existed,” “exists,” and “occupied” shall imply the modifier “lawfully.”
- E. The terms “district,” “zone,” “zone district,” and “zoning district” shall all refer to the zone districts defined by this UDC.

#### 7.6.102 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

#### 7.6.103 Computation of Time

The time in which an act is required or permitted to be done pursuant to this UDC shall be computed as follows, unless otherwise stated in this UDC or an adopted City regulation or manual.

- A. Where performance is permitted or required within a stated number of days, the computation of the deadline or required date shall exclude the first day or the period and include the last day of the period.
- B. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or a holiday observed by the City.

#### 7.6.104 Public Bodies, Documents, and Authority

- A. All public officials, bodies, and agencies to which references are made are those of the City of Colorado Springs, unless otherwise expressly stated.
- B. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- C. Whenever a provision of this UDC requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. The person to whom authority under this UDC has been delegated is sometimes referred to as a “designee.”
- D. Whenever a provision of this UDC identifies an individual or entity associated with an application or with property, that provision shall be construed as including any legally authorized agents or assigns of that individual, but the Manager may require proof of such legal authorization before authorizing any agent or assign to take actions related to any application or property for which they are not the property owner.

**7.6.105 Mandatory and Discretionary Terms**

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

**7.6.106 Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions, or events apply; and
- B. “Or” indicates that one (1) or more of the connected items, conditions, provisions, or events apply.

**7.6.107 Tenses and Plural**

- A. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary.
- B. The singular includes the plural and the plural the singular unless the context clearly indicates the contrary.

**7.6.108 Heading, Illustrations, and Text**

In case of any difference of meaning or implication between the text of this UDC and any heading, drawing, table, figure, or illustration, the text shall control.

**7.6.109 Zone District Boundaries**

Zone district boundaries on the Official UDC Map shall be interpreted as follows:

- A. Unless otherwise indicated, the zone district boundaries are the centerline of streets, alleys, waterways, or railroad rights-of-way. Where street, alley, or other rights-of-way lie adjacent to each other, the zone boundary is the imaginary line bisecting the combined width of the adjacent rights-of-way or such line extended. The area within any of the rights-of-way is not granted any of the use rights associated with the overlaying zone district.
- B. Where no rights-of-way exist and the zone boundaries are indicated as approximately following lot or block lines, such lines shall be considered as district boundaries.
- C. In unsubdivided property or where a boundary divides a property, boundaries on the Official UDC Map shall be determined by use of the scale indicated on such maps unless otherwise dimensioned.
- D. Whenever a public street, alley, or other right-of-way has been vacated, the zone district adjoining each side of the right-of-way shall be extended to the former centerline. The regulations associated with the zone district shall apply to the area of vacation.
- E. Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zone district boundary on the zoning map of the City of Colorado Springs, the map shall be interpreted in accord with Section 7.5.529 (Interpretation of UDC).

**7.6.110 Construction of Numbers**

If there is an inconsistency between a number written in words (e.g. “three hundred”) and a number in numerals (e.g. “300”), the number written in words shall control.

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**7.6.2 RULES OF MEASUREMENT AND CALCULATION**

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**7.6.201 Density**

Gross density shall be calculated by the number of dwelling units per acre.



### 7.6.202 Fractions

#### A. Off-Street Parking

When the computation of the required off street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions of less than 0.5 shall be rounded to the next lowest whole number. Fractions of 0.5 or greater shall be rounded to the next highest whole number.

#### B. Landscaping

Where a calculation of a landscaping requirement results in a fractional number, the requirement shall be considered the next greatest whole number.

### 7.6.203 Lot and Building Standards

#### A. Lot Width

The minimum horizontal distance between the side lot lines measured along a straight line most parallel to the front lot line at the front setback. This minimum measurement or greater is maintained from the front building setback to the rear building setback.

#### B. Lot Depth

The least distance from the rear lot line to the front lot line.

#### C. Lot Area

The total area within the lot lines of a lot.

#### D. Lot Coverage

The percentage equal to (1) the total surface area of the lot covered by improvements, including but not limited to building footprints, decks, or patio covers, divided by (2) the total area of the entire lot.

#### E. Floor Area

The total horizontal area of the floors of a building measured from the exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces and maneuvering areas, or any space where the floor to ceiling height is less than seven and one-half (7 ½) feet.

#### F. Floor Area Ratio

The gross floor area of all buildings on a lot divided by the lot area.

#### G. Gross Floor Area

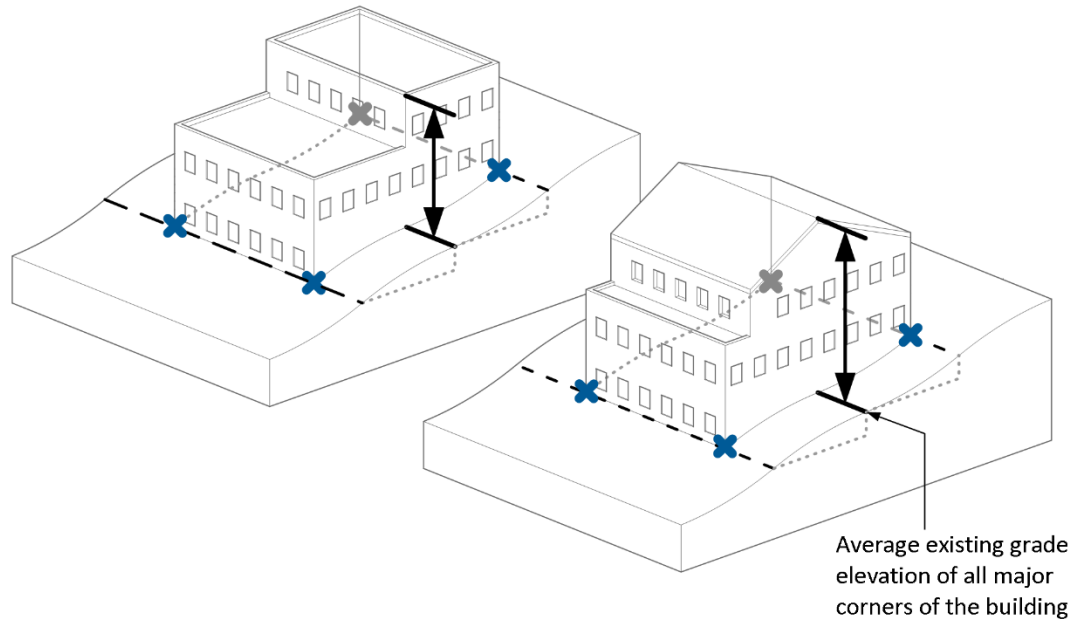
The total horizontal area of the floors of a building measured from the exterior walls, or from the centerline of a wall separating two (2) buildings.

### 7.6.204 Height

#### A. Building Height

##### 1. Non-Hillside Overlay

Outside the HS-O district, the vertical distance measured from the average finished grade adjoining the building to the highest point of a gable, hipped, or gambrel roof. If a flat roof, height would be measured to the highest point of the building, excluding the parapet. The average elevation of the finished grade adjoining the building shall be the average of the exposed exterior elevations of all major corners of the building. The height of a stepped or terraced building is the average of the highest and lower height of any segment of the building.



## 2. Hillside Overlay

Inside the HS-O district, the vertical distance measured from the existing grade to the highest point of the roof as presented graphically in Section 7.2.610 (HS-O: Hillside Overlay).

### B. Fence Height

Fence height is measured from the top of the fence, including fence poles, posts, and finials, to the existing grade on both sides of the fence, in accordance with the following:

1. If the height of the two (2) sides varies, then the larger of the two (2) measurements shall be used in determining the height of the fence.
2. Fences may be located adjacent to or on top of retaining walls so long as the height of the fence material, excluding the retaining wall, complies with the height standards in Section 7.4.910 (Fences and Walls).
3. The existing grade of the fence area shall not be altered to artificially comply with these regulations.
4. An additional twelve (12) inches of height is permitted for fence posts, poles, and finials spaced at least eight (8) feet from each other.

### C. Height in the AP-O District

For the purpose of determining the height of structures, objects, ground, property, and airspace, the datum shall be mean sea level elevation unless otherwise specified.

## 7.6.205 Setbacks

A setback is a line within a lot that is parallel to and measured from a corresponding property or lot line, forming the boundary of a required yard and establishing the minimum distance that a structure, landscaping, parking, or other designated item must be from that lot line.

### A. Front Yard Setback

The area from the side property line to side property line starting at the front property line and ending at the minimum front yard setback point as prescribed by the zone district or Development Plan.

**B. Rear Yard Setback**

The area from the side property line to side property line starting at the rear property line and ending at the minimum rear yard setback point as prescribed by the zone district or Development Plan.

**C. Side Yard Setback**

The area located between the minimum front yard setback and the minimum rear yard setback that runs parallel to the side property lines. The width of the side yard setback shall be measured from the side property line to a point prescribed by the zone district or Development Plan.

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## 7.6.3 DEFINITIONS

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### A

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#### Accessory Dwelling Unit (ADU)

See Dwelling, Accessory.

#### Accessory Structure

A structure that is located on the same lot and detached and separate from the principal building. Accessory structures are incidental to the principal structure and devoted exclusively to an accessory use. Some examples of accessory structures are garages, carports, sheds, storage buildings, play structures, gazebos, arbors, greenhouses, barns, saunas, and other similar buildings. Fences and walls that exceed seven (7) feet in height are considered accessory structures.

#### Accessory Family Suite

An accessory family suite is a room or group of rooms forming a single habitable area for one (1) or more persons with provisions for living, sleeping, cooking, and sanitation, and is located within a principal single-family detached unit. An accessory family suite is not considered a separate dwelling unit for purposes of this UDC if all the requirements are met and the accessory family suite is in continual compliance.

#### Accessory Use

A use which is subordinate to and serves a principal building or use and is located on the same lot as the principal building or use served.

#### Adjacent

Lots, buildings, uses, or other features regulated by this UDC that would be bordering or touching except for an intervening trail, street, right-of-way, or platted alley if the lot lines for the properties containing the building, use, or other feature in question were extended across the intervening trail, street, right-of-way, or platted alley until they intersected, unless otherwise stated in this UDC or an adopted City regulation or manual.

#### Adjacent Property Owner

The owner of property that is adjacent to any property under review.

#### Adult Entertainment

An establishment offering entertainment, scenes, or other presentations characterized by emphasis on depiction or description of Specified Sexual Activities or Specified Anatomical Areas as a significant portion of its business. This use includes but is not limited to adult arcades, adult cabarets, adult motels, adult motion picture theaters, adult theaters, and sexual encounter establishments.

#### Adult Retail

An establishment offering stocks in trade of materials characterized by emphasis on depiction or description of Specified Sexual Activities or Specified Anatomical Areas as a significant portion of its business. This use includes but is not limited to adult book or video stores, adult bakeries, and adult toy stores.

#### Adult or Child Day Care Center

A state-licensed facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and that is not located in a dwelling unit occupied by any of the operators of the facility, and in which no children or elderly adults are offered overnight accommodation. This use includes but is not limited to facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, day camps, adult care centers, or elder care centers, and shall include those facilities that give a maximum of ten (10) hour care for dependent and neglected children. The use does not include a kindergarten maintained in connection with an Elementary School of at least six (6) grades.

**Adult or Child Care Facility, Large**

A facility that provides care for sixteen (16) or more children under the age of sixteen (16) years, or not more than sixteen (16) elderly adults, who are not related to the owner, operator, or manager of the facility.

**Adult or Child Care Facility, Small**

A facility that provides care of between six (6) to fifteen (15) children under the age of sixteen (16) years, or five (5) to fifteen (15) elderly adults, who are not related to the owner, operator, or manager of the facility.

**Affected Party**

See Subsection 7.5.415A.1.b.

**Agricultural Production**

The raising of animals or production of animal products, such as eggs or dairy products, and the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming, and may include accessory retail sales under certain conditions.

**Agricultural Sales and Service**

An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

**Airport-Related Definitions**

**Accident Potential Subzone-1 (APZ-1)**

The corresponding subzone indicated on the Airport Overlay District Map. This subzone applies to ground level development up to the maximum height of the base zone.

**Accident Potential Subzone 2 (APZ-2)**

The corresponding subzone indicated as such on the Airport Overlay District Map. This subzone applies to ground level development up to the maximum height of the base zone district.

**Aircraft**

Any unassembled, partially assembled, or fully assembled collection of parts, operational or nonoperational, that make a contrivance now known or later invented, used, or designed for navigation of or flight in the air or space regardless of the form of propulsion that powers the aircraft in flight.

**Aircraft Navigation Subzone (ANAV)**

The subzone at and above the ground as depicted on the Airport Overlay District Map as adopted and amended by the City of Colorado Springs. The ANAV encompasses all land within the overlay.

**Airport**

A facility relating to the landing or taking off of aircraft such as a landing field, aircraft parking, and service facilities, including related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. For purposes of Section 7.2.601 (AP-O: Airport Overlay) only, the commercial service facility now known as City of Colorado Springs Municipal Airport, or any future name or common reference for that facility that may be established, adopted, or referred to; or any and all future commercial service facility or facilities developed within the City of Colorado Springs.

**Airport Noise Subzone (ADNL)**

The subzone indicated by lines of increasing projected annual average noise exposure (DNL) from 65 DNL to 70 DNL, 70 DNL to 75 DNL, and 75 DNL to 80 DNL. (See also the definition of DNL.)

**Airport Overlay Zone (AO)**

An overlay zone, including associated subzones that are together superimposed on existing base zones.

**Determination**

When used in the context of airport and airspace studies and regulations, a final written aeronautical and/or airspace study reply received from the FAA in direct response to filing notice under 14 CFR part 77.

**Hazard to Air Navigation**

Any improvement or use of land that obstructs or otherwise has a significant adverse impact on the airspace required for the flight of aircraft, as determined by the FAA under 14 CFR part 77 and related FAA orders and regulations as may be changed or amended.

**Runway**

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Runway Protection Zone (RPZ)**

A subarea so designated on the AP-O district map.

**Alcohol Production Uses**

An establishment that includes Brew Pub, Distillery Pub, Vintner's Restaurant, or Limited Winery as defined in Colorado state law and related regulations concerning the licensing of facilities producing or selling alcoholic products. These are generally establishments where malt liquors, wines, or other alcoholic drinks are manufactured and packaged for on or off-premises consumption, in which any revenue from food sales is smaller than the revenue from alcohol, and in which the annual amount of product manufacturing on the licensed premises does not exceed the maximum amounts enumerated in State Statute for the specific liquor license type.

**Alley**

A public right-of-way that provides only secondary access. For the purpose of Part 7.4.3 (Subdivision Standards), an alley is not considered to be a street or a fire apparatus access road.

**Alternative Park Land Compliance**

Alternate methods of complying with the park land dedication requirement of Section 7.4.307 (Park Land Dedications) as specifically enumerated in Subsection 7.4.307F (Alternative Park Compliance).

**Animal Care Facility**

A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases, including veterinary services, or in which boarding, breeding, grooming, training, and daytime or overnight care of more than four (4) domesticated animals is permitted. This use also includes public facilities for the temporary impoundment of animals found abandoned or removed from other locations due to improper care and may include an animal crematorium as an accessory use.

**Animal, Small**

Animals such as dogs, cats, birds, fish, and other comparable animals customarily kept as household pets.

**Animal Large**

All animals that are not commonly kept as household pets, and specifically excluding those listed in the definition of Animal, Small.

**Antenna**

Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electronic signals, and that does not meet the definition of an antenna for purposes of Wireless Communication Facilities.

**Arterial Roadway**

Those roadways designated as freeway, expressway, major arterial, or minor arterial on the City Major Thoroughfare Plan.

**Arterial Roadway Bridge**

A structure that is constructed to carry an arterial roadway over any natural or manmade channel.

**As Built Plans**

Revised plans reflecting the actual conditions of a landscape or irrigation system installation.

**Associate Grading and Erosion Control (GEC) Permit**

A City Associate Grading and Erosion Control Permit, which is required on individual sites within multi-lot residential or commercial projects with an overall GEC Permit where ownership has changed. This permit is legally associated with the existing GEC Permit for the larger development.

**Assurance**

A financial commitment, consisting of letters of credit, subdivision bond, cash, or other instruments approved as to form by the City Attorney, to cover the cost of public improvements, including but not limited to drainage, street, erosion control, public and private Permanent Control Measures, and public and private channel improvements, necessitated by approval of a subdivision or as specifically required in this UDC.

**Automated Parking Facility**

An off-street parking facility where vehicular storage and retrieval is accomplished entirely through a mechanical conveyance system.

**Automobile and Light Vehicle Repair**

A facility primarily engaged in service or repair of motor vehicles, motorcycles, and light trucks with a GVWR of fifteen thousand (15,000) pounds or less, including the sale, installation, maintenance, and servicing of installation and parts and the accessory storage or parking of vehicles that are awaiting service or pick-up, but excluding the storage of junk vehicles. There are two (2) types of Automobile and Light Vehicle Repair facilities:

**Automobile and Light Vehicle Repair, Minor**

An establishment that provides minor and routine maintenance or repair to motor vehicles and light vehicles, including tire sales and installation, wheel and brake work, muffler replacement, oil and fluid changes, glass repair, and similar repairs that produce few noise or other impacts on surrounding properties, but not including the additional types of repairs included in the definition of Automobile and Light Vehicle Repair, Major.

**Automobile and Light Vehicle Repair, Major**

This use includes all the activities in Automobile and Light Vehicle Repair, Light as well as body and fender repairs, vehicle painting, engine, motor, and transmission rebuilding, and other types of repair and rebuilding of vehicles or parts of vehicles that may have greater impact on the surrounding properties.

**Automobile and Light Vehicle Sales and Rental**

An establishment consisting of buildings and yards used for display and sale or rental of motor vehicles, light trucks, motorcycles, recreational vehicles, or boats with a Gross Vehicle Weight Rating (GVWR) of fifteen thousand (15,000) pounds or less, including incidental storage, maintenance, and servicing.

**Automobile and Light Vehicle Storage**

Any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of storing operable motor vehicles, trucks with a Gross Vehicle Weight Rating (GVWR) of fifteen thousand (15,000) pounds or less, motorcycles, recreational vehicles, or boats. This use shall not include vehicle dismantling or junkyards.

**Automobile and Light Vehicle Wash**

An establishment for washing and cleaning motor vehicles and vehicles with a Gross Vehicle Weight Rating (GVWR) of fifteen thousand (15,000) pounds or less. This use may include car washes in which all activities are completely enclosed or car washes in which some activities are outside.

**B****Bar**

An establishment engaged in the preparation and retail sale of alcoholic beverages, alcoholic liquor or fermented malt beverages as defined by Chapter 2, Article 5, Part 1 of this Code, for consumption on the premises. This use includes taverns, cocktail lounges, and similar uses, but does not include a restaurant.

**Bar Area (of a Restaurant)**

The area of a restaurant where the primary business is the sale and consumption of alcohol, including areas used in the preparation and sale of alcoholic beverages, alcoholic liquor, or fermented malt beverages (as defined in Article 5, Part 1 of the City Code), pool table or game areas, and recreation areas.

**Bed and Breakfast**

A dwelling unit that provides temporary accommodations and breakfast to overnight guests for a fee with up to fifteen (15) guestrooms or suites.

**Beehive**

Any structure containing bees and designed to receive movable frames of comb.

**Berm**

An earthen mound designed to provide visual interest on a site, screening of undesirable views, noise reduction, etc.

**Bicycle Master Plan**

The City of Colorado Springs Bicycle Master Plan, adopted by the City Council, and all subsequent amendments to that plan.

**Block**

A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Broadcasting Tower**

A structure used for the transmission or broadcasting of radio, television, or microwaves.

**Build-to-Zone**

An area of a lot designated for placement of a building facade along a street, located parallel to a front property line. The build-to zone defines an area in which the locations of building fronts can vary within a specified range.

**Building Bulk**

The massing characteristics of a structure including, but not limited to, setbacks, height, width, and lot coverage. See also 'Building Form'.



### Building Envelope

The three-dimensional space within which the principal use is permitted to be built on a lot, and that is defined by maximum height regulation, yard setbacks, and landscape setbacks.

### Building Form

The combination of Building Bulk with specific design elements such as roof forms, façade treatment, or other design characteristics.

### Building Plaque

A plaque designating names of buildings, occupants, and/or date of erection and other items such as architect, contractor or others involved in the building creation cut into or attached to the building.

## C

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### Campground or Recreational Vehicle Park

A facility providing camping or parking uses and incidental services for travelers in recreational vehicles or tents.

### Canopy

- A. For purposes of landscaping, buffering, and screening regulations, the upper vegetative cover of a tree or plant grouping.
- B. For all other purposes, a permanent roof-like shelter either not attached to or requiring support from an adjacent structure.

### Carport

A permanent structure consisting of a roof and supported on posts with three (3) or four (4) open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.

### CDOT

The Colorado Department of Transportation.

### Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. Accessory uses that are allowed in conjunction with and within the boundary of a cemetery include columbarium, mausoleum, mortuary, funeral services, and crematory services.

### Channel Width

In a stream, the distance from the toe of the channel bank on one side of the channel to toe of the channel bank on the other side of the channel, unless otherwise stated in this UDC or an adopted City regulation or manual.

### Club, Lodge, and Service Organization

A use providing meeting, recreational, or social facilities for a private, nonprofit, or noncommercial association, primarily for use by members and guests, but not including uses where the chief activity is providing a service customarily carried on as a business. Typical uses include private social clubs, fraternal organizations, health clubs, country clubs, and nonprofit recreation or community centers.

### Colorado Springs Utilities Chief Executive Officer

The Chief Executive Officer of Colorado Springs Utilities employed by the Utilities Board pursuant to City Charter section 6-10.

**Columbarium**

A place used for the internment of cremated human or animal cremated remains in an above-ground wall or other structure.

**Commercial Center**

A grouping of three (3) or more attached commercial, office and/or civic uses developed and maintained under unified control.

**Commercial Feedlot**

A site of more than fifteen thousand (15,000) square feet for the feeding of livestock and poultry.

**Commissary Kitchen**

A commercial establishment where foodservice providers can prepare, cook, and store food and equipment on the premise and distribute food off-site for sale, delivery, or consumption for caterings, mobile food vendors, concessions, social service organizations, or restaurants. It may include accessory use space for educational purposes or the sale of food.

**Common Area**

Any portion of a development that is designed for the common use of the owners and residents within a development. These areas may include plazas, green space and public open spaces, and in some cases parking lots and pedestrian walkways. Maintenance of common areas is the responsibility of a private entity and is normally set forth in the form of private restrictive covenants that guarantee the private maintenance of these areas.

**Compact Lot**

Lots developed with or designed to be developed with Single-family Detached, Single-family Attached, or Two-Family Dwellings on an individually platted lot in the R-Flex Medium or R-Flex High zone districts, or lots in residential developments or portions of residential developments in the PDZ district with development densities equivalent to those permitted in the R-Flex Medium or R-Flex High zone districts.

**Comprehensive Plan**

The Colorado Springs Comprehensive Plan (PlanCOS) and all subsequent amendments to that Plan.

**Construction Activity**

For purpose of grading, erosion control, and stormwater regulations, a ground surface disturbing and associated activity (land disturbance) that includes, but is not limited to, clearing, grading, excavation, demolition, or installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Activities that include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility are not considered construction activities. Activities to conduct repairs that are not part of regular maintenance, and activities that are for replacement, are considered construction activities and are not considered routine maintenance. Repaving activities where underlying or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities. Construction activity occurs from initial groundbreaking to final stabilization regardless of ownership of the construction activities.

**Construction Control Measures**

Structural and non-structural Control Measures used to limit erosion and the transport of soil and other pollutants within or leaving construction sites. Construction Control Measures can be temporary (e.g. silt fence) and permanent (e.g. seeding).

**Construction Office or Yard, Temporary**

The temporary use of land prior, during, and after construction activities that involve equipment, storage, loading or unloading of construction materials or equipment, or offices, and accessory structures such as

fences, walls, buildings, and barricades. This use does not include a model home or modular building used as a Real Estate Sales or Business Office, Temporary.

**Construction Sales and Service**

An establishment primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, or a public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and related activities. This use includes home improvement stores, building materials stores, or tool and equipment rental or sales. This use excludes those uses classified under Vehicle-Related Uses.

**Corral**

A pen or enclosure for confining hoofed animals.

**Correctional Facility/Juvenile Detention Facility**

A public or private use that provides housing and care for individuals legally confined and is designed to isolate those individuals from a surrounding community.

**Cottage Food**

Food provided for sale directly to “informed end users” as defined in the Colorado Cottage Foods Act, C.R.S. § 25-4.1614.

**Crematorium**

An establishment exclusively providing services for the incineration of human or animal corpses.

**Cross-Access Agreement**

An agreement filed with the El Paso County Clerk and Recorder that describes and defines the shared access of two (2) or more properties, and that identifies the properties involved, the owner(s) of each property, and their respective maintenance and operation responsibilities. The location of the shared access shall be free of permanent structures or parking that would interfere with the free flow of multi-modal traffic.

**Curb Cut**

An opening in the curb along a roadway that allows vehicular access to an adjacent development site.

**D**

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**Deciduous**

A plant with foliage that is shed annually.

**Dedication**

The procedure by which private property is transferred to a public entity for a public use.

**Detached Structure**

A structure that is not attached to another structure, and that has no wall in common with another structure, and that is separated by three (3) feet or more from any other structure. Structures that are connected by a covered, unenclosed breezeway shall be considered detached if the breezeway is less than twelve (12) feet in height or less than six (6) feet in width.

**Detoxification Center**

A convalescent establishment that provides 24-hour medical supervision, lodging, and meals to individuals who need help to remove the effects of alcohol or drugs.

**Development**

Any activity that alters the ground on a property. Development may include construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land

for such construction or installation, such as grading. For the purposes of this UDC, this term includes new development and redevelopment on existing lots.

#### **Development Plan**

A detailed graphic representation drawn, to scale, of a proposed development of a particular site that meets all requirements of this UDC.

#### **DNL**

A day-night (sound) level that recognizes the added impact of nighttime noise. It is a 24-hour average noise level based on A-weighting with ten dBA added between 10:00 P.M. and 7:00 P.M. DNL is expressed visually via contour lines in five DNL increments.

#### **Domestic Violence Safe House**

A residential operation whose primary function is the provision of a confidential residence that provides a safe haven for persons who have been victimized by physical, emotional, or mental abuse for purposes of rehabilitation or special care. The safe house may permit housing for both single persons as well as individuals with children.

#### **Drainage Report, Final**

A document prepared in accord with the Engineering Criteria that analyzes all stormwater features of the proposed development in the detail necessary to complete construction plans for all project stormwater improvements, including grading details and off-site facilities as applicable.

#### **Drainage Report, Preliminary**

A document prepared in accord with the Engineering Criteria that analyzes all stormwater features of the proposed development at a preliminary design level.

#### **Drip Line**

A vertical line extending from the tips of the outermost branches of a tree to the ground.

#### **Driveway, Commercial**

Primary access, that may be private or public, off of a public right-of-way into a commercial or mixed-use developed site.

#### **Driveway, Shared**

An accessway to residential lots from a public right-of-way or private street. Flag lots serving not more than four (4) residential lots shall be considered a shared driveway and not a private street.

#### **Drive-Through, Accessory**

A facility that permits customers to receive services, obtain goods, or be entertained from an accompanying principal use through a window, kiosk, speaker, or other structure, while remaining in their motor vehicles or light vehicles.

#### **Drug and Alcohol Treatment Facility**

An establishment that may be Colorado State licensed or certified by the appropriate State agency that provides 24-hour care, treatment, rehabilitation, and counseling for persons with alcohol, narcotic, or substance abuse or a combination of those forms of abuse and operated under private, public, or nonprofit sponsorship.

### Dwelling

A building that contains one (1) or two (2) dwelling units used, intended, or designed to be occupied for living purposes.

### Dwelling, Accessory

A dwelling unit that is subordinate to the principal residential dwelling unit on the lot, that is located upon the same lot as the principal unit, and that remains under the same ownership as the principal unit. There are two (2) types of accessory dwelling units:

#### Integrated

An accessory dwelling unit that is located inside of the principal residential unit on the lot or attached by a shared common wall.

#### Detached

An accessory dwelling unit located within an accessory structure.

### Dwelling, Live/Work Unit

An integrated housing unit and commercial workspace under single ownership in a structure in which the commercial portion of the unit shall not exceed ten (10) percent of the area of the dwelling unit. The commercial space shall allow activities compatible with residential use with respect to noise, smoke, vibration, smell, electrical interference, and fire hazard.

### Dwelling, Multi-family

A building for residential purposes with three (3) or more contiguous dwelling units not defined as a townhouse, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common or individual stairwells exterior to any dwelling units.

### Dwelling, Single-Family Attached

- A. A building with two (2) or more attached dwelling units on individual lots, separated by an unpierced wall extending from ground to roof and arranged in a side-to-side configuration rather than stacked, and where the front door of each dwelling unit faces and has direct access to a street without passing through a lobby or other area shared with other dwelling units; or
- B. A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from the foundation to roof and with green space on at least two (2) sides; sometimes referred to as a Townhouse Dwelling.

### Dwelling, Single-Family Detached

A building with one (1) dwelling unit located on one (1) lot, with no physical or structural connection to any other dwelling unit and used exclusively for occupancy by one family. This definition includes a tiny house (detached dwelling of four hundred (400) square or less of gross floor area) that meets the standards of the Regional Building Code for long-term occupancy. This use may include an integrated accessory dwelling unit, subject to the provisions of Subsection 7.3.304E (Dwelling, Accessory).

### Dwelling, Two-Family (Duplex)

A single building located on one (1) lot, with no physical or structural connection to any other building, that consists of two (2) attached dwelling units, with each unit used exclusively for occupancy by one (1) family, one (1) unit not being accessory to the others, and that does not meet the definition of a Dwelling, Single-Family Attached. A Dwelling, Single-Family Detached with an integrated accessory dwelling unit is not included in this definition.

**Dwelling Unit**

A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**E****Easement**

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of the owner's property.

**Ecosystem**

A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

**Electric Vehicle Charging Station, Accessory**

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

**Encroachment**

The projection or intrusion of a building, structure, or other land-disturbing activity into an area where such projections or intrusions are typically prohibited, such as a setback, a public right-of-way, or utility easement.

**Engineering Criteria**

Implementation documents containing policies, procedures, diagrams, and lists addressing the Public Works requirements, including but not limited to those for stormwater, drainage, and traffic standards and regulations, referenced in or related to the implementation of this UDC.

**Entertainment or Recreation, Indoor**

Indoor facilities for entertainment, sports, and recreational activities conducted within an enclosed building, such as motion picture theaters, meeting halls, dance halls, bowling alleys, pool halls, ice and roller skating rinks, mechanical and electronic amusement galleries, indoor racquetball, swimming, climbing wall, and/or tennis facilities.

**Entertainment or Recreation, Outdoor**

Outdoor facilities for entertainment, sports, and recreational activities such as zoos, safaris, sports arenas, racing facilities, amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, pickleball courts, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

**Erosion**

The process by which the ground surface is worn away by action of wind, water, gravity, or any combination of those forces.

**Evapotranspiration**

A measure of water depletion from the soil due to evaporation from the soil surface and transpiration through plant foliage.

**Evergreen**

A plant with foliage that persists and remains green year-round.

**Excavation**

The mechanical removal of earth material.

**F****Existing Grade**

The natural elevation of the ground surface on a lot or parcel prior to the approved Development Plan or the ground surface created in accord with a grading and Development Plan approved by the City.

**Extraction, Plant-Based**

The extraction of any oils or substance other than marijuana concentrate from any plant-based material or substance, but specifically excluding any activity meeting the definition of Marijuana-Related Extraction.

**Plant-Based Extraction, Nonhazardous**

Plant-Based Extraction that does not meet the definition of Hazardous Plant-Based Extraction.

**Plant-Based Extraction, Hazardous**

Plant-Based Extraction that involves an inherently hazardous substance, which includes any liquid chemical, compressed gas, or commercial product that has a flash point at or lower than thirty-eight (38) degrees Celsius or one hundred (100) degrees Fahrenheit, including butane, propane, and diethyl ether and excluding all forms of alcohol and ethanol.

**F****Façade**

The portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and extending across the entire width of the building elevation.

**Family**

An individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five (5) persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one (1) dwelling unit. The definition of “family” shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.

**Family Care Home**

A Colorado State licensed establishment that provides regular full-time care to foster children under eighteen (18) years of age on a 24-hour basis.

**Family Care Home, Large**

A facility composed of a minimum of five (5) to a maximum of eleven (11) foster children, in addition to any and all existing family members.

**Family Care Home, Small**

A facility composed of a minimum of two (2) to a maximum of four (4) foster children, in addition to any and all existing family members.

**Family Support Residence**

A residential operation where lodging, meals, and counseling services are provided to six (6) or more persons who are members of families that have other family members that have been diagnosed with a terminal illness or an illness requiring long term hospital care. The primary concern of the facility is to provide support to family members (i.e., Ronald McDonald House).

**Federal Aviation Administration (FAA)**

The United States Department of Transportation, Federal Aviation Administration, or any successor agency.

**Fill**

When used in the context of grading, erosion, and stormwater regulations, a deposit of earth material by mechanical means.

**Final Plat**

A map prepared in accord with the provisions of Subsection 7.5.519D (Final Plat Requirements) that is presented to the City for approval and that, if approved, will be recorded by the City with the El Paso County Clerk and Recorder, and a copy thereof shall be filed with the City Engineer.

**Fire Apparatus Access Road**

A road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is inclusive of other terms such as fire lane, public street, private street, parking lot lane, and access roadway.

**Fire Lane**

A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

**Footcandle**

A measure of illumination equal to one lumen per square foot or 10.76 lux.

**Fuel Dispensing Station**

An establishment that provides petroleum-based, natural gas, electric power, or other forms of fuel and/or minor maintenance services to motor vehicles. Accessory uses may include a convenience store (with food sales) and/or car wash.

**Fuels Management**

When used in the context of wildfire risk reduction in the WUI-O district, the modification of the natural vegetation within the wildfire risk Safety Zone.

**Funeral Services**

Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals, and included but not limited to columbarium, mausoleum, mortuary, funeral services, and crematory services.

**G**

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**Garage**

A building or portion of a building designed or used for the shelter of motor vehicles or light vehicles that is enclosed or partially enclosed on all sides except that on which the vehicle enters and exits.

**Garage Sale**

A temporary use involving the sale or offering for sale articles of tangible personal property by the owner, lessee, or other occupant of a dwelling unit. The term garage sale shall include patio sale, yard sale, or any similar sale.

**Geographic Service Area**

An area designated on the Geographic Services Area Map within which Neighborhood Parks are intended to collectively serve the residents within the identified service area. Geographic Service Areas do not include county enclaves or other land outside of the City limits.

**Geothermal Energy Equipment, Accessory**

Equipment designed to collect heat from beneath the surface of the earth for use in heating a structure or for conversion into other forms of energy.



**Golf Course**

A large unobstructed acreage with at least nine (9) holes for playing a game of golf and may be improved with tees, greens, fairways, hazards, and/or a clubhouse.

**Grading**

When used in the context of grading, erosion, and stormwater regulations, any excavating or filling or combination of those activities.

**Grading and Erosion Control (GEC) Permit**

A permit that is required prior to discharging stormwater from a construction site within the City. References to a GEC Permit include both the GEC Permit and the Associate GEC Permit.

**Grading and Erosion Control (GEC) Plan**

A plan required under the City grading and erosion control regulations that identifies measures that will be implemented to minimize the discharge of pollutants in stormwater.

**Greenhouse**

A commercial land use involving the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. Accessory retail sales may be included under certain conditions. Typical uses include wholesale plant nurseries and greenhouses for plants grown on-site.

**Greenhouse, Accessory**

A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment.

**Greenway**

A linear public open space or park that provides passive recreation opportunities and/or bicycle or pedestrian paths. It often contains a waterway with surrounding natural creek environment including water channels, floodplain, and riparian vegetation.

**Green Space, Active**

Private common areas inclusive of grass, trees, or other vegetation set aside for recreational purposes. This can include, but is not limited to, dog parks, outdoor swimming pools, playgrounds, athletic fields and courts, trail systems and seating areas along trail systems, and plazas.

**Green Space, Non-Activated**

Private common areas inclusive of grass, trees, or other vegetation set aside for aesthetic purposes.

**Greenway Oriented Unit**

An attached or detached dwelling unit with the entry façade facing a common green space and garage fronting an alley in a development..

**Gross Vehicle Weight Rating (GVWR)**

The sum of the actual weight of the vehicle and the maximum weight that the vehicle is designed to transport.

**Gross Floor Area**

The floor area within the inside perimeter of the exterior walls of the building.

**Ground Cover**

Plants, other than High Water Use Turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

### Group Cooperative Living

A building that may have the residential capacity for more than five (5) adults, where meals and lodging are provided, and in which the costs of lodging and meals are shared among those adults without support or supervision from another organization, and that does not meet the definition of a Group Living Residence, Human Services Establishment, or Long-Term Care Facility. This includes uses commonly known as a dormitory or sorority or fraternity house.

### Group Living Residence

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts. This use includes but is not limited to a Family Support Residence and a Domestic Violence Safe House.

#### Group Living Residence, Small

A facility designed for and occupied by no more than eight (8) residents living together.

#### Group Living Residence, Medium

A facility designed for and occupied by nine (9) to fifteen (15) residents living together.

#### Group Living Residence, Large

A facility designed for and occupied by sixteen (16) or more residents living together.

## H

### Heavy Industry

An establishment involved in the basic processing and manufacturing of products, predominately from raw materials, that may produce noticeable noise, odor, vibration, or air pollution effects across property lines, but with minimal or no use of hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials. This use includes but is not limited to meatpacking (the processing of meat products and byproducts directly from live animals or off of live animals) and Alcohol Production Uses.

### Heavy Vehicle and Equipment Sales and Rental

A facility consisting of buildings and yards used for the display, sales, or rental of heavy trucks, recreational vehicles, boats, trailers, tractors, construction equipment, agricultural implements, manufactured homes, or similar heavy equipment with a GVWR of more than 15,000 pounds including incidental storage, maintenance, and servicing. This use includes but is not limited to recreational, boat, and trailer dealerships, truck dealerships, construction equipment dealerships, and manufactured home sale establishments.

### Heavy Vehicle and Equipment Repair

An establishment for the repair of heavy trucks, recreational vehicles, boats, tractors, construction equipment, agricultural implements, or similar heavy equipment with a GVWR of more than fifteen thousand (15,000) pounds, including the sale, installation, maintenance, and servicing of equipment and parts and the accessory storage or parking of vehicles that are awaiting service or pick up, but excluding the storage of junk vehicles. This use includes truck repair garages, recreational vehicle and boat repair garages, tractor and farm implement repair services, machine shops, and tire recapping facilities, but excludes dismantling and salvage activities (which are included in the definition of Junkyard).

### Heavy Vehicle and Equipment Storage

Any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of storing operable or impounded heavy trucks, tractors, construction equipment, agricultural implements, or similar heavy equipment with a GVWR of more than fifteen thousand (15,000) pounds. This use does not include vehicle dismantling or junkyards.

### High Water Use Turfgrass

A continuous plant coverage consisting of cool season grasses that requires regular weekly watering to survive, such as Kentucky Bluegrass.

### Historically Adapted Plant

A self-propagating species that is not indigenous to the regional native plant community it occupies but was likely introduced by early settlers and is now so prevalent as to appear indigenous.

### Historic Preservation Related Definitions

For purposes of designation, regulation, and approval of properties within the HP-O district or properties being considered for inclusion in the HP-O district, including without limitation the provisions of Sections 7.2.608 (HP-O: Historic Preservation Overlay) and 7.5.528 (Historic Resource Alteration or Demolition), the following terms shall have the meanings indicated. The City may use different definitions for terms listed below when those terms are not used in connection with historic properties and/or the HP-O district.

#### Acquisition

The act or process of acquiring fee title or interest other than fee title of real property including the acquisition of development rights or remainder interest.

#### Alteration

Any act or process that changes one (1) or more of the exterior architectural features of a structure in a historic preservation zone.

#### Demolition

Any act or process that destroys in part or in whole a structure in a historic preservation zone.

#### Design Guidelines

Written statements, explanatory material, graphic renderings, and/or photographs that are intended to inform property owners and the public of historic characteristics suitable for preservation, and techniques and materials appropriate to achieve that goal.

#### Design Standards

Written statements adopted by City Council resolution as criteria for use by the Historic Preservation Board in the consideration of an application for a report of acceptability for properties with historic preservation overlay zoning.

#### Historic, Historic Area, Landmark or District

Any City Council-designated site, structure, object, or improvement and its surrounding environs or a group of sites, structures, objects, or improvements, or both, and their surrounding environs:

- A. That has a special character or special historic or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or
- B. In which any event of major historic significance with a measurable effect upon society took place; or
- C. That is closely identified with a person or group of persons who have had some measurable influence on society; or
- D. In which the broad cultural, political, economic, or social heritage of the community is exemplified; or
- E. That faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural style or that embodies those distinguishing characteristics of an architecturally recognized detail or that is the work of an architect or builder whose individual work has influenced the development of the city; or

- F. That, because of being a part of or related to a park, square, or other distinctive area should be developed or preserved according to a plan based upon its historic, cultural, or architectural significance; or
- G. That, due to the unique location or singular physical characteristic, represents an established, familiar, and significant visual feature of the neighborhood, community, or city; and
- H. That is officially zoned historic preservation overlay pursuant to the provisions of this UDC.

**Major Work**

Any work that will alter any distinctive feature or improvement of the historic structure.

**Minor Work**

Any work that will not alter any distinctive feature or improvement of the historic structure.

**National Historic Landmark**

Buildings, historic districts, structures, sites, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States and as such are maintained by the Secretary of the Interior,

**National Register**

The National Register of Historic Places. It is a register of districts, sites, buildings, structures, and objects of national, State, or local significance in American history, architecture, archaeology, and culture that is expanded and maintained by the Secretary of the Interior under authority of Section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 USC 461) and Section 101(a)(1) of the National Historic Preservation Act implemented through 36 CFR part 60.

**Preservation**

The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. it may include initial stabilization work where necessary, as well as ongoing maintenance of the historic building materials.

**Protection**

The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from danger or injury. in the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment.

**Reconstruction**

The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

**Rehabilitation**

The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

**Repair and Maintenance**

Work done on a structure or object in order to correct any deterioration, decay, or damage to any part thereof in order to restore the same, as nearly as practical, to its condition prior to such deterioration, decay, or damage.

**Restoration**

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**Stabilization**

The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

**Structure**

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Hookah Bar**

An establishment providing for the sale of on-site consumption of smoked flavored tobacco or herbs.

**Home Adult or Child Day Care, Accessory**

A facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and that is located in a dwelling unit occupied by one (1) or more of the operators of the facility, and that is accessory to the primary purpose of the structure as a dwelling unit. The facility shall be operated with or without compensation for such care, and with or without stated educational purposes, and shall hold a valid state license for the operating of an adult or child day care center. Regular overnight occupancy is not allowed, but occasional 24-hour emergency care may be provided. This use includes:

- A. A facility licensed by the state to provide adult day care for adults; and
- B. A facility licensed by the state to provide care and training for children for more than two (2) full consecutive calendar days for seven (7) or more hours each on a regular weekly basis.

There are two (2) types of home day care uses:

**Home Adult or Child Day Care, Accessory, Small**

A facility for the care of not more than six (6) full time and two (2) part time children or adults.

**Home Adult or Child Day Care, Accessory, Large**

A facility for the care of more than six (6) and less than twelve (12) full time and part time children or adults.

**Home Occupation**

An activity conducted for gain entirely within a residential primary or accessory building that is incidental and secondary to the use of such building for dwelling purposes and that does not change the essential residential character of such building. This use shall not include motor vehicle repair, a barbershop or beauty salon that serves more than one customer at a time, instruction to more than three (3) persons at a time, paint shops using spray painting equipment, or a medical marijuana facility (to the extent it is not subject to the medical marijuana exception in Subsection 7.3.304J (Marijuana, Home Cultivation, Accessory)).

**Hospice**

An establishment licensed by the state composed of nine (9) or more terminally ill persons with a life expectancy of less than six months, not including domestic, supervisory, or medical staff, which provides a centrally administered program of palliative, supportive, and interdisciplinary team that provides services of physical, psychological, spiritual, and sociological care for terminally ill individuals with a continuum of inpatient care available on a 24-hour basis.

**Hospital**

An institution providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, and other ailments, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

**Hotel or Motel**

An establishment that provides guestrooms or suites for the temporary occupancy of more than fifteen (15) individuals and in which the occupancy of individual rooms typically does not exceed thirty (30) days.

Accessory uses can include a restaurant and meeting facilities.

**Human Services Establishment**

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the use of citizens whose right to live together is protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado. This use includes establishments that provide temporary or permanent lodging, care, or treatment to persons who may be unrelated to each other, not including domestic, supervisory, or medical staff providing services on the premises and intended to provide the residents an opportunity to live in as normal a residential environment as possible. For purposes of these uses, the definitions of developmentally disabled, mental illness, and elderly are those established by C.R.S. § 31-23-303. The definition of physically disabled as a physical handicap is as established by 42 USC 3602 Section 501. The definition of autism and drug and alcohol treatment as a physical or mental impairment is as established by 42 USC Sections 3601 through 3619. This use includes but is not limited to a Drug and Alcohol Treatment Facility, Family Care Home, a Human Services Residence, Large Family Care Home, and a Residential Childcare Facility

**Human Services Establishment, Small**

A facility designed for and occupied by eight (8) or fewer residents living together.

**Human Services Establishment, Medium**

A facility designed for and occupied by nine (9) to fifteen (15) residents living together.

**Human Services Establishment, Group Care Home, Large**

A facility designed for and occupied by sixteen (16) or more residents living together.

**Human Service Facility**

A Colorado State licensed establishment composed of nine (9) or more persons, not including domestic, supervisory, or medical staff, providing 24-hour lodging, care, and treatment on either a permanent or temporary basis. Human service facilities may provide for persons who are physically or developmentally disabled, mentally ill, elderly, youth or individuals in assisted living, short term convalescence, rehabilitative or long-term care.

**Human Service Residence**

A Colorado State licensed establishment composed of six (6) to eight (8) persons, not including domestic, supervisory, or medical staff, providing services on premises, which provides 24-hour lodging, care, and treatment for persons under the age of 18 years of age or court appointed up to the age of 21 years of age with emotional, behavioral, or social problems who are determined to be dependent or neglected on either a permanent or temporary basis.

**Human Services Shelter**

A residential operation that provides temporary group lodging and supportive services to persons in need due to family medical circumstances, economic circumstances, or social difficulties. A human services shelter is generally not licensed by the State of Colorado. A shelter may include accessory support services, i.e., medical, dental, or psychological care, distribution of food or clothing, and hot meals to the clients of the facility.

A temporary shelter operated by a religious institution within its principal facility is considered an accessory use of the principal religious institution.

### Hydrozone

A portion of a landscape area having plants with similar water needs that are either not irrigated or irrigated by a circuit or circuits with the same schedule.

I

### Impervious Surface

A surface on or in real property where the infiltration of stormwater into the earth is reduced or altered due to manmade improvements such as buildings or other structures, streets, parking lots, driveways, patio areas, roofs, sidewalks, paving, and compacted surfaces.

### Improvement

- A. For purposes of regulation of airspace in connection with the AP-O district, any building, structure or other improvement, development, or object, including trees, shrubbery, or other vegetation.
- B. For all other purposes, any building, structure, place, work of art, or other object constituting a physical feature of real property, or any part of the feature.

### Industrial Hemp

Raw material derived from the cannabis plant that contains less than point three (0.3) percent tetrahydrocannabinol (THC) content. There are three (3) uses included in the Industrial Hemp use category.

#### Industrial Hemp Products Manufacturer (IHIP)

An establishment for the manufacture and storage of industrial hemp products. This use shall be classified by the Manager, in consultation with the Fire Code Official, as either hazardous or nonhazardous, in compliance with the land use types described in the following two (2) definitions.

#### Industrial Hemp Products Manufacturer – Nonhazardous (IHIP – NH)

Any IHIP location that does not exceed reasonable fire and life safety risks or does not otherwise meet the definition of an IHIP - HZ. Examples of IHIP - NH land use classifications may include, but are not limited to, the use of super/subcritical water or CO2 extraction processes, cooking, or baking facilities.

#### Industrial Hemp Products Manufacturer - Hazardous (IHIP - HZ)

Any IHIP location that presents fire and life safety risks by using oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of IHIP - HZ land use classifications may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

#### Industrial Hemp Premises Cultivation Operation (IHOPC)

An establishment for the growth, cultivation, and storage of industrial hemp.

### Infill Development

Development of vacant land within previously built areas that are already served by public infrastructure, such as transportation and utilities. Designated parks and public open space are also considered infill since they are permanent uses for vacant parcels.

### Introduced Plant

A plant that is not indigenous to Colorado Springs but is used in landscaping due to its adaptable qualities. It is generally a nursery trade cultivar or variety, or a native to the region, but does not naturally occur in the City limits.

**Irrigation System**

A permanent, artificial watering system designed to transport and distribute water to landscape plants.

**J**

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**Junk**

Any manufactured goods, appliance, fixture, furniture, machinery, vehicle, personal property, or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, partially dismantled, dilapidated, or so worn and deteriorated that it would not be normally usable in its current state for its original manufactured use. This includes but is not limited to wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts.

**Junkyard**

A use involving sale, storage, display, dismantling, demolition, abandonment, or discarding of “Junk” as defined in this UDC, or any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of dismantling used vehicles and the salvage and resale of used parts. This use shall not include scrap metal processing facilities, Automobile and Light Vehicle Storage uses, or Heavy Vehicle Storage uses.

**K**

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**Kitchen**

An area used, or designated to be used, for the preparation of food.

**L**

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**Land Use Plan**

A graphic representation drawn to scale of a proposed development of a particular project or area.

**Landfill**

A site used as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency. Typical disposal material would include non-putrescible wastes such as ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile; vegetation; tree parts; agricultural wastes (garbage); and manure.

**Landscape**

Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as land and water forms, rock, stone, bark chips, or shavings; and structural features, including but not limited to fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches.

**Landscape Buffer**

Land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

**Landscape Plan**

A plan drawn to scale that shows the layout of all landscape components and their specifications for a development site.

**Landscape Policy Manual**

A document containing policies, procedures, standards, maps, and plant lists necessary to implement the landscape standards and regulations of this UDC.



**Landscape Setback**

A required landscape planting area on private property that is adjacent to a street right-of-way and includes the parkway; or that is adjacent to a non-street boundary of a zone district.

**Legal Description**

An accurate, complete written account of a specific tract of land or other real estate, including its size, configuration, and location.

**Licensed Architect**

A person who is currently licensed by any state government of the United States to practice the profession of architecture.

**Licensed Landscape Architect**

A person who is currently licensed by any state government of the United States to practice the profession of landscape architecture.

**Library, Museum, or Cultural Facility**

A library, museum, planetarium, performing art venue, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one (1) or more of the arts and sciences.

**Light Industry**

An establishment engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. This use is characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics manufacturing, print shops, and publishing houses.

**Light Vehicle Staging Area**

A central facility for the dispatch, distribution, storage, staging, and loading of motor vehicles, SUVs, and larger commercial vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, peer-to-peer car sharing services, and taxi services. This use does not include a "Transportation Terminal."

**Liquor Sales**

Establishments engaged in retail sale for off-premises consumption of alcoholic liquors as defined in Chapter 2, Article 5, Part 1 of this Code. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.

**Long-Term Care Facility**

A residential facility other than a hotel where, for compensation either paid directly or indirectly, lodging and meals are provided for the persons over 60 years of age.

**Lot**

A parcel of land that:

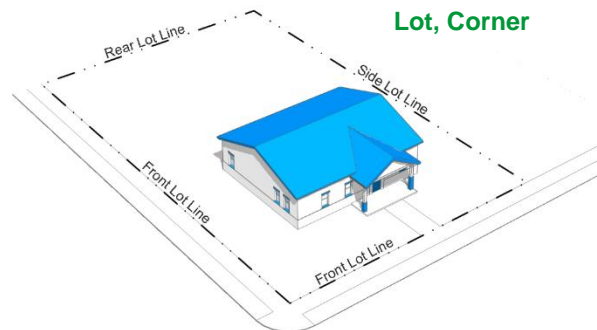
- A. Is shown as a lot on a recorded Final Plat;
- B. Meets the requirements for issuance of a Building Permit to unplatted land;
- C. Meets the requirements for issuance of a Building Permit to previously platted lands;

- D. Has a property boundary adjustment approved and recorded by the Planning Department; or
- E. Is considered a lot of record as the deed for the parcel was recorded in the public records of El Paso County, Colorado, on or before January 18, 1904.



**Lot, Corner**

A lot at the junction of and fronting on two (2) or more intersecting streets. The front yard of a corner lot shall adjoin the shortest street property line, provided that where street property lines are substantially the same length, the Manager shall determine the location of the front yard.



**Lot, Double Frontage or Through**

A lot having frontage on two (2) parallel or approximately parallel streets.

**Lot, Flag**

A lot for which the front lot line is adjacent to one (1) or more rear or side lot lines of adjacent lots. Primary access is by a private or privately shared drive leading to a public right-of-way.

**Lot, Interior**

A lot other than a corner lot.

**Lot Coverage**

See Section 7.6.203D (Lot Coverage).

**Lot Frontage**

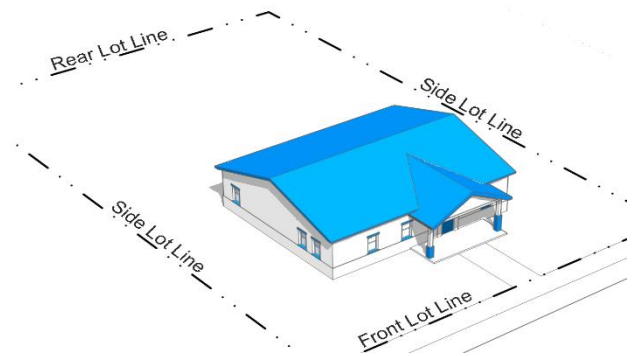
The length of a property line of a lot that is adjacent to a public or private right-of-way.

### Lot Line

The property lines bounding a lot as defined below:

#### Front Lot Line

Any property line separating a lot from any public street or private street, but not including alleys. In the case of corner lots, the primary front lot line is that property line most parallel to the street from which access is gained; the secondary front lot line is the other lot line with street frontage. In the case of a double frontage lot, there is one front lot line that is the property line most parallel to the street from which access is gained. For a flag lot, the front lot line is that property line not including the flag stem most parallel to the street from which access is gained.



#### Rear Lot Line

The lot line that is opposite and most distant from the front lot line. In the case of a corner lot, the owner shall select any lot line, other than one of the front lot lines, to be the rear lot line. In the case of a double frontage lot, the rear lot line shall be most opposite the front lot line along the street frontage from which access is not gained. The rear lot line of any irregularly shaped lot or triangular lot shall be a line within the lot that is ten (10) feet long and most parallel to and distant from the front lot line. For a triangular lot which is also a corner lot, there shall be no rear lot line.

#### Side Lot Line

A lot line that is not a front lot line or a rear lot line.

### Lot of Record

A parcel of land in the City, the deed of which was recorded in the public records of El Paso County, Colorado, on or before February 13, 1951, or a parcel of which that was subsequently annexed to the City that was: a) a platted lot meeting the applicable subdivision requirements of El Paso County, b) a legal nonconforming lot in El Paso County, c) a parcel of land that was legally exempted by El Paso County from platting requirements, or d) a parcel of land in El Paso County created before September 1, 1972.

### Lot Width

The minimum horizontal distance between the side lot lines measured along a straight line most parallel to the front lot line that is maintained from the front building setback to the rear building setback.

### Low-Water-Use Plants

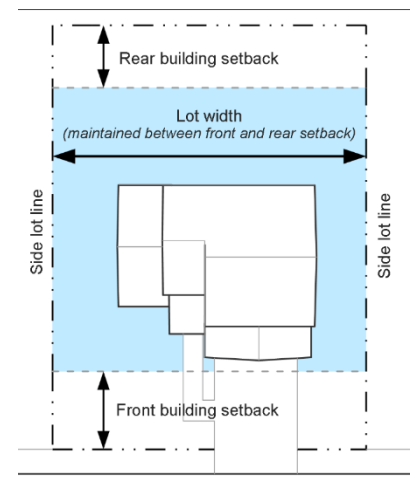
Plants that require less than thirty (30) percent of reference evapotranspiration to maintain optimum appearance.

## M

### Major Street

When used in the context of subdivision regulations, an actual or proposed street with a right-of-way width greater than sixty (60) feet that provides for the rapid and relatively unimpeded movement of vehicular traffic between major activity centers in the City, while accommodating public transit and pedestrian movements on the City's arterial streets. Each major street in the City shall be classified as a:

- A. Freeway;
- B. Expressway;



- C. Major arterial; or
- D. Minor arterial.

### Manager

See “Planning Manager.”

### Manufactured Home

A single-family dwelling unit that is partially or entirely manufactured in a factory, is not less than twenty-four (24) feet wide and thirty-six (36) feet long, is installed on an engineered permanent foundation, has brick, wood, or cosmetically equivalent exterior siding, has a pitched roof, is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.

### Manufactured Home Park

A lot or parcel of land held under single ownership or unified control upon which two (2) or more manufactured homes, occupied for residential purposes, are located and for which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

### Marijuana-Related Definitions

#### Extraction, Marijuana-Related

For purposes of marijuana-related uses, extraction is the removal of marijuana concentrate from any substance or material, unless otherwise defined in Colorado law, in which case the definition in Colorado law shall apply.

#### Marijuana

See Section 9.7.206 of the City Code.

#### Marijuana, Home Cultivation

The accessory use of personal cultivation of a limited amount of marijuana and medical marijuana by persons 21 years of age or older, in compliance with Article XVIII, Sections 14 and 16 of the Colorado constitution.

#### Marijuana Concentrate

See Section 9.7.206 of the City Code.

#### Medical Marijuana Facility (MMJ Facility)

An establishment licensed by the City and state for the growth, cultivation, acquisition, manufacture, storage, dispensing, or sale of medical marijuana or medical marijuana products, including Medical Marijuana Products Manufacturer, Medical Marijuana Products Manufacturer – Nonhazardous, Medical Marijuana Products Manufacturer – Hazardous, and Medical Marijuana Store uses.

#### Medical Marijuana Cultivation Facility (OPC)

As used in the regulation of marijuana-related land uses and activities, an establishment for the growth, cultivation, and storage of medical marijuana.

#### Medical Marijuana Products Manufacturer (MIP)

An establishment for the manufacture and storage of medical marijuana products. MIPs shall be classified by the Manager, in consultation with the Fire Code Official, as either hazardous or nonhazardous, in compliance with the land use types described in the following two (2) definitions.

**Medical Marijuana Products Manufacturer - Nonhazardous (MIP - NH)**

Any MIP location that does not exceed reasonable fire and life safety risks or does not otherwise meet the definition of a MIP - HZ. Examples of MIP - NH land use classifications may include, but are not limited to, the use of super/subcritical water or CO2 extraction processes, cooking, or baking facilities.

**Medical Marijuana Products Manufacturer - Hazardous (MIP - HZ)**

Any MIP location that presents fire and life safety risks by using oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of MIP - HZ land use classifications may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

**Medical Marijuana Store (MMC)**

An establishment for the storage, dispensing, and/or sale of medical marijuana or medical marijuana products.

**Master Facilities Plan**

The proposed system for the provision of public facilities to a development including but not limited to street cross sections, placement of utilities and drainage facilities, and easements.

**Master Plan**

A plan for the development of a portion of the City that was approved under a prior version of this UDC in effect before the Effective Date, and that contains a generalized transportation system, proposed land use, and shows the relationship of the area included in the plan to surrounding property. Master plans are more specific than the Comprehensive Plan. Master Plans have been replaced by Land Use Plans in this UDC.

**Maximum Extent Feasible**

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account but shall not be the overriding factor determining whether the standard can be met in full.

**Medical Office**

Use of a site for facilities which provide medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. Available uses include substance treatment facilities, including but not limited to methadone clinics and opioid treatment facilities. Medical offices are operated by doctors, dentists, or other physical or mental healthcare practitioners licensed for practice by the State of Colorado and are characterized by a high proportion of vehicle trips attributable to visitors or clients in relation to employees.

**Microclimate**

The climate of a specific place within a given area.

**Mining and Mineral Extraction**

A use involving activities conducted on the surface or underground (or both) for the exploration for, development of, or extraction of natural products including but not limited to sand, gravel, topsoil, limestone, and coal from their natural occurrences and the cleaning, concentrating, refining or other processing or preparation and loading for transit of crude natural products at or near the mine site.

**Minor Street**

When used in the context of subdivision regulations, an actual or proposed street with a right-of-way width as defined in the Engineering Criteria that provides access to property in the City. Each minor street in the City shall be classified as a:

- A. Collector street, major or minor;
- B. Residential street;
- C. Minor residential street;
- D. Hillside minor residential street;
- E. Local street;
- F. Industrial street;
- G. Frontage street; or
- H. Alley.

#### **Mobile Vending Truck, Temporary**

Any wagon, truck, trailer, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food, flowers, arts, crafts, or similar items.

#### **Mobile Home**

A dwelling similar to a manufactured home that does not meet the standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended or the minimum dimensions in the definition of a Manufactured Home. Mobile Homes and Mobile Homes Parks are not permitted in the City.

#### **Mulch**

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture, and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots.

## **N**

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#### **Native Plant**

A species that is indigenous within the Colorado Springs City limits and naturally occurring in one (1) or more plant communities that requires reduced or no supplemental irrigation to survive.

#### **Native Grass**

A drought tolerant native grass species that requires reduced or no supplemental irrigation to survive. Also referenced as Native Seed.

#### **Neighborhood Association**

An organization of citizens or property owners, including but not limited to a Homeowners' Association, that has a defined or geographical area of interest or activity (which may not include the entire City) and that has provided to the City an accurate organizational name, contact information, and boundary or area of geographical interest or activity.

#### **Nits**

A unit of measurement of luminance, or the intensity of visible light, where one (1) nit is equal to one (1) candela per square meter.

#### **Nonconforming Use**

- A. In general, a use of land or a structure that was lawfully established and has been lawfully continued, but that no longer complies with the requirements of the UDC due to the actions of a governmental entity, and not due to the actions of the property owner.

O

- B. For purposes of Section 7.2.601 (AP-O: Airport Overlay) only, any structure, tree, natural growth, or use of land existing on May 24, 2018, that is inconsistent with the provisions of the AP-O district.

O

### Office

Use of a site for business, professional, or administrative offices, which may also include research and development services, including social service centers that provide services such as medical, dental, or psychological care, distribution of food or clothing, hot meals, or some recreational activities (but not including overnight lodging) to persons in need. Typical uses include real estate, insurance, management, travel, or other similar business offices; data centers; organization and association offices; law, architectural, engineering, accounting, telemarketing, or other professional offices; communication services such as television studios, radio stations, or film and sound recording facilities; research and development services; and diagnostic services, training, administration, and other services to employees or visitors. This use does not include any activities that include hazardous materials or processes, or medical services included in the Medical Office use.

### Open Space

A tract of land that is kept in its natural state in perpetuity for public use. Vacant land that may be subject to future development is not considered open space. There is no specified size range for open space, other than the minimum area needed to conserve a significant natural feature.

### Ornamental Tree

A tree planted primarily for its decorative value or for screening and that typically does not exceed a height of thirty (30) feet in Colorado Springs.

### Outdoor Display of Goods, Accessory

The location of goods or stock in trade outside of the primary structure in which an establishment operates, when the placement of such goods or stock in trade is for sale, including but not limited to the display of vehicles, equipment, sheds, grills, lawn mowers, lawn furniture, produce, landscape plants, and materials.

### Outdoor Seating or Dining, Accessory

Service facilities or seating areas accessory to a Restaurant, Bar, Alcohol Production Uses, or other establishment serving items to be consumed on-site. This definition shall not include facilities in the public right-of-way.

### Outdoor Storage, Accessory

The storage of items used in connection with a primary use outside of an enclosed structure, including but not limited to the storage of goods in trade, bunks of lumber, pallets of material, unassembled products, baled cardboard, defective/old appliances, scrap material, or loose materials such as gravel, mulch or discarded materials, storage pods, trailers, sheds, and similar material.

P

### Park

Land set aside as public recreation and public space. Parks may include playground equipment, athletic fields, sport courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation, or significant natural, cultural, or historic resources.

### Park, Community

A park between twenty-five (25) to one hundred (100) acres in size. Typical facilities in Community parks include those found in Neighborhood Parks, plus athletic fields, aquatic centers, sport courts, restrooms and parking areas that serve City-wide park needs.

**Park, Mini**

A park between a quarter (0.25) and three and a half (3.5) acres in size that serves residents within a half-mile (0.5 mile) radius. Facilities and improvements typically found in Mini parks are limited due to the size of the park but may include playground equipment, landscaping, and picnic areas.

**Park, Neighborhood**

A park between three and a half (3.5) to twenty-five (25) acres in size that serves residents within a Geographic Service Area. Facilities and improvements typically found in Neighborhood Parks include playground equipment, sport courts, landscaping, picnic areas, and informal fields.

**Park, Special Purpose**

Park lands that can include plazas or similar hardscape areas that vary in size and often provide developed recreational facilities, typically located within the downtown area.

**Park Fee**

The fee required to be paid as a form of compliance with the park land dedication requirements in Section 7.4.307 (Park Land Dedications). The fee consists of two (2) parts: (1) the fee for an average value for one acre of unplatted, undeveloped land Citywide, and (2) the applicable Platting Fees for the amount of land that the subdivider is responsible for dedicating based on the location of the subdivision generating the required dedication.

**Park Master Plan**

A site-specific plan for the development of a park.

**Parking Lot**

An enclosed or unenclosed area at ground level for the purpose of providing parking spaces for vehicles, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features.

**Parking Structure**

A multilevel structure or part of a structure, whether at or below or above ground level, for the purpose of providing parking spaces for vehicles, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features.

**Parking Space, Tandem**

Two or more parking spaces, one behind the other, with a shared access.

**Parks Manager**

The person, appointed by and reporting directly to the Mayor, charged with administrative responsibility for parks, recreation, and cultural services

**Parkway**

That portion of the public right-of-way typically located between the curb and private property line for which the adjacent property owner has a legal responsibility to maintain for the public good. Also referred to as a tree lawn.

**Person**

When this UDC refers to actions or ownership by a person, that reference includes an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, administrator, executor, or guardian, or a similar representative of any of those types of organization.



### Permanent Control Measures (PCM)

When used in the context of grading, erosion, pollution control, and stormwater regulations, permanent site features designed to mitigate water quality impacts due to development and redevelopment projects. Examples of Permanent Control Measures (PCM) include extended detention basins and sand filters.

### Personal or Business Service

An establishment providing services to individuals or businesses for profit, including but not limited to services such as bail bond providers, beauty and barber shops, shoe repair, tailor/alterations shops, tattoo parlors, taxidermy services, electronic data processing, exterminators, appliance repair, watch or jewelry repair, gyms and fitness studios, postal/mailing supply companies, and employment service; mailing, addressing, stenographic services; and specialty business service such as building maintenance, travel bureau, news service, exporter, importer, interpreter, appraiser, and film library. This use is divided into two (2) categories based on the size of the establishment (not the size of the structure):

#### Personal and Business Service, Small

An establishment occupying not more than fifteen thousand (15,000) square feet of gross floor area.

#### Personal and Business Service, Large

An establishment occupying more than fifteen thousand (15,000) square feet of gross floor area.

### Phase

The portion of a Land Use Plan, Development Plan, Final Plat, or development that is developed as part of a sequence. Phasing is used to time provision of public facilities. Phasing may be specified in a sequential order (1, 2, 3, etc.) or by time period (2025, 2027, etc.).

### Phasing Plan

A graphic and narrative document that displays the sequence and/or timing of intended development.

### Planned Zone

A zone district as specified in the UDC, for which a Land Use Plan or Development Plan shall be finally approved by the City prior to the final approval of a Final Plat or a Building Permit.

### Planning Manager

The Manager of the Planning Department, who is the City official responsible for administering provisions of this UDC.

### Plant List

The plant list located in the Landscape Policy Manual.

### Platting Fees

One part of the Park Fee calculation, consisting of review fees, drainage fees based on the location of the subdivision, and any other generally applicable fees that are due upon platting or prior to issuance of a Building Permit.

### Playhouse

A playhouse is a small structure accessory to a dwelling unit designed and intended for use by children during play activities.

### Plaza

- A. For purposes of the park land dedication requirements, an open area usually located adjacent to buildings and often featuring walkways, trees and shrubs, and community gathering places.
- B. For all other purposes, a community gathering space, sometimes called a square, usually designed with seating areas, and with a variety of ground plane finishes such as hard surfaces,

lawn, and landscaping. It is often designed as a focal point with an amenity such as a fountain, and it may be bounded on one (1) or more sides by a civic or commercial use in the neighborhood or commercial center.

### Practical Turf Areas

A landscape design and management concept promoting turf only in those areas of the landscape that are functional, and the efficient management of supplemental irrigation that is required in those areas.

### Preservation Area

That portion or area of a lot(s) that is set aside, restricted, or designated for the purpose of retaining land or water in their natural state or scenic or open condition, under terms that do not permit:

- A. Construction or placement of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;
- B. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- C. Removal or destruction of trees, shrubs or other vegetation unless required for maintenance purposes as directed by City Staff or unless the vegetation is no longer living;
- D. Excavation, dredging, or removal of loam, gravel, soil, rock, or other mineral that affects the surface of the land;
- E. Activities detrimental to drainage, flood control, erosion control, or soil conservation; or
- F. Other acts or uses detrimental to the retention of land or water areas in their natural state or scenic or open condition.

### Primary Use

The main or principal purpose for which a tract of land or a structure is designed, arranged, or intended, or for which it may be occupied or maintained under this UDC. All other structures or uses on the same lot that are allowed, incidental, or supplementary to the principal purpose are generally considered accessory uses.

### Private Street

A street that is not constructed within dedicated public right-of-way and that provides primary access to two (2) or more lots. A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC.

### Property, Owner-Occupied

A property that is actually occupied by the property's owner for no less than one hundred and eighty-five (185) days per year.

### Public Art

A community amenity within the built environment which may include murals, mosaics, and/or sculptures.

### Public Improvements

Those physical improvements to property that, after their construction or acceptance by the City, shall be maintained by the City or other public body. Public improvements include, but are not limited to, streets, park trails, facilities for the transmission and/or distribution of water, gas, electricity, and wastewater, stormwater improvements, and street lighting.

### Public Notice

Provision of information regarding the proposed development action for a specific property shall consist of publication, posting, mailed public notification and neighborhood meetings that are referred to in Section 7.5.406 (Public Notice).

### Public Safety Use

A facility that provides public safety and emergency services, together with incidental storage and maintenance of necessary vehicles, including but not limited to police and fire protection services and emergency medical and ambulance services.

### Public Street

A street that is located and constructed within a dedicated public right-of-way.

### Public Utility

Water, wastewater, electric, gas, telecommunications, and stormwater infrastructure maintained by Colorado Springs Utilities, Stormwater Enterprise, or a public utility company.

## R

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### Railroad Facility

Railroad yards, equipment servicing facilities, terminal facilities, and similar uses.

### Recreational Vehicle

A vehicle used for transient living quarters that can be towed, hauled, or driven and is designed for recreational, camping or travel use and including but not limited to travel trailers, camper trailers, motor home, pickup camper, or watercraft.

### Recycling Collection Center

A facility for the collection of recyclable materials for reuse, including aluminum cans, paper, glass, plastic, and similar materials. There are two (2) types of Recycling Collection Centers, based on their size and the type of materials collected.

#### Recycling Collection Center, Small

A facility occupying not more than twenty thousand (20,000) square feet of gross lot area, including but not limited to mobile recycling units, with accessory uses that may include compacting, baling, and paper or plastic shredding.

#### Recycling Collection Center, Large

A facility occupying more than twenty thousand (20,000) square feet of gross lot area and including but not limited to those activities included in a Recycling Collection Center, Small and the collection of recyclable materials that have already been segregated at another location.

### Recycling Processing Center

An intermediate-scale facility that processes recyclable materials from collectors and generators for the purpose of preparing material for recycling, including but not limited to construction and demolition debris recyclers, material recovery facilities, scrap metal yards, paper processors, and glass beneficiation plants. Processing techniques include baling, compacting, flattening, grinding, crushing, and shredding. Related definitions include the following:

#### Construction and Demolition Debris

A facility that processes material for recycling that is generated during the construction, remodeling, repair, or demolition of buildings, bridges, pavements, and other structures. Construction and demolition debris includes concrete, asphalt, lumber, steel girders, steel rods, wiring, drywall, carpets, window glass, metal and plastic piping, tree stumps, soil, and other miscellaneous items related to the activities listed above and including debris from natural disaster.

**Glass Beneficiation Plant**

A glass processing facility where recovered glass cullet is cleaned of contaminants and processed into a form that is ready to be manufactured into a new product (mill ready).

**Material Recovery Facility (MRF)**

A facility where recyclables are sorted into specific categories and processed or transported to processors for remanufacturing.

**Scrap Metal Processor**

An intermediate operating facility where recovered metal is sorted, cleaned of contaminants, and processed into a form that is ready to be recycled, including but not limited to scrap metal yards and scrap metal dealers, but not including Junkyards, Automobile and Light Vehicle Storage uses, or Heavy Vehicle Storage uses.

**Paper Processor**

An intermediate-scale operating facility where recovered paper products and materials are sorted, cleaned of contaminants, and prepared for final recycling, including but not limited to paper stock dealers and paper packers.

**Reference Evapotranspiration**

The evapotranspiration of a broad expanse of well-watered, four (4) to six (6) inch tall cool season grass.

**Regional Building Code**

The Pikes Peak Regional Building Code that applies to the City and is adopted by reference in Section 7.4.1404.

**Registered Professional Engineer**

A person who is currently registered by any state government of the United States as a professional engineer.

**Reinspection-Related Definitions**

These definitions apply to the general enforcement reinspection provisions in Section 7.5.907B (Reinspection Fee).

**Chronic Repeat Offender**

The owner of a property who has been previously classified as a repeat offender.

**First-Time Offender**

The owner of a property who does not comply with the first notice and order issued for a specific violation nor with a subsequent failure to comply notice with an order to abate.

**Owner of the Property**

The owner of record as reflected in the records of the El Paso County Assessor at the time of notification of the violation. Also known as “property owner” or “owner.”

**Reinspection**

Any and all inspections at a specific property owned by a first-time offender, repeat offender, or chronic repeat offender, after issuance of the first notice and order to abate and subsequent failure to comply notice for a violation.

**Repeat Offender**

The owner of a property who has been previously classified as a first-time offender.

### Religious Institution

An establishment for the conduct of religious activities, including but not limited to a church, temple, seminary, monastery, mosque, synagogue, and similar facilities. Accessory uses include but are not limited to housing and columbaria as accessory.

### Replat

A change in a recorded plat that involves any one or a combination of the following:

- A. Rearrangement of lot lines.
- B. The addition of unplatted or vacant land.
- C. Rearrangement or deletion of public streets and alleys subsequent to or concurrent with vacation of approved public streets and alleys by City Council.
- D. Further subdivision of platted lots, provided no portion of a platted lot is deleted from the proposed legal description.

### Residential Childcare Facility

Pursuant to C.R.S. § 26-6-102(8), a Colorado State licensed establishment that provides 24-hour care and treatment for five (5) or more children, up to the age of 18 years of age or court appointed up to the age of 21 years of age and operated under private, public, or nonprofit sponsorship. A residential childcare facility may include community based residential childcare facilities, shelter facilities, and therapeutic residential childcare facilities as defined by the State of Colorado and psychiatric residential treatment facilities as defined in C.R.S. § 25.5-4-103(19.5).

### Responsible Party

When used in the context of grading, erosion, and stormwater regulations, the owner of the property on which Permanent Control Measures have been constructed, and any other person or agent in control of the property (e.g., homeowners' association).

### Restaurant

An establishment where food and drink are prepared, served, and consumed either on premises (inside or outside), taken out, or delivered. It may include the sale of alcoholic beverages when conducted as a secondary feature of the use and producing less than fifty (50) percent of the establishment's gross income. An eating establishment in which the Bar Area occupies more than thirty-five (35) percent of the gross floor area is classified as a Bar.

### Restrictive Covenant

A limitation of the use of land usually described in the deed or other recorded instrument.

### Retail Sales

A facility engaged in the sale, or rental with incidental service, of commonly used goods and merchandise for personal or household use. A fuel dispensing station is not an included accessory use.

#### Retail Sales, Small

A facility with not more than ten thousand (10,000) square feet of gross floor area.

#### Retail Sales, Medium

A facility with between ten thousand (10,000) square feet and fifty thousand (50,000) square feet of gross floor area.

#### Retail Sales, Large

A facility containing more than fifty thousand (50,000) square feet of gross floor area.

### Right-of-Way or Street Right-Of-Way

The area of land designated for streets, sidewalks, utilities, and public use.

**Riparian Habitat**

The area adjacent to flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other, unless otherwise stated in this UDC or another City adopted regulation or manual.

**Riparian Vegetation**

Vegetation that requires the continuous presence of water, or conditions that are more moist than normally found in the area.

**Road**

See "Street."

**Rooming or Boarding House**

A residential dwelling, other than a hotel, where, for compensation, lodging is provided and meals to lodgers may be provided for periods of time generally longer than thirty (30) days for not more than fifteen (15) roomers in addition to members of the family and in which no continuous medical or personal care is provided by the operators of the home. This does not include the Bed and Breakfast use.

**S**

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**Safety Zone**

When used in the context of wildfire risk reduction in the WUI-O district, the area within thirty (30) feet of the main structure or significant accessory structures, not to extend beyond the property line.

**Sanitary Facilities**

A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor level.

**School, Elementary or Secondary**

An educational institution that satisfies the compulsory education laws of the State of Colorado for students in the elementary grades, middle school grades, or high school grades. This definition includes public, private, non-profit, and charter non-boarding schools.

**School, Higher Education**

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization and under charter or license from the State of Colorado.

**School Site Fee**

The fee required to be paid as a form of compliance with the school site dedication requirements in Section 7.4.308 (School Site Dedications).

**Screening**

A method of visually shielding or obscuring one adjacent or nearby structure or use from another by fencing, walls, densely planted vegetation, or berms.

**Seasonal Sales, Temporary**

The temporary outdoor or indoor display and sale of goods or products associated with a particular season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce, and typically occurring at a location not devoted to such sales for the remainder of the year.

### Self-Storage

A use with buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting of individual storage units.

### Semipublic Community Recreation

A recreational facility for use by residents and guests of a specific neighborhood, residential development, or residential component of a mixed-use development. This includes both indoor and outdoor facilities, and facilities must be located within or adjacent to such development.

### Shade Tree

A deciduous (or, rarely, an evergreen) tree planted primarily for its high crown of foliage or overhead canopy. A major shade tree at maturity reaches a height of at least fifty (50) feet.

### Shared Parking Agreement

An agreement filed with the El Paso County Clerk and Recorder's Office that describes and defines the shared use of parking by the users of two (2) or more properties characterized by differing peak user times and/or days, and that identifies the properties involved, the owner of each property, their respective maintenance and operation responsibilities, the projected uses and the associated parking formulas, and the peak parking times and days. To the maximum extent feasible, the agreement shall guarantee cross access to associated entryways, drives, aisles, maneuvering areas and parking areas, and shall reference the Development Plan that displays the referenced information.

### Shipping Container

Standardized, reusable shipping vessels used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis for movement by truck trailer or loaded on a ship (also referred to as cargo containers, freight containers, or sea vans).

### Short Term Rental

A residential dwelling unit, or portion of such a unit, that is rented for less than thirty (30) days at a time, with the exception of dwelling units owned by the federal government, the state, or the City, or any of their agencies, or facilities licensed by the state as health care facilities.

### Shrub

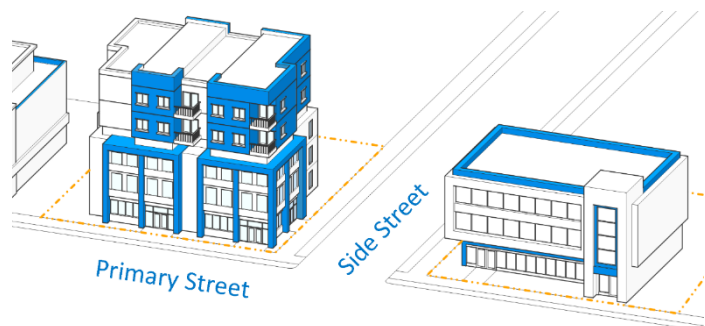
A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than twelve (12) feet in height at its maturity. It may be evergreen or deciduous.

### Side Street

The public or private street adjacent to the side of a lot that is not adjoining the front yard of the lot.

### Sign

Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract the attention of passersby to a building or structure, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.



## Sign-Related Definitions

### Abandoned Sign

Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed and is in disrepair and structurally unsound with potential to cause health, safety, and welfare issues.

### Animated Sign

A sign that has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates, or visibly alters the appearance in a manner that is not permitted by these regulations.

### Awning Sign

A sign painted on, attached to, or supported by a shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework (an awning).

### Banner

A temporary sign having character, letters, illustrations, or ornamentations applied to cloth, paper, fabric, or other lightweight nonrigid material, with only such material for a backing, which projects from, hangs from, or is affixed to a building, private light pole, or a wire. The display surface shall not have blinking or flashing lights, nor be illuminated, animated, or constructed of reflective material. Banners include decals, painted imagery, cable hung banners, and wave banners.

### Billboard

A sign that directs attention to a business, activity, commodity, service, entertainment, or communication that is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

### Building Length

The number of linear feet of the exterior wall of the side of the building where the sign is placed.

### Canopy Sign

A permanent sign attached to a canopy or affixed to the sides of a canopy structure. These signs may be below a projecting structure that extends over the pedestrian walkway.

### Changeable Copy Sign

A sign or portion of a sign on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

### Construction Sign

A temporary sign erected on premises under construction, during the period of construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the construction project.

### Coordinated Sign Plan (CSP)

A coordinated plan or program for all signs, including temporary signs for a business, or businesses located on a development site. The CSP shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles, and sign types of all signs to be installed on a site.

### Corporate Flag

Any flags other than national, state, or City flags that have copy or logos.



**Decorative Flag**

Flags with no copy or logos.

**Directional Sign**

A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

**Directory (Freestanding)**

A sign directing users or patrons around a property or center. Examples include, but not limited to, office building directories, builder/developer directories, and commercial center directories.

**Election Sign**

A sign designed for the purpose of supporting or opposing a candidate, issue, proposition, or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

**Electronic Message Center (EMC)**

A sign that is capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

**External Usage Sign**

Signs for goods or services normally provided outside of the principal structure. Examples include drive-through lanes, automated teller machines, car wash, and gas station vacuums.

**Flashing**

A pattern of sudden alternation between a fully illuminated message and a message without illumination, or a message where the copy color and the background color alternate or reverse color schemes rapidly.

**Freestanding Sign**

A sign that is not attached to a building and is permanently affixed in or upon the ground on one (1) or more structural supports. A freestanding sign shall include, but is not limited to, a pole, monument, or low-profile type sign.

**Gas Island Sign**

Includes signs on the gas pump, pump topper, and additional signage on the island.

**Governmental Sign**

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

**Human Sign**

Signs that are being carried by people and do not block vehicular or pedestrian traffic.

**Illegal Sign**

A sign without proper approval or permits as required by this UDC at the time of sign placement. "Illegal sign" shall also mean a sign placed contrary to the terms or time limits of a permit and a nonconforming sign that has not been brought into compliance with any applicable provisions of this UDC.

**Inflatable Display**

A sign consisting of a flexible material envelope of nonporous material inflated or shaped from inserted air or other gas and used to promote special events, grand openings, sales, and business

transitions. Inflatable displays include air or gas blown devices that wave, lightly or rapidly, in an irregular manner and portable inflatable billboards. Inflatable displays shall not be permitted to have a sound system. Inflatable displays do not include individual latex balloons under eighteen (18) inches in size.

#### **Interpretive Sign**

A sign that demonstrates or interprets the natural or historical surroundings of a place (a preserve, a national park, a scenic view, or historic place/monument) to its visitors.

#### **Menu Board/Drive-Through**

A sign, permanently mounted, that lists the products or services available at a drive-in or drive-through facility, and that is not legible from the right-of-way.

#### **Message**

For purposes of sign regulation, a complete, static display.

#### **Message Hold Time**

The time interval a static message must remain on the display before transitioning to another message.

#### **Model Home Sign**

A sign on or in front of a residential structure that is used as an exhibit, not a private residence or a property that has been used as a private residence, to advertise or market it or other houses.

#### **Monument Sign**

A sign identifying a particular area or development. A subdivision monument can pertain to a residential, office, industrial or commercial subdivision.

#### **Motor Vehicle Sign**

A sign affixed to an operating motor vehicle that is used as a part of the business operations.

#### **Mural**

A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business located on the premises.

#### **Nonconforming Sign**

A sign that was validly placed or constructed under laws or ordinances in effect at the time of its placement, but that conflicts with the current provisions of this UDC.

#### **Off Premises Sign**

A sign normally used for promoting an interest other than that of a business, individual, product, or service available on the premises where the sign is located. This excludes tenant signage within a commercial center or signage established through a CSP and advertising businesses within the CSP area.

#### **Official Legal Notice**

Signs that are erected or issued by any governmental agency, court, public body, person, or officer in performance of a public duty or in giving any legal notice, including signs that are required to be posted to give notice of pending action pursuant to the UDC or this Code.

#### **On Premises Sign**

A sign used for promoting a business, individual, product, or service available on the premises where the sign is located or any sign promoting businesses within a Coordinated Sign Plan.

**Portable A-Frame Sign**

A movable sign not permanently attached to the ground or a building and easily removable by hand or using ordinary hand tools.

**Private Notification Sign**

A sign that regulates actions on private property. Examples include “No Trespassing,” “Beware Of Dog,” etc.

**Projecting Sign**

A sign that projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

**Real Estate Sign**

A nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, townhome, condominium and similar units, or apartments. Signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

**Sign Area**

An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

**Temporary Retail Sign**

A sign constructed of cloth, canvas, fabric, plywood, or other light material permitted in conjunction with an approved temporary vendor use.

**Temporary Sign**

A sign constructed of cloth, canvas, fabric, plywood, or other light material and displayed for a short period of time as described in Part 7.4.13 (Signs).

**Transition Duration**

The time interval it takes the display to change from one complete static message to another complete static message.

**Transition Method**

A visual effect applied to a message to transition from one message to the next. Transition methods include:

- A. Dissolve – A frame effect accomplished by varying the light intensity or pattern, in which the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.
- B. Fade – A frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e., fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

**Wall Sign**

A sign attached to or painted on the wall of building or structure in a plane parallel or approximately parallel to the plane of the wall.

**Window Sign**

A sign viewable through and/or affixed in a manner to a window or exterior glass door so that it is intended to be viewable from the exterior of the building (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the exterior of the building.

**Work of Art**

Art that in no way identifies a product, business, or enterprise and that is not displayed in conjunction with the commercial enterprise on the property.

**Yard or Wall Sign**

A sign displayed in a yard or attached to a building face that communicates a noncommercial message.

**Signature Landscapes**

Landscape development consistent with local climatic and soil conditions and that evokes the aesthetic and ecological qualities of regional native plant communities.

**Significant Natural Features**

Ridgelines, bluffs, rock outcroppings, foothills, mountain backdrops, unique vegetation, floodplains, streams, surface water, natural drainageways, and wildlife habitats that contribute to the attractiveness of the community.

**Significant Vegetation**

A plant or plants recommended for retention by the City Forester because of size, indigenous character, species type(s), unique environmental benefits, or because it is difficult to provide comparable replacement vegetation.

**Site Distance Line**

The triangular area at the intersection of the curb lines of two (2) streets or a railroad right-of-way line and a street curb line with dimensions from such curb lines necessary to protect required minimum horizontal and vertical sight distances as shown in the Engineering Criteria or as otherwise required by the City Engineer based on considerations of traffic, bicycle, and pedestrian safety.

**Site Plan**

A two-dimensional representation, drawn to scale, of the total area of a development project, including building footprints, roadways, and parking areas.

**Small Animal Clinic**

A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases in which the animals are limited to dogs, cats, and other comparable household pets and in which the overnight care of such animals is permitted when necessary for medical treatment. The facility may include a crematorium for small animals as an accessory use.

**Soil Amendment**

Organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration rates.

**Solar Collector, Accessory**

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

**Specified Anatomical Areas**

- A. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
- B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Sexual Activities**

Acts, simulated acts, exhibitions, representations, depictions, or descriptions of:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
- C. Intrusion, however slight, actual, or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body.
- D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated.
- E. Flagellation, mutilation, or torture, actual or simulated, in a sexual context.

### **Special Industry**

An establishment involved in the basic research, development, processing, and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines, and engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

### **Stable**

- A. When a primary use of land, a structure for the keeping of horses, mules, ponies, donkeys, goats, sheep, llamas, alpacas, or similar animals or any combination of those animals that are hired, bred, boarded, or shown on a commercial basis.
- B. When an accessory use of land, an accessory structure, shelter, or fenced corral enclosure for the keeping of not more than a total of four (4) horses, mules, ponies, donkeys, goats, sheep, llamas, alpacas, potbellied pigs, or other similar animals or any combination of those animals for the use of the occupant of the principal residential structure, and not kept for remuneration, hire, or sale.

### **Stadium or Auditorium**

A structure that accommodates large numbers of people at sporting, entertainment, or educational events, in which attendees are generally spectators but may also be participants in some of the activities and including but not limited to civic or community auditoriums, sports arenas or stadiums, convention facilities, fairgrounds, event centers, and exhibition facilities.

### **State Waters**

When used in the context of grading, erosion, and stormwater regulations, any and all surface and subsurface waters that are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

### **Stockyard**

The temporary keeping of livestock for slaughter, market, or shipping. Other typical uses include animal auction yards.

### **Stoop**

A platform or entrance stairway adjacent to a walkway providing pedestrian access to a building.

### **Stormwater**

When used in the context of grading, erosion, and stormwater regulations, precipitation induced surface runoff and drainage.

### **Stormwater Construction Manual**

A document containing policies, procedures, standards, diagrams, and lists necessary to implement the grading and erosion control standards and regulations of this UDC.

**Stormwater Enterprise**

The enterprise of the City established pursuant to Chapter 14, Article 8 of the City Code.

**Stormwater Enterprise Manager**

The Stormwater Enterprise Manager as set forth in Chapter 14, Article 8 of the City Code.

**Streamside Buffer**

Areas of land within a specified distance of the toe of the channel bank of a stream. Areas have been identified as significant based upon their typical size, natural and vegetative characteristics, wildlife habitat suitability, green space and recreational opportunities, and permitted and/or prohibited land use potential.

**Street**

The entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of the state.

**Street Oriented Unit**

A Single-family Detached or Single-family Attached dwelling unit with a garage fronting on a public or private street.

**Street Tree**

A tree planted in the street right-of-way (parkway) between the curb or edge of road and the adjoining property line to provide shade, spatial definition, and human scale, and to enhance the street environment.

**Streetscape**

The landscape treatment of a street edge, including vegetation, sidewalks, streetlights, fencing, signs, utilities, etc.

**Structure**

Anything constructed or erected that is permanently located on the ground.

**Subdivider**

The owner of property, or the owner's agent, who subdivides property, or who proposes the subdivision of property as set forth in Part 7.4.3 (Subdivision Standards). In the context of park land dedication requirements, this includes only those who make application to subdivide property for residential development that generates park land dedication needs pursuant to Section 7.4.307 (Park Land Dedications).

**Subdivision**

- A. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer or development, where at least one resulting parcel is less than thirty-five (35) acres, or any division of a parcel of land where a new street is involved; provided that any division of land that may be ordered by a court, or is effected by testamentary or intestate provisions, or is accomplished for the purpose of a transfer involving the City, or is accomplished as a rearrangement of property boundaries as provided for in this Code shall not be deemed a subdivision.
- B. The building development or platting of a single unplatted parcel of land.

**Swimming Pool, Accessory**

Any confined body of water exceeding one hundred (100) square feet in water surface area, or eighteen (18) inches in depth, designed, used, or intended to be used for swimming or bathing purposes that is accessory to another structure or use.

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**Temporary Festival and Amusement**

A fair, carnival, circus, menagerie, or set of amusement park activities such as rides that is established for a temporary period of time, generally no more than two (2) weeks, and may include the ancillary sale of food and retail goods.

**Temporary Real Estate Sales or Business Office**

A facility or area used as a temporary place of business to sell land, buildings, or dwelling units within a specified project, development, or subdivision, or a temporary business office for a contractor working on a specified project, development, or subdivision.

**Temporary Vendor on Commercial Retail Center**

A person or entity engaged in the sales of goods on a temporary basis from a vehicle, stand, or enclosure other than a structure located on a property containing more than one principal commercial use.

**Tiny House**

A single-family dwelling unit containing less than four hundred (400) square feet of gross floor area, that is installed on an engineered permanent foundation and complies with either the City's adopted building code or is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.

**Tiny House Community**

A lot or parcel of land held under single ownership or unified control upon which two (2) or more Tiny Houses, occupied for residential purposes, are located and for which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

**Toe of the Channel Bank**

When used in the context of Section 7.2.603 (SS-O: Streamside Overlay), the point where the sloping bank becomes level or nearly level to the channel bed (or water level), or the point where bank vegetation terminates with channel substrate (sand, gravel, cobble, boulder, or bedrock). Some streams within the City (i.e., Fountain Creek, Monument Creek, Templeton Gap Floodway) have very wide channels that are typically only partially used by flowing water; the water flow meanders within the channelized area and is subject to significant fluctuations from year to year.

**Tract**

A parcel of land that is created for purposes of common ownership and use by two (2) or more property owners, an association, or government entity.

**Transit Shelter, Accessory**

Improvements and facilities located on private property at selected points along transit routes for passenger pick up, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services.

**Transit Station**

A facility located along a fixed public transit route, other than a transportation terminal, where passengers load and unload from the transit mode and where passengers may change to another transportation mode. A transit station may include accessory uses such as convenience retail and personal services, public park or plaza spaces, or park and ride facilities.

**Transportation Terminal**

A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including airport terminals, bus terminals, railroad stations, public transit facilities, and taxicab services, but not including a Transit Station.

**Tree**

A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

**Truck Terminal**

A facility or area of land where truck freight is transferred from collection vehicles or railroad cars to distribution vehicles or freight haulers, and vice versa, and where routine daily service and maintenance including but not limited to fueling, oil changes, tune ups, engine lubrication, tire changing and repair, and muffler repair, but not including removing engines or transmissions, painting, or bodywork may be performed on trucks as an accessory use.

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**Urban Agriculture**

The use of a parcel of land not exceeding five (5) acres in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. This use may include the production or sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations, but does not include cultivation of marijuana.

**Utility, Major**

A facility providing an important regional or citywide utility service, such as water, sewer, gas, stormwater, or electricity, that normally entail construction of relatively large new buildings or structures, and that typically have employees on the site. Examples include but are not limited to water treatment plants; sewage treatment plants; reservoirs; regional Permanent Control Measures; electric power lines and substations; and other similar facilities.

**Utility, Minor**

Equipment necessary to support and distribute utility services, often from major utility facilities, to development within the immediate vicinity, and that generally involves only minor accessory structures. Employees typically are not located at the site. Examples include but are not limited to electric transformer stations, service boxes and distribution lines; sewer collection lines, gas regulator stations and distribution lines, stormwater lines and appurtenances, telephone service boxes and lines, well, water, and sewer pumping stations, and related underground and aboveground pipes and wires related to any of the listed services.

**Utility Service Plan**

A plan showing the routing of utility service lines and required easements for individual structures or dwelling units or lots.

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**Vacation of Right-of-Way**

The process by which recorded public right-of-way is transferred from the City to adjacent property owner(s) for private ownership and use, or the reversion to metes and bounds description of property for which a recorded Final Plat exists.

**Vegetation**

Plants in general or the sum total of plant life in an area.



### Vocational or Skills Education

An establishment that provides specialized training and education beyond the high school level, principally in the business, commercial, or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate rather than a two- or four-year college degree and that do not meet the definition of a Higher Education School.

## W

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### Warehousing and Wholesaling

An enclosed building used primarily for the storage and dispatching of goods and materials. Typical uses include wholesaling, wholesale distributors, distribution and fulfillment centers, storage warehouses, and moving and storage companies.

### Waste Transfer Station

A collection and transportation facility used to deposit solid waste collected off-site into larger transfer vehicles for transport to disposal site, and that may also include recycling facilities.

### Wetland

Those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### Wind Energy System, Accessory

A wind energy conversion system, mounted to the ground or to building, that has a rated capacity of one hundred (100) KW or less that is accessory to another primary use of the property, and that primarily supports the energy needs of the principal use on the site.

### Wireless Communication Facility Definitions

#### Accessory Equipment

Any equipment serving or being used in conjunction with a WCF, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, fences, or other structures.

#### Alternative Tower Structure

Man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and that camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to 7.3.303I.1 (Wireless Communication Facility). This term also includes any antenna or antenna array attached to an Alternative Tower Structure. A stand-alone Monopole (including a Replacement Pole) in the public right-of-way that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the WCF stealth and concealment standards.

#### Antenna

Any device used to transmit and/or receive radio or electromagnetic waves such as but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**Base Station**

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower or any equipment associated with a Tower including Accessory Equipment. Base Station does include, without limitation:

- A. Equipment associated with wireless communications services such as private broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this UDC and has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

**Cell on Wheels**

A mobile cell site that consists of an antenna tower and electronic radio transceiver equipment on a truck or trailer that is designed to boost reception as part of a larger cellular network and is temporary in nature.

**Collocation**

The mounting or installation of transmission equipment on an existing WCF or an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Collocation Letter**

A letter from the applicant, stating in detail why the proposed new WCF could not be collocated on another structure within six hundred (600) feet of the proposed site. If another structure is located within six hundred (600) feet of the proposed site but collocation is technically infeasible, the collocation letter shall be signed and certified by a qualified engineer. The collocation letter shall also specify whether the proposed WCF can accept a collocation.

**Eligible Facilities Request**

Any request for modification of an Existing Tower or Existing Base Station that is not a Substantial Change, and involves: (i) Collocation of Transmission Equipment, (ii) removal of Transmission Equipment, or (iii) replacement of Transmission Equipment.

**Eligible Support Structure**

Any Tower or Base Station as defined in this UDC, provided that it is Existing at the time the application is filed with the City under this Section.

**Existing**

For purposes of Section 7.5.512 (WCF Eligible Facilities Requests), a constructed Tower or Base Station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition so long as the Tower has maintained the requirements of legal, nonconforming status pursuant to this UDC.

### **Freestanding Facility**

A WCF that consists of a stand-alone structure and antennas, together with associated Accessory Equipment that may be housed in a separate storage structure. Freestanding facilities include, but are not limited to, wooden poles, steel monopoles, lattice towers, and similar structure.

### **Micro Cell Facility**

A small wireless facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, twelve (12) inches in height, and that has an exterior antenna, if any, that is no more than eleven (11) inches in length.

### **Monopole**

A single, freestanding pole-type structure supporting one (1) or more antennas.

### **Radio Frequency Emissions Letter**

A letter from the applicant, signed by a qualified radio frequency engineer certifying all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions. As part of, or attached to the Radio Frequency Emissions Letter, an applicant shall include complete copies of any filings made at the FCC to demonstrate compliance with the federal standards, or if the applicant believes that the WCFs subject to the application are exempt from making such FCC filings, a complete description of the basis for such claimed exemption.

### **Replacement Pole**

A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of similar proportions and of similar height to the pre-existing pole or structure in order to support a WCF or Small Cell Facility or to accommodate collocation and remove the pre-existing pole or structure.

### **Roof Mounted Facility**

A WCF where the antennas are mounted to the roof of an existing building (including rooftop appurtenances). Related Accessory Equipment may be located within the building, on the roof, or on the ground.

### **Signal Non-Interference Letter**

A letter from the applicant signed by a qualified radio frequency engineer certifying that all WCFs that are the subject of the application shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

### **Site**

For purposes of Section 7.5.512 (WCF Eligible Facilities Requests), for Towers other than towers in the public rights-of-way, the area in proximity to the Structure and to other Transmission Equipment already deployed on the ground.

### **Small Cell Facility**

A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosure, grounding equipment, power transfer switch, and cut-off switch. For the avoidance of doubt, Small Cell Facilities may be attached to Alternate Tower Structures, Monopoles, and Support Structures.

### Stealth Design Techniques or Concealment Elements

The use of design and siting to camouflage or conceal a WCF with the intent to minimize or eliminate the visual impact of the WCF on surrounding uses. A WCF site uses Stealth Design Techniques when it:

- A. Uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree placed near real trees of similar size); or
- B. Is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to blend in) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

### Stealth Freestanding Facility

A Freestanding Facility that uses Stealth Design Techniques.

### Substantial Change

For purposes of Section 7.5.512 (WCF Eligible Facilities Requests), a modification that substantially changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- A. For Towers, other than Towers in the right-of-way, it increases the height of the Tower by more than ten (10) percent or by the height of one (1) additional antenna array, with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
- B. For Towers, other than Towers in the right-of-way, it involves adding an appurtenance to the body of the Tower that would protrude from the Tower more than twenty (20) feet, or more than the width of the Tower Structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six (6) feet;
- C. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for Towers in the right-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- D. For any Eligible Support Structure, it entails any excavation or deployment outside the current Site;
- E. For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure. For the purposes of this Subsection, a change that undermines the concealment elements of an Eligible Support Structure will be considered to defeat the concealment elements; or
- F. For any Eligible Support Structure, it does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subdivisions A, B, and C of this definition. For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the

dimensions of the tower or Base Station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

**Support Structure**

A structure designed to support Small Cell Facilities including but not limited to Monopoles, Alternative Tower Structures, Replacement Poles, and other freestanding self-supporting pole structures.

**Toll And Tolling**

To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

**Tower**

Any structure that is built for the sole or primary purpose of supporting one (1) or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**Transmission Equipment**

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**Wall Mounted Facility**

A WCF where the antennas are mounted to the face (or walls) of an existing building. Related Accessory Equipment may be located within the building or on the roof or ground.

**Wireless Communication Facility (WCF)**

A facility used to provide personal wireless services as defined at 47 USC section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an Antenna or Antennas, Accessory Equipment, Alternative Tower Structures, and Towers. WCF does not include the Support Structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use, including light poles and utility poles owned by the City. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the Wireless Communication Facility definitions.

X

**Xeriscape**

A water efficient landscape adapted to the local environment.

**Xeriscape Principles**

The process of creating quality water-efficient landscaping that is adapted to the natural environment. This includes designs that consider long-term water use, improved planting soils, plant selection that is adapted to the Colorado Springs climate and local soils, water efficiency, the use of mulch to reduce evaporation, turf alternatives, and the provision of appropriate landscape maintenance techniques.

**Y**

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**Yard**

See definitions related to “Setback” in Section 7.2.206 (Setbacks).

**Z**

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**Zone District**

A delineated area in the City within which all land and structures are governed by a specific group of use and development standards set forth in this UDC. A base zone district is one of the Agricultural and Residential Zone Districts, Mixed-Use Zone Districts, Industrial Zone Districts, and Public and Semi-Public Zone Districts in Parts 7.2.2, 7.2.3, and 7.2.4 respectively. An overlay district is a zone district that applies in addition to a base zone district and imposes additional regulations. The overlay districts are located in Part 7.2.6 (Overlay Districts). A Planned Development Zone District is a special type of base zone district and is established in Part 7.2.7.