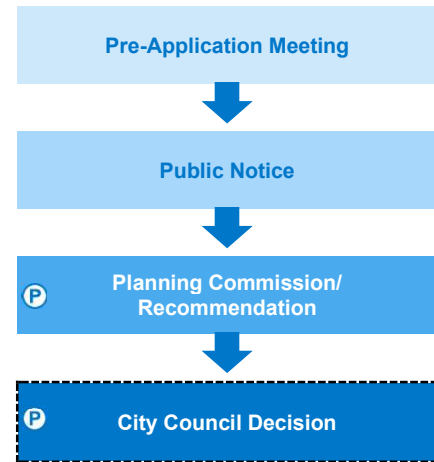


- (3) Dedication of easements including, but not limited to, utility, including telephone and drainage easements as required by the Zoning Code.
- (4) Provision for necessary drainage facilities or the payment of drainage fees and arterial roadway bridge fees 8.
- (5) The City shall require, as a condition 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.

### Amendment to UDC Text



P Indicates public hearing required

### 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.

**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.