

ORDINANCE NO. 18-11

AN ORDINANCE AMENDING SECTION 501 (PURPOSE) AND CREATING SECTION 509 OF PART 5 (OVERLAY DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO A NORTH NEVADA AVENUE OVERLAY DISTRICT

WHEREAS, in 2013 North Nevada Avenue was identified by the City Council as an Economic Opportunity Zone; and

WHEREAS, by Ordinance No. 16-31 City Council adopted an Infill Comprehensive Plan Supplement (the "Infill Chapter") as an element of the City's Comprehensive Plan; and

WHEREAS, the Infill Chapter supports efforts to revitalize arterial corridors such as North Nevada Avenue, as an important infill priority; and

WHEREAS, by Resolution 62-16 the City Council adopted the "North Nevada/University of Colorado, Colorado Springs Economic Opportunity Zone Task Force Findings and Recommendations" report; and

WHEREAS, as part of its approval by Resolution 37-17, the City Council adopted a resolution acknowledging the community's participation in development of the "Renew North Nevada Avenue Master Plan"; and

WHEREAS, City Council now desires to formally adopt the North Nevada Avenue Overlay Zone to support and implement the Renew North Nevada Avenue Master Plan; and

WHEREAS, pursuant to City Code § 7.5.407, at a public hearing regarding the North Nevada Avenue Overlay this ordinance has been reviewed and recommended for approval by the City Planning Commission.

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

Section 1. Section 501 (Purpose) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) 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:

7.3.501: PURPOSE:

\* \* \*

The overlay districts are:

|            |                                    |
|------------|------------------------------------|
| DFOZ       | Design flexibility overlay         |
| HR         | High rise overlay                  |
| HS         | Hillside area overlay              |
| HP         | Historic preservation overlay      |
| AO         | Airport overlay                    |
| P          | Planned provisional overlay        |
| SS         | Streamside overlay zone            |
| <b>NNA</b> | <b>North Nevada Avenue overlay</b> |

Section 2. Section 509 (North Nevada Avenue Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

**7.3.509: NORTH NEVADA AVENUE OVERLAY:**

A. Purpose, Goals, Applicability and Objectives:

1. Purpose and Goals: The purpose of the overlay 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:

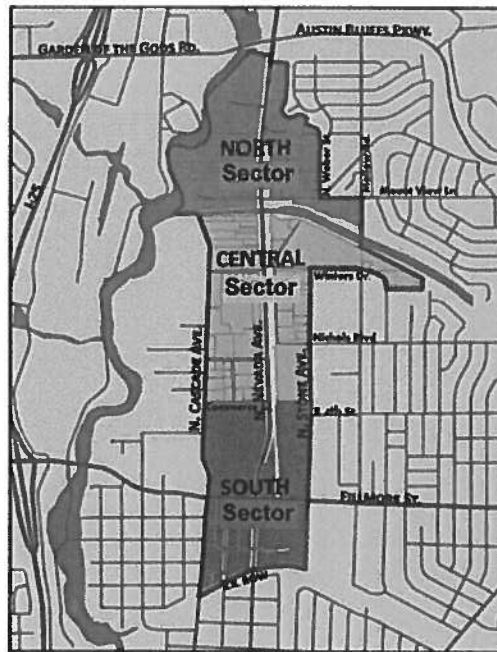
a. Create a creative mix of business types and uses that support and employ our residents and serve as a regional economic magnet;

b. Strengthen connections within the area and to the community by improving roadways and expanding transit service;

c. Strengthen housing option that serves the need of existing and new residents and offers options for all ages and levels of income; and

d. Integrate the corridor's streets, sidewalks, drainage, streetscape and other City infrastructure.

2. Applicability: The overlay 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.



3. Objectives: The overlay encourages new investment while ensuring that redevelopment balances private investment objectives with community sustainability. This is accomplished by:

a. Orienting buildings towards the street and/or City trails/waterways to encourage pedestrian accessibility & walkability;

b. Fostering the development of mixed uses;

c. Encouraging multi-story buildings;

d. Promoting aesthetically pleasing building design;

e. Encouraging the incorporation of community and sustainable places and landscaping, including public art, public

spaces, low impact water quality control, and LEED certified building design, which in turn enhance the desirability of the corridor; and

f. Minimizing visibility and impact of parking lots and service areas by locating significant parking and service access away from primary streets.

B. Development Standards

1. Building Setbacks: 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 utilize a standard minimum building setback as specified below within each of the sectors:

Front Yard Build-to zone:

South sector: zero (0) to fifteen (15) feet

Central sector: fifteen (15) to eighty (80) feet

North sector: fifteen (15) to sixty (60) feet

Rear Yard Setback:

South sector: five (5) feet<sup>1</sup>

Central sector: fifteen (15) feet<sup>1</sup>

North sector: fifteen (15) feet<sup>1</sup>

Side Yard Setback:

South sector: five (5) feet<sup>1</sup>

Central sector: five (5) feet<sup>1</sup>

North sector: five (5) feet<sup>1</sup>

2. Building Heights: Base zoning height maximum applies. Height bonuses shall be granted to a maximum of sixty (60) feet if the development includes any three (3) or more of the following:

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<sup>1</sup> Zero foot (0') setback is permitted if part of overall concept or development plan.

- a. Publicly accessible green spaces/plazas/detached sidewalk that either front a street or connect to sidewalks/trails;
- b. Publicly displayed art that is minimum 1% overall project cost;
- c. Affordable housing (as defined by the U.S. Department of Housing and Urban Development) and/or mixed-income housing;
- d. LEED certified building plan design;
- e. Adaptive reuse of historically significant buildings;
- f. Use of aesthetically-pleasing low impact water quality controls that are accepted by Water Resource Engineering; and
- g. Shared parking between adjacent properties.

3. Land Uses: The North Nevada Avenue Overlay identifies land uses as permitted, conditional or accessory within each of the identified sectors that make up the overlay. This chart supersedes the Permitted, Conditional and Accessory Use chart in City Code section 7.3.203:

|                                                   | South Sector | Central Sector | North Sector |
|---------------------------------------------------|--------------|----------------|--------------|
| <b>Residential Use Types:</b>                     |              |                |              |
| Accessory Dwelling Unit                           | P            |                |              |
| Detoxification Center                             |              |                |              |
| Dormitory, fraternity or sorority house           | C            |                | C            |
| Human Service Establishments                      | P            | C              | C            |
| Domestic violence safe house                      | P            | C              | C            |
| Family support residence                          | P            | C              | C            |
| Human service facility                            | I            | C              | C            |
| Hospice                                           | I            | C              | C            |
| Residential childcare facility                    | I            | C              | C            |
| Human service home                                | P            | C              | C            |
| Human service residence                           | P            | C              | C            |
| Family care home                                  | P            | C              | C            |
| Large family care home                            | I            | C              | C            |
| Human service shelter                             | I            | C              | C            |
| Drug or alcohol treatment facility                | I            | C              | C            |
| Single-family detached dwelling on individual lot | P            |                |              |
| Manufactured Home                                 | P            |                |              |
| Mobile Home                                       |              |                |              |

|                                                             |   |   |   |
|-------------------------------------------------------------|---|---|---|
| Multi-family dwelling                                       | P | P | P |
| Multiple Single-family detached dwellings on individual lot | P |   |   |
| Multiple Two-family dwellings on an individual lot          | P |   |   |
| Retirement Home                                             | P | C | C |
| Rooming or boarding house                                   | C |   | C |
| Studio or Efficiency                                        | P | P | P |
| Two-family dwelling on an individual lot                    | P |   |   |

|                                      |   |   |   |
|--------------------------------------|---|---|---|
| <b>General Offices:</b>              |   |   |   |
| Call Center                          | C | P | C |
| Financial Services                   | P | P | P |
| General Offices                      | P | P | P |
| Medical offices, labs and/or clinics | P | P | P |
| Mixed office/residential use         | P | P | P |

|                                    |   |   |   |
|------------------------------------|---|---|---|
| <b>Commercial Use Types:</b>       |   |   |   |
| Agricultural sales and service     |   |   |   |
| Automotive and Equipment Services: |   |   |   |
| Automotive Service                 | P | C | C |
| Automotive Rentals                 | C | C | C |
| Automotive Repair Garage           | P | C | C |
| Automotive Sales                   | C | C | C |
| Automotive storage yard            |   |   |   |
| Automotive wash                    | P | P | P |
| Body and fender repair services    |   |   |   |
| Construction equipment business    |   |   |   |
| Equipment rental and sales         |   |   |   |
| Equipment repair services          |   |   |   |
| Equipment storage yard             |   |   |   |
| Bar                                | P | P | P |
| Bed and breakfast inn              | C |   |   |
| Building maintenance services      | C | P | P |
| Business office support services   | P | P | P |
| Business park                      | C | P | P |
| Campground                         |   |   |   |
| Commercial center                  | P | P | P |
| Communication services             | P | P | P |
| Construction sales and services    |   |   |   |
| Consumer convenience services      | P | P | P |
| Consumer repair services           | P | P | P |
| Crematory services                 |   | C | C |

|                                                               |   |   |   |
|---------------------------------------------------------------|---|---|---|
| Data center                                                   |   | P | P |
| Exterminating services                                        |   | P | P |
| Food sales:                                                   |   |   |   |
| Convenience food sales                                        | P | P | P |
| General food sales                                            | P | P | P |
| Specialty food sales                                          | P | P | P |
| Funeral services                                              | C | C | C |
| Crematory service (as an accessory use)                       | A | A | A |
| Hookah bar                                                    | P | P | P |
| Hotel/motel                                                   | P | P | P |
| Kennels:                                                      |   |   |   |
| Indoor only                                                   | P | P | P |
| Indoor and outdoor                                            | C | C | C |
| Animal shelters                                               | C | C | C |
| Liquor sales                                                  | P | P | P |
| Medical marijuana facility:                                   |   |   |   |
| Medical marijuana center                                      |   |   |   |
| Medical marijuana infused product manufacturer - nonhazardous |   |   |   |
| Option premises cultivation operation                         |   |   |   |
| Miniwarehouses                                                | C | C | C |
| Mixed commercial-residential                                  | P | P | P |
| Mixed office-residential                                      | P | P | P |
| Personal consumer services                                    | P | P | P |
| Pet Services                                                  | P | P | P |
| Pharmacy                                                      | P | P | P |
| Recreation, commercial:                                       |   |   |   |
| Indoor entertainment                                          | P | P | P |
| Indoor sports and recreation                                  | P | P | P |
| Outdoor entertainment                                         | P | P | P |
| Outdoor sports and recreation                                 | P | P | P |
| Restaurants:                                                  |   |   |   |
| Drive-in or fast food                                         | P | P | P |
| Quick serve restaurant                                        | P | P | P |
| Sit down - served at table                                    | P | P | P |
| Retail, general:                                              |   |   |   |
| Large retail establishment                                    | P | P | P |
| Neighborhood serving retail                                   | P | P | P |
| Sexually oriented business                                    |   |   |   |
| Surplus sales                                                 | P | P | P |
| Teen club/young adult club                                    | P | P | P |
| Veterinary service:                                           |   |   |   |

|                        |   |   |   |
|------------------------|---|---|---|
| Large animal hospitals |   | C |   |
| Small animal clinics   | P | P | P |

|                                            |   |   |   |
|--------------------------------------------|---|---|---|
| <b>Civic Use Types:</b>                    |   |   |   |
| Administrative/safety services             | P | P | P |
| Cemetery                                   |   |   |   |
| Club (membership, social and recreational) | P | P | P |
| Community gardens                          | P | P | P |
| Cultural services                          | P | P | P |
| Daycare services                           | P | P | P |
| Detention facilities/halfway houses        |   |   |   |
| Educational institutions:                  |   |   |   |
| Charter school                             | P | P | P |
| College and university                     | P | P | P |
| Nonpublic schools                          | P | P | P |
| Proprietary schools                        | P | P | P |
| Public schools                             | P | P | P |
| Hospital                                   | P | P | P |
| Maintenance service facility               | C | C | C |
| Public assembly                            | P | P | P |
| Public park and recreation                 | P | P | P |
| Religious institution                      | P | P | P |
| Semipublic community recreation            | P | P | P |
| Social service center                      | C | C | C |
| Utility facilities                         | P | P | P |

|                                                            |   |   |   |
|------------------------------------------------------------|---|---|---|
| <b>Industrial Use Types:</b>                               |   |   |   |
| Accessory retail sales (accessory to principal use)        | P | P | P |
| Construction and/or contractor yards                       |   | C |   |
| Construction batch plant                                   |   |   |   |
| Custom manufacturing                                       | P | P | P |
| Garbage service companies                                  |   |   |   |
| General industry                                           |   |   |   |
| Heavy                                                      |   |   |   |
| Light                                                      | C | P | P |
| Industrial laundry services (large scale activity)         |   | C | C |
| Junkyard                                                   |   |   |   |
| Manufacturing                                              | P | P | P |
| Meatpacking and related industry                           |   |   |   |
| Medical marijuana facility:                                |   |   |   |
| Medical marijuana infused product manufacturer - hazardous |   | C |   |



|                                   |   |   |   |
|-----------------------------------|---|---|---|
| Mining operations:                |   |   |   |
| Temporary surface and open pit    |   |   |   |
| Underground (activities above)    |   |   |   |
| Underground (activities under)    |   |   |   |
| Recycling:                        |   |   |   |
| Large recycling collection center |   |   |   |
| Recycling processing center       |   | C |   |
| Research and development          | P | P | P |
| Stockyards                        |   |   |   |
| Transfer station                  |   | C |   |
| Truck terminal                    |   | C |   |
| Vehicle dismantling yard          |   |   |   |
| Warehouse                         | C | P | P |
| Warehouse and distribution        |   | P | P |

|                              |   |   |   |
|------------------------------|---|---|---|
| <b>Parking Use Types:</b>    |   |   |   |
| Parking lot/surface parking: |   |   |   |
| Private                      | C | C | C |
| Public                       | C | C | C |
| Parking structure:           |   |   |   |
| Private                      | P | P | P |
| Public                       | P | P | P |

|                                  |   |   |   |
|----------------------------------|---|---|---|
| <b>Transportation Use Types:</b> |   |   |   |
| Aviation facilities              |   | C |   |
| Railroad facilities              |   |   |   |
| Transit shelter                  | P | P | P |
| Transportation terminal          | P | P | P |

|                                |   |   |   |
|--------------------------------|---|---|---|
| <b>Agricultural Use Types:</b> |   |   |   |
| Commercial greenhouse          | C | P | C |
| Stable, commercial             |   |   |   |

|                                                |   |   |   |
|------------------------------------------------|---|---|---|
| <b>Miscellaneous Use Types:</b>                |   |   |   |
| Broadcasting tower                             | C | C | C |
| CMRS facilities                                |   |   |   |
| Nonstealth freestanding facility               | C | C | C |
| Roof/building mount                            | P | P | P |
| Roof/building mount which exceeds height limit | C | C | C |
| Stealth freestanding facility                  | P | P | P |
| Landfill (putrescible and nonputrescible)      |   |   |   |

Notes:

1. Refer to City zone district base zones and section 7.3.103 (Residential Land Use Chart) and 7.3.203 (Commercial and Industrial Land Use Chart) regarding if the use is permitted, conditional or prohibited.

4. Design Guidelines: Development within the North Nevada Avenue Overlay shall follow the adopted design guidelines.

5. Nonconforming Uses: Nonconforming uses may be created which are subject to the nonconforming use rights and restrictions as established by this Code.

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

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

Introduced, read, passed on first reading and ordered published this 13<sup>th</sup> day of February, 2018.

**Finally passed:** February 27<sup>th</sup>, 2018

  
\_\_\_\_\_  
Council President

**Mayor's Action:**


- Approved on March 1, 2018.
- Disapproved on \_\_\_\_\_, based on the following objections:

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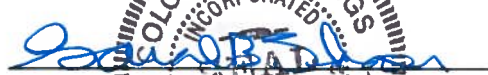
  
\_\_\_\_\_  
Mayor

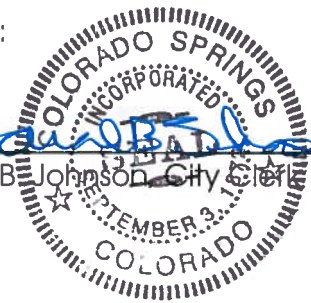
**Council Action After Disapproval:**

- 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



CAO:   
COS: 

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING SECTION 501 (PURPOSE) AND CREATING SECTION 509 OF PART 5 (OVERLAY DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO A NORTH NEVADA AVENUE OVERLAY DISTRICT” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on February 13<sup>th</sup>, 2018; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 27<sup>th</sup> day of February, 2018, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 1<sup>st</sup> day of March, 2018.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: February 16<sup>th</sup>, 2018

2<sup>nd</sup> Publication Date: March 7<sup>th</sup>, 2018

Effective Date: March 12<sup>th</sup>, 2018

Initial: SBS  
City Clerk