

RetoolCOS

UNIFIED DEVELOPMENT CODE (UDC) PROJECT



January 10, 2023 RetoolCOS City Council Public Hearing



A BIG thank you to...

Morgan Hester and Mike Tassi

Ben Bolinger and Lisa O'Boyle

Meggan Herington

Members of the Advisory and Technical Committees

- Morgan has a slide later in the presentation of all members

Practitioners' Working Group

- Kyle Campbell, Tim Seibert, Andrea Barlow, Scott Hente, Clarissa Thomas

Historic Neighborhoods Partnership

Thank you, Mayor Suthers, City Council, and Chief of Staff Greene for supporting and funding this initiative

What is a “unified land development code”?

...it is a **regulatory tool to implement a city’s vision of comprehensive plan** – in our case PlanCOS – related to land use and land development/redevelopment.

...it is **not a document to change or create a new vision**; a land development code seeks guidance from the comprehensive plan.

A land development code must be **sufficiently prescriptive to be consistently enforced**, be understandable, and be defensible; yet be **adaptable over time** to respond to evolving community character, economic/residential markets, and not inhibit creative design/land planning.

For some, participating in crafting a land development code may be a *once-in-a-lifetime experience*.

Drafting of PlanCOS

Total Meetings and Events – 270

Public Open Houses – Seven (7)

- One in each Council district

Project Committees

- Steering Committee (18 members)
- Technical Support Team
- Practitioners Working Group (6 members)

Total Project Participants – 9,000

- Includes meeting/event attendees and survey responses (5,146)
- **77** Interest Groups Engaged
- **36** Stakeholder/Organization Interviews

2-Year Process

Adopted by City Council – January 2019

PlanCOS Keystone Indicators

Measurement of success directly influenced by a land development code.

- Increase **net density of new residential development**;
- Increase **single-family residential affordability index**;
- Improve **rental affordability index**;
- Increase **City's proportion of residential units** added in El Paso County;
- **Decrease lane miles** added per dwelling unit;
- Increase **Walk Score, Bike Score, and Transit Score**;
- Increase **population within ½ mile of a park**;
- Increase total miles of **urban trails and park trails**; and
- **Decrease vacant land** within and outside the infill boundary.

PlanCOS-established Goals

RetoolCOS is one of the six (6) directives of PlanCOS, including HomeCOS, ConnectCOS, Neighborhood Planning, AnnexCOS, and SmartCOS, and 18 other Implementation Strategies such as –

Strategy VN-2.A-C: Update the City’s zoning code, processes, and standards to support the construction of additional accessory dwelling units and micro homes.

Strategy CN-3.A-5: Update plans and City Code to encourage a blend of uses that positively affect neighborhoods.

Strategy UP-3.C-2: Complete an overall update of the City Zoning Code to support regulations, standards, or guidelines that encourage a unique character for unique place typologies.

Strategy CS-2.A.2: Continue to update zoning and other regulations to allow mixed-use and high-density development as uses by right.

Strategy ML-4.B.7: Update the Commercial Landscape Code and Policy Manual to improve its effectiveness at ensuring healthy, resilient, water-conserving landscapes. Provide adequate funding to ensure on-site inspections of each project.

RetoolCOS Project

Resulting Unified Land Development Code for the City of Colorado Springs.

Started in December 2019.

Clarion Associates was awarded the contract through a competitive interview process.

RetoolCOS:

- **Innovative approach** to zoning;
- Respects **property rights and minimizes bureaucratic processes** without compromising quality;
- **Minimal changes** to the current development review process;
- **Continues public participation in the development review process;**
- **Balances infill and redevelopment opportunities** with abundant greenfield development;
- **Supportive of neighborhood and small area planning efforts;**
- Adaptable to **evolving and creative land use planning** principles;
- Supports **positive conditions for economic development;**
- **Multi-mobility friendly;** and
- **Removes barriers** to housing for all.

Clarion Associates – Project Consultant

Clarion Associates

- 30 years
- 226 Codes
 - 212 communities in 46 states
- Currently in the works –
 - **Parker, CO; Westminster, CO;** Lawrence, KS; Fairfax County, VA; Boise, ID; Franklin County, VA; Tuscaloosa, AL; **Eagle, CO; Grand Junction, CO;** New Braunfels, TX; Chatham County, NC; Part County, WY; Las Vegas, NV; Clark County, NV; Montgomery, AL, Rowlett, TX; Cobb County, GA; Maury County, TN; State College, PA

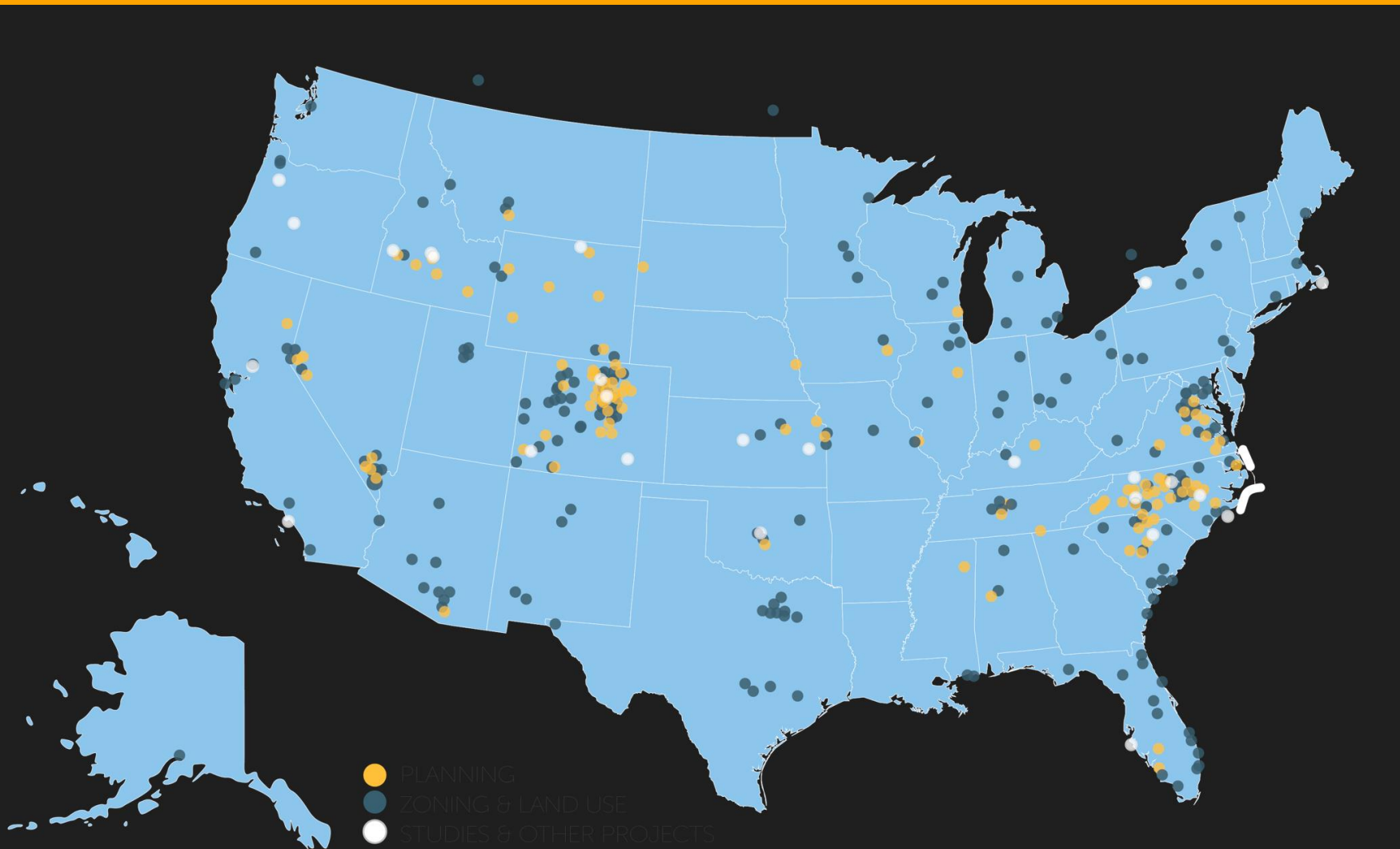
Don Elliott, FAICP, Director

- 36 years of experience
- Degrees from Yale, Harvard, and Harvard Law
- Land Use Attorney
- Authored – ‘A Better Way to Zone’, ‘The Rules that Share Urban Form’ (APA), ‘Citizens Guide to Planning’ (APA), ‘Takings in Plain English’ (APA), Co-authored – ‘The Planners Use of Information’

Geoff Greene, AICP, Senior Associate

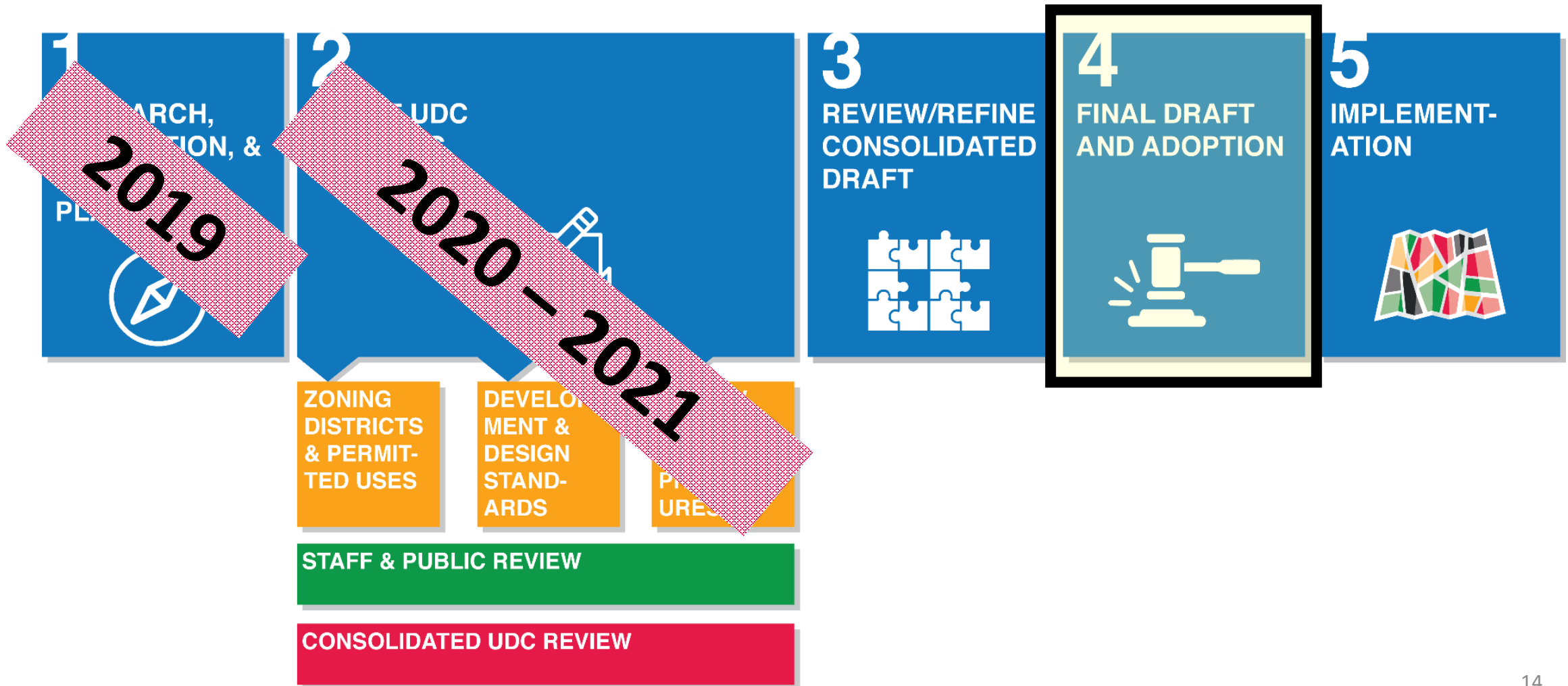
- Degrees from Duke, NYU Law, University of NC
- Land Use Attorney

Clarion Associates – Project Consultant



- Planning
- Zoning & Land Use
- Studies & Other Projects

RetoolCOS Process Overview



Module Breakdown

Module 1 – Zoning Districts and Uses

- May 2020

Module 2 – Development and Design Standards

- November 2020
- **Modules 1 and 2 rereleased in March 2021**

Module 3 – Administrative Procedures

- July 2021

Consolidated Draft

- October 2021

Final Draft

- August 2022

Amended Final Draft

Stakeholder Involvement – Project Kick-Off Interviews

- Altitude Land Consultants
- Classic Homes
- Colorado Springs Airport
- Colorado Springs Utilities – Water Conservation
- Downtown Partnership
- El Paso County Health Department
- Goodwin Knight
- Historic Preservation Board
- Keller Homes
- La Plata Communities
- Land Use Review – Landscaping
- Land Use Review – Surveying
- NES
- Nunn Construction
- Old North End
- Organization of Westside Neighbors
- Vantage Homes

Stakeholder Involvement – Advisory Committee

- AIA (American Institute of Architects)
- Apartment Association of Southern Colorado
- City Council
- Planning Commission
- CONO (Council of Neighborhood Organizations)
- David Real Estate
- HBA (Colorado Springs Housing and Building Association)
- JE Dunn Construction
- Matrix Design
- NES
- Nor'wood
- Peterson Air Force Base
- Pikes Peak Association of Realtors
- Pikes Peak Area Council of Governments
- United States Air Force Academy

Stakeholder Involvement – Technical Committee

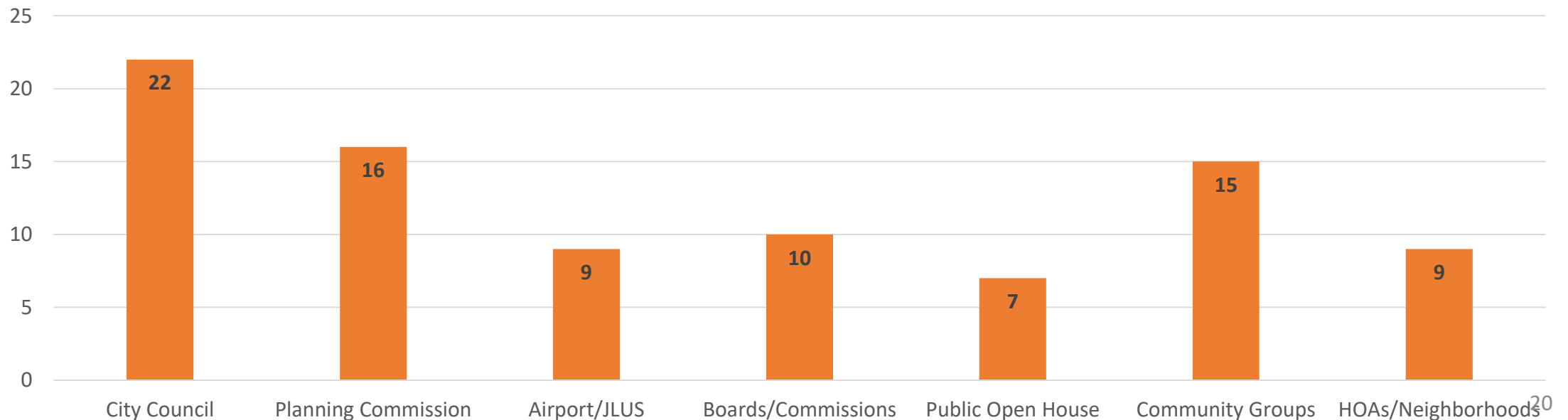
- City Attorney's Office
- City Clerk's Office
- City Engineering
 - Traffic Engineering
 - Stormwater Enterprise
- Colorado Springs Airport
- Colorado Springs Utilities
 - Development Review
 - Water Conservation
- City Communications
- Office of Innovation
- Office of the Fire Marshal
- Pikes Peak Regional Building Department
- Planning & Development Services
 - Land Use Review
 - Development Review
 - Community Development
 - Neighborhood Services (Code Enforcement)
- Real Estate Services

Collaboration and Outreach



Meetings and Public Discussion

- **400+ Internal Meetings**
 - Development Review Staff including Planning, Engineering, Colorado Springs Utilities, Regional Building Department, etc.
- **88 Meetings and Public Discussion**
- **Public Open House notifications** – press releases, participant emails, RetoolCOS project website



UDC Organization

Article 1 General Provisions

Article 2 Zone Districts

Article 3 Use Regulations

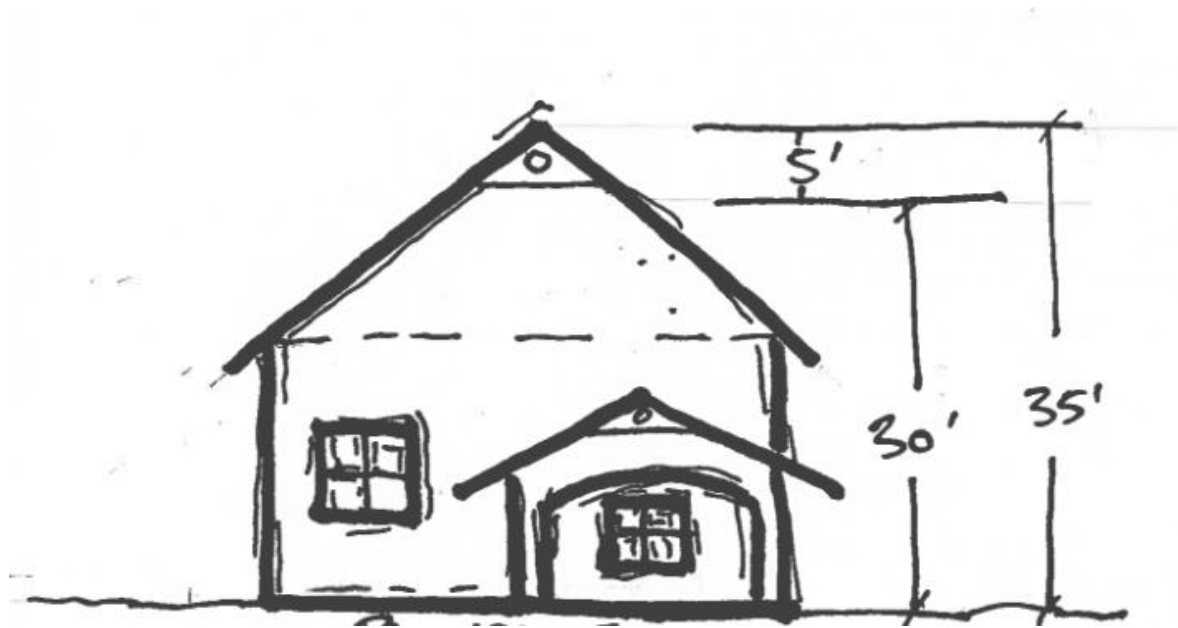
Article 4 Development
Standards

Article 5 Administration and Enforcement

Article 6 Definitions

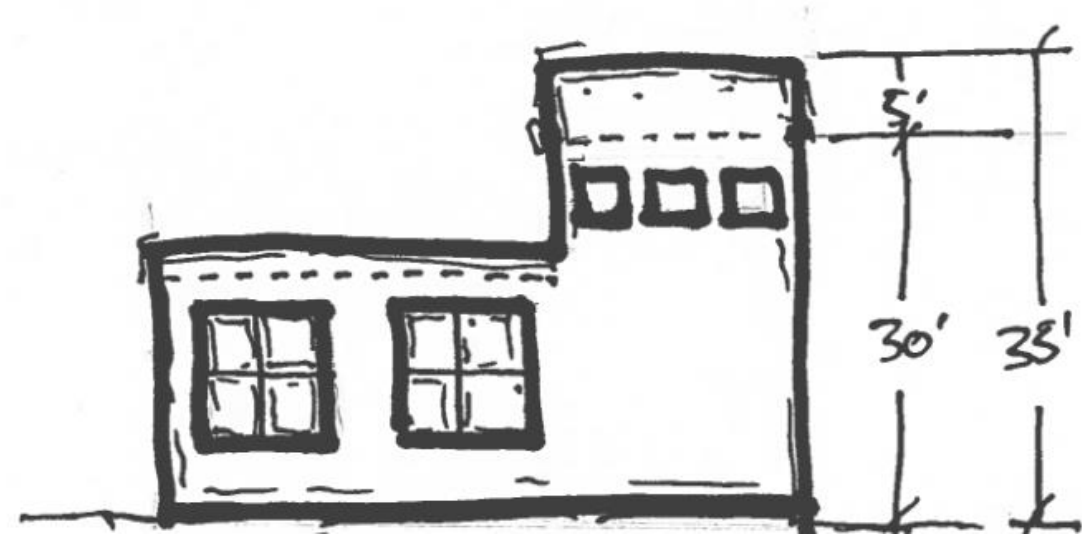
Article 7.6 – Building Height Measurement

Current Chapter 7



Pitched Roof

- Measured from a point 5' below peak to average finished grade.



Flat Roof

- Measured from top of roof, excluding parapet, to average finished grade.

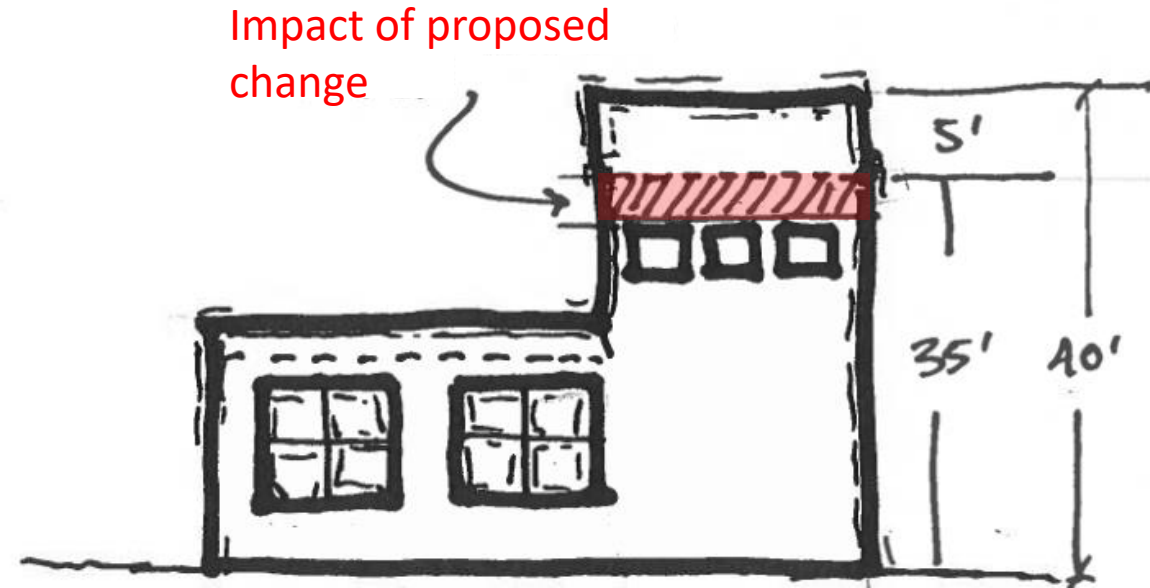
Article 7.6 – Building Height Measurement

Proposed UDC



Pitched Roof

- Measured from peak of roof to average finished grade.



Flat Roof

- Measured from top of roof, excluding parapet, to average finished grade.

Planning Commission Meetings

- **3 public hearings – September 22, October 12, October 28**
- **Discussion largely focused on –**
 - Appeals
 - Majority of Commissioners comfortable with the proposed 2-mile radius for establishment of standing
 - HNP Comments
 - Comments were considered and Staff given direction on changes
 - Electric Vehicles
 - Tiny Homes
- **October 28, 2022 – 8-0 recommendation for approval with changes**

October 28, 2022 – CPC Motion

- Vote – **8-0 recommendation for approval** with changes
 - Commissioner Briggs absent
- Requested changes found in **Exhibit 2** in agenda packets
 - Further discussed in following slides

October 28, 2022 – CPC Motion

Amendment 1

Table 7.2.2-D and 7.2.2-E – Change **front setback for ‘House’** to “15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is greater”

Setbacks (minimum)	
A	Front
	<i>House</i> 15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is less <u>greater</u>

October 28, 2022 – CPC Motion

Amendment 2

Subsection 7.4.1008.H 'Electric Vehicle Charging' – Re-insert the requirement for electric vehicles.

H. Electric Vehicle Charging

Each new parking lot or parking structure that is constructed after the Effective Date, shall comply with the following standards:

1. Each Hotel or Motel shall equip at least five (5) percent of the vehicle parking spaces with electric vehicle charging stations with a rating of two hundred and forty (240) volts or higher.
2. Each Fuel Dispensing Station shall equip at least one (1) parking space with an electric vehicle charging station with a rating of two hundred and forty (240) volts or higher.
3. Each Light Industry or Heavy Industry use shall equip at least one (1) parking space with electric vehicle charging station with a rating of three hundred and fifty (350) volts or higher.
4. Each Multifamily Dwelling or non-residential use not listed in Subsections 1, 2, or 3 above with a new parking lot containing more than two hundred (200) off-street motor vehicle spaces shall equip at least five (5) percent of the vehicle parking spaces with electric vehicle charging stations with a rating of two hundred and forty (240) volts or higher.

October 28, 2022 – CPC Motion

Amendments 3a – 3e

Historic Preservation

- a. Subsection 7.5.205.C.10 – Add the phrase “**To undertake educational programs and activities.**”;
- b. Subsection 7.5.528.C.2.b(1) – Replace “prepared” with the phrase “**acted upon**”;
- c. Subsection 7.5.528.C.2.b.3.e – Add new subsection to state “**Evaluation of the City Council approved design Standards.**”;
- d. Subsection 7.5.528.C.2.c(2) – Replace “Manager” with “**Historic Preservation Board**”;
and
- e. Subsection 7.5.528.C.2.c(3) – Delete.

October 28, 2022 – CPC Motion

Amendments 4a – 4c

ADS-O Area Design Standards Overlay

- a. Subsection 7.2.607.A – replace “completed plan” with “**Stakeholder Engagement Plan**” in (2); and
- b. Subsection 7.2.607.B.1.b – revise to read “**A Stakeholder Engagement Plan for an ADS-O district that was approved by the Planning Department.**”
- c. Subsection 7.6.607.C - add a new #6 to read “**Requirements for lot size and lot coverage.**”

October 28, 2022 – CPC Motion

Amendment 5

Subsection 7.3.303.B.5 – add new subsection for “Bars” to require a **200’ separation between residential zoning and uses** for the MX-N zone district.

5. Bar

A bar is permitted in the MX-N zone district but shall be located no less than two-hundred (200) feet from any residential zoning or use.

October 28, 2022 – CPC Motion

Amendment 6

Subsection 7.3.301.D.11 – change from **150'** to **200'**

11. Accessory Structures

- a. Each Tiny Home Community may include up to ~~one hundred and fifty (150)~~ two hundred (200) square feet per unit for accessory structures, including mail boxes, enclosed bike storage, laundry, groundskeeping, personal storage, or common rooms.

October 28, 2022 – CPC Motion

Amendment 7

Subsection 7.3.304.A.2.a – change from **8' to 12'**

Article 7.3: Use Regulations

7.3.3. Use-Specific Standards
7.3.304: Accessory Uses

- a. Located in a required setback is ~~eight (8)~~twelve (12) 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.

October 28, 2022 – CPC Motion

Amendments 8i – 8iv

Data Centers

- a. Section 7.6.301 ‘Definitions’ –
 - i. Remove “data center” from “Office” definition;
 - ii. Add “data center” to “Light Industrial” definition;
 - iii. Move additional standards for data centers from Subsection 7.3.303.H ‘Office’ to new Subsection 7.3.303.D.6 ‘Light Industrial’; and
 - iv. Table 7.3.2-A – Remove additional standards note from ‘Office’ and add 7.3.303D.6 with ‘Light Industry’.

6. Light Industrial

- a. 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.
- b. Parking for data center office uses shall be 1 (one) per 1,000 (one thousand) sf of GFA.

Staff Requested Changes

Amendment 9

Subsection 7.3.304.A.4 – Add new subsection (c) to state “Unless specifically permitted in this Code, accessory structures are not allowed in front yards.” (Reflects current code)

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-c.~~ Unless specifically permitted in this Code, accessory structures are not allowed in front yards.

Staff Requested Changes

Amendment 10

Subsection 7.3.304.E.2 – Add a new subsection (g) titled ‘Limitation in the R-2 Zone District’ to read “In the R-2 zone district, a detached ADU may only be permitted when developed with a single-family detached unit on a minimum five thousand (5,000) square foot lot.” (Added for clarity at the request of HNP)

g. Limitation in the R-2 Zone District

In the R-2 zone district, a detached ADU may only be permitted when developed with a single-family detached unit on a minimum five thousand (5,000) square foot lot.

Staff Requested Changes

Amendment 11

Subsection 7.4.1008.E.1.d – Based on new standards adopted by Colorado Springs Utilities and needing to prevent contradictions, revise to read “E.1.d – **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 or access lane loaded, no driveway may be between twelve (12) and twenty (20) feet in length. An alley or access lane loaded driveway less than twenty (20) feet may not be included in any required parking.**” (Reflects a change made necessary by a CSU standard)

~~e. — 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 or access lane loaded, no driveway may be between twelve (12) and twenty (20) feet in length. An alley or access lane loaded driveway less than twenty (20) feet may not be included in any required parking. 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.~~

Staff Requested Changes

Amendment 12

Section 7.5.701 'Annexation of Land' – Replace two references of “Subdivision Code” to “Zoning Code”.

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~~Zoning 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
 - (3) Dedication of easements including, but not limited to, utility, including telephone and drainage easements as required by the ~~Subdivision~~Zoning Code.

Staff Requested Changes

Amendments 13a, 13b

Scrivener's Error

- a. Subsection 7.3.303.J.3 (new 7.3.303.I.3 with other incorporated changes) – Replace “feet” with “**foot**”

3. Fuel Dispensing Stations

Fuel Dispensing Stations shall maintain a two hundred and fifty (250) ~~feet~~foot 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.

- b. Subsection 7.5.515.E – Remove “**at a public hearing**”

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.

Staff Requested Changes

Amendments 14a, 14b

General numbering

- a. Updating Part 7.6.3 'Definitions' to Section 7.6.301

7.6.301 DEFINITIONS

- b. Updating number in 7.5.12 to 7.5.1201 'Enforcement'

7.5.12 SUBDIVISION SIGN AND ACCESS MARKING ENFORCEMENT

7.5.1201 Enforcement

Staff Requested Changes

Amendments 15a, 15b

R-4 Density

- a. Table 7.2.2-F – Include note [3] that 8 du/acre is specific to multi-family residential to be reflective of current Code.

Table 7.2.2-F R-4: Lot and Building Standards	
Lot Standards	
Residential density (maximum)	8 du/ac [3]

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.
[3]	<u>Applies only to multi-family residential.</u>

- b. Table 7.4.2-A – Include note [6] that 8 du/acre is specific to multi-family residential to be reflective of current Code.

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-19	R-16	R-2	R-4	R-5
Lot Standards							
Residential density (maximum)	N/A	N/A	N/A	N/A	N/A	8 du/ac [6]	25 du/ac

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.
- [\[6\] Applies only to multi-family residential.](#)

Staff Requested Changes

Amendment 16

Inclusion of the CDI (Community Development Impact) fees adopted by City Council in August 2022 and effective January 1, 2023, as established by Ordinance 22-40.

Timeline

January 10, 2023 (First Reading)

- Public hearing

January 24, 2023 (Second Reading)

May 2023

- New UDC will go into **effect**

Next Steps

City-wide rezoning

- Update to the naming convention of existing districts
- Commercial districts → Mixed Use, PUD → PDZ

Updates to applications, checklists, etc.

- Website upgrade to EnCode

TRAINING!

- City Staff, public, applicants

Questions

Discussion

Priorities



2-Mile Appeal Radius – Fire Station 6

