

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS ENUMERATED) OF PART 2 (DEFINITIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS); SECTION 1205 (NONCONFORMING LOTS) OF PART 12 (NONCONFORMING DEVELOPMENT) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES); AND MULTIPLE SECTIONS OF ARTICLE 7 (SUBDIVISION REGULATIONS) ALL OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WAIVER OF REPLAT

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

Section 1. Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.201: DEFINITIONS ENUMERATED:

* * *

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 ~~January 18, 1904~~ **February 13, 1951**; or a parcel of land which was subsequently annexed to the City which was either: **(i)** a platted lot meeting the applicable subdivision requirements of El Paso County, **(ii)** a legal nonconforming lot in El Paso County, ~~or~~ **(iii)** a parcel of land that was legally exempted by El Paso County from platting requirements, **or (iv) a parcel of land in El Paso County created before September 1, 1972.**

* * *

Section 2. Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.5.1205: NONCONFORMING LOTS:

A. Lot Of Record: A lot of record is 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 ~~January 18, 1904~~**February 13, 1951**, or a parcel of land subsequently annexed to the City which was ~~either~~: **(i)** a platted lot meeting the applicable subdivision requirements of El Paso County, **(ii)** a legal nonconforming lot in El Paso County, ~~or~~**(iii)** a parcel of land that was legally exempted by El Paso County from platting requirements, which has become nonconforming because it does not meet the required minimum area or minimum width may be developed with any permitted use allowed in the zone district in which it is located, **or (iv) a parcel of land in El Paso County created before September 1, 1972.** The development must comply with all other site development regulations set forth by this Zoning Code, except as noted in subsection B of this section. No such lot may be reduced so that the lot area or width is smaller than required by this Zoning Code.

* * *

Section 3. Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.7.108: DEFINITIONS:

LOT: * * *

D. Has a property boundary adjustment approved and recorded by the Community Development Department; or

* * *

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 ~~January 18, 1904~~**February 13, 1951**, or a parcel of land which was subsequently annexed to the City which was ~~either~~: **(i)** a platted lot meeting the applicable subdivision

requirements of El Paso County, **(ii)** a legal nonconforming lot in El Paso County, ~~or~~ **(iii)** a parcel of land that was legally exempted by El Paso County from platting requirements, **or (iv) a parcel of land in El Paso County created before September 1, 1972.**

* * *

7.7.504: ISSUANCE OF BUILDING PERMITS TO UNPLATTED LANDS:

It is the purpose of this part to alleviate platting costs to land which was developed and within the City on ~~January 18, 1904~~ **February 13, 1951**, or subsequently annexed to the City but unplatted because platting was not required at the time that the land was developed, **or a parcel of land created no later than September 1, 1972**, or the land is owned by the City of Colorado Springs and used for park and recreation purposes. This process constitutes an administrative waiver, which may only be approved if all requirements of this section are met. Under no circumstances may an applicant request a waiver to any of the approval requirements. Building permits shall be issued without requiring platting only for the following particular cases:

* * *

B. Submission:

1. A completed application ~~form~~ as required by the Community Development Department, together with any applicable fees.

2. * * *

d. Location, dimensions and setbacks of all existing and proposed structures, **if any**, and their floor area;

* * *

3g. The following statement **shall be added to the submitted site plan:**

Under the provisions of Chapter 7, Article 7, Section 504 of the Code of the City of Colorado Springs 2001, as amended, the ownership configuration detailed on this site plan is eligible for the issuance of a building permit to 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.

Community Development Date

Department

~~C. Distribution: The Community Development Department 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.~~

CD. Community Development Department Action: This process constitutes an administrative waiver, which may only be approved if all requirements of this part are met. Under no circumstances may an applicant request a waiver to any of the approval requirements. The Community Development Department shall either approve or disapprove the request based upon the criteria found in this section.

1. Approval: If the Community Development Department approves the request, the applicant will be provided a signed copy of the submitted plan.

2. Disapproval: The Community Development Department shall notify the applicant with all reasons for denial clearly specified.

~~7.7.505: ISSUANCE OF BUILDING PERMITS TO PREVIOUSLY PLATTED LANDS OR WAIVER OF REPLAT:~~

~~This part applies only to land which has been previously platted into lots and/or blocks. It is the purpose of this part to alleviate platting costs in older subdivisions. It is limited to owners who wish to use more than one whole platted lot for one development and to owners of certain small parcels of land who have purchased a portion or portions of previously platted lots and/or blocks which have been divided and sold by metes and bounds descriptions. It is not the purpose of this part to promote the subdivision or resubdivision of lots without filing a final plat. This process constitutes an administrative waiver, which may only be approved if all requirements of this part are met. Under no circumstances may an applicant request a waiver to any of the approval requirements.~~

A. Eligibility: Property **ies** is eligible to apply for an issuance of building permit **waiver of replat must satisfy** ~~to previously platted lands prior to the issuance of a building permit if the following criteria are met:~~

* * *

~~9. No property boundary adjustment, combination of lots for zoning purposes, or waiver of replatting has previously been granted for any of the property involved; and~~

~~10. The request has been submitted and reviewed in conformance with the procedures set forth below, and no City reviewing agency objects to the request.~~

B. Submission: All of the following shall be required:

1. A completed application form, as required by the Community Development Department, together with any applicable fees;

2. * * *

7. ~~The required number of copies of a~~ **A** site plan, drawn to scale, which includes all of the following:

a. * * *

i. The book and page and/or reception number of the recorded plat of which this parcel is a part; **and**

j. The owner's name, address and phone number;

8k. The following statement:

Under the provisions of Chapter 7, Article 7, Section 505 of the Code the following legal description is henceforth considered as one lot for purposes of the Zoning Code (Chapter 7, Article 2 through 5 of the City Code) 1 lot for the applicable provisions of the subdivision code and 1 lot for any other applicable provisions of the City Code or including applicable codes rules and regulations adopted pursuant to the City Code.

~~Community Development Date
Department~~

9.8.—Unless vacated, existing easement(s) adjacent to the property line shall remain in their original locations as platted.

~~C.—Distribution: The Community Development Department 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.~~

CD. Community Development Department Action: The Community Development Department shall either approve or disapprove the request based upon the criteria in this section.

1. Approval: If the Community Development Department approves the request, the site plan shall be recorded **with the El Paso County Clerk and Recorder's Office.**

2. Approval With Conditions: If the Community Development Department approves the request with conditions, the applicant **shall fulfill the conditions of approval prior to the issuance of Certificate of Occupancy.** ~~will have ninety (90) days from the date of notification of the conditions to fulfill the conditions. Failure of the applicant to fulfill all conditions within the ninety (90) day time limitation shall void the approval.~~

3. Disapproval: The Community Development Department shall provide notification to the applicant with all reasons for denial clearly specified.

~~7.5.506: ISSUANCE OF BUILDING PERMITS PRIOR TO PLATTING:~~

~~This part applies to lands which are unplatted or do not qualify for issuance to previously platted lands. The City recognizes that, in certain limited circumstances, a building permit may be issued prior to platting.~~

~~A.—Requirements: The Community Development Department may authorize the issuance of a building permit prior to platting with the concurrence of the City Engineer. The applicant shall demonstrate that a hardship will result if the normal process of platting is not followed. The City can require the dedication of easements or rights of way as a condition of approving the request.~~

~~B.—Submission:~~

~~1.—A completed application form as required by the Community Development Department with any applicable fees.~~

~~2.—The appropriate number of dimensionalized site plans as required by the Community Development Department, which shall include:~~

~~a. The legal description of the property;~~

~~b. All existing lot lines and easements. Show and clearly label existing utilities located on the site;~~

~~c. All existing structures;~~

d. ~~Adjacent right of way names and widths;~~

e. ~~All access points;~~

f. ~~A bar scale and north arrow.~~

C. ~~Distribution: The Community Development Department 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.~~

D. ~~Community Development Department Action: The Community Development Department shall either approve or disapprove the request.~~

1. ~~Approval: Upon the concurrence of the City Engineer and upon a finding of hardship, the Community Development Department may approve the request and authorize the issuance of a building permit prior to platting subject to the following:~~

a. ~~The applicant shall provide to the City Engineer acceptable financial assurance to cover the cost of platting as determined by the City Engineer.~~

b. ~~The applicant shall provide to the City Engineer acceptable financial assurance for any required public improvements and shall provide cash fees as required by this part.~~

c. ~~A final drainage report has been approved for the project submitted.~~

2. ~~Disapproval: The Community Development Department shall provide notification to the applicant with all reasons for denial clearly specified in writing.~~

7.7.1401: COMPLIANCE REQUIRED

No building permits shall be issued for the construction or reconstruction of structures upon any land or the addition to any building or structure situated on any land, unless such land has been subdivided and platted in accord with the procedures set forth in this article. Building permits may be withheld pending completion of utilities installation critical to site. A whole platted lot, an approved issuance of building permit to unplatted land, ~~an approved issuance of building permit to previously platted land~~ or an approved issuance of **a waiver of replat** ~~building permit prior to platting~~ is required to comply with this section. Exceptions are set forth in this part.

7.7.1402: COMPLIANCE NOT REQUIRED:

Compliance with the provisions of this article shall not be required for the following:

A. 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 and stairway; or the addition **to the principle structure is no larger than fifty percent (50%) of the principle structure gross floor area; or the addition of an a detached accessory structure(s) is no larger than one-hundred percent (100%) of the principle structure footprint** ~~twenty (120) square feet in area;~~ or the addition of a deck(s) or patio/**porch cover(s) or both.;** and

1. The property is a Lot of Record and has provided the city deed documentation that meets the Lot of Record definition.

~~1. The proposed alteration does not result in an increase of the number of residential dwelling units located in the structure; and~~

~~2. The proposed alteration does not extend or increase floor area of the structure; and~~

~~3. The proposed alteration does not involve construction of a new structure or the moving of a new structure onto the property; and~~

* * *

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____

Council President

Mayor's Action:

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

Mayor

Council Action After Disapproval:

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk