

**CITY PLANNING COMMISSION AGENDA**

**STAFF: MORGAN HESTER**

**FILE NO:**  
**CODE 22-0001- LEGISLATIVE**

**PROJECT: RetoolCOS**

An ordinance repealing and replacing Chapter 7 (Planning, Development and Building) of City Code

**APPLICANT: CITY OF COLORADO SPRINGS - PLANNING AND DEVELOPMENT**

**PROJECT SUMMARY:**

Code Change Description: The RetoolCOS project proposes repealing and replacing the current City Code Chapter 7.

Goals of the project include –

1. Repeal and replace current Chapter 7 to fully support the vision and goals of PlanCOS.
2. Create more opportunities for property and business owners.
3. Improve the City’s development standards to require better design and encourage more creative projects.
4. Restructure and refine current regulations to make them more intuitive and user-friendly.

A more detailed summary of the language is found in the following sections of this report. The full language of the proposed ordinance amendment is attached.

**BACKGROUND**

PlanCOS, the City of Colorado Springs’ comprehensive plan, was adopted by the City Council in January 2019 after heavy community input and participation establishing the City’s vision and goals for the future of Colorado Springs. To further the established goals, six (6) directives were established. One of the six of the Plan is RetoolCOS, necessary to establish the technical backing to accomplish what had been adopted by the City Council through zoning regulations for the City as a whole as it is outdated and not reflective of development trends and the needs of citizens and visitors.

Zoning was first established in the City of Colorado Springs in 1926, similarly to several other jurisdictions Nationally based on Supreme Court ruling. Since that time, several City Council adopted amendments were codified, largely reflective of changes in technology, Court-mandated precedence, and responding to population growth with supporting infrastructure (zoning, transportation, utilities, etc.). In the 1990s, Chapter 7 was comprehensively updated, but has not been since that time (rewritten and readopted in its entirety in 2001). With the amount of growth and need for regulations to ensure that the community’s vision of the future of our City would be accomplished, the Planning Department was tasked with revising the existing zoning and subdivision Code.

## **RetoolCOS Project Scope**

As a result of the RetoolCOS project, a Unified Development Code (UDC) has been drafted which is intended to repeal and replace the current Chapter 7 zoning and subdivision ordinance. Because the Code has not been revised for a significant amount of time, this will result in the vast majority of the existing Code being revised, including –

- Zoning classifications and established uses to allow for more creative development projects and enhancement of neighborhoods;
- Dimensional standards, including building heights and setbacks;
- Site design standards, such as landscape and architectural requirements;
- Parking ratios; and
- A more user-friendly document with graphics and reference tables.

Because several significant amendments had either been adopted prior to the kick-off of RetoolCOS or were already in the works, they are not being revisited as they had gone through an extensive vetting process with the public and appointed and elected officials. This includes –

- Short Term Rentals;
- Accessory Dwelling Units;
- Telecommunications (Small Cell and Wireless Communication Facilities);
- Parkland and School Dedication Ordinances;
- Sign Code, which is currently in the early stages of a separate internal effort, thus not included in the project; and
- Building Codes, as they are administered separately through Pikes Peak Regional Building Department.

To assist in the management of the RetoolCOS project, the Planning Department hired Clarion Associates, a firm based in Denver with experience in the drafting over 200 land use regulation documents and expertise in community engagement.

## **RetoolCOS Project Timeline**

The RetoolCOS project kicked off in December 2019 with three days of stakeholder interviews, a City-wide development tour, and project introduction. The below outlines the project benchmarks and outcomes.

### Project Kick-Off – December 2019

Over the three-day period, project staff took Clarion on a development tour for an assessment of what is working well and what could be improved upon, example – encouraging the redevelopment of vacant sites, and the first public open house was held (December 3, 2019).

Also during that time, Clarion interviewed representatives from the industry and community to assist with the Project Plan. Interviewees represented the following organizations –

- 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

As vetted by City Administration, Advisory and Technical Committees were established to see the project through to the finish line, intended to support project staff and provide input on proposed language. Representation for each Committee is as follows –

#### Technical Committee (Development Review Staff)

- City Attorney’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

#### Advisory Committee

- AIA (American Institute of Architects)
- Apartment Association of Southern Colorado
- City Council
- Planning Commission
- CONO (Council of Neighborhood Organizations)
- David
- 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 Council of Governments
- United States Air Force Academy

### Project Plan – February 2020

Clarion provided a Project Plan as a “diagnosis” of the current Chapter 7’s strengths and weaknesses and provided suggestions for potential changes. While it was used as a general guide throughout the RetoolCOS project, it does not reflect the final proposed changes.

Prior to the public open house that was held on February 18, 2020, participants were encouraged to participate in a survey to assist in the analysis of current Chapter 7. Questions and top responses are below –

#### Questions –

- In what capacity do you use or interact with Colorado Springs’ zoning and subdivision ordinance?
  - Highest response – Resident of property owner (75)
- Which of the following PlanCOS priorities are most important to you?
  - Top three responses –
    - Expanded opportunities for affordable, attainable housing in multi-family and commercial zone districts (36);
    - Standards to enhance connectivity and support increased walkability (35); and
    - Expanded opportunities for walkable public gathering spaces and activity centers (24).
- What types of changes to existing zoning districts should be prioritized through this process?
  - Top three responses –
    - Incentives to encourage more flexibility in reuse, infill, and redevelopment (48);
    - Expanded opportunities for mixed-use development (39); and
    - Allowing smaller lot sizes (24).
- What types of design and development standards should be prioritized through this process?
  - Top three responses –
    - Site layout (55);
    - Architectural standards (40); and
    - Landscaping (31).
- Which user-friendly strategies is most important to you?
  - Top three responses –
    - A more logical organization (53);
    - Updated illustrations and graphics (37); and
    - More flowcharts and summary tables (20).

This information was presented at the public open house as well as recommendations on how to manage the RetoolCOS project. It was determined that the project be divided up into Modules as revising the entire zoning and subdivision ordinance at once would be a daunting task. Modules are reflective of how the new UDC will be organized with the determined uses as a base (Module 1 – zoning) being built upon through development regulations (Module 2 – setbacks, architectural requirements, parking, etc.) and review procedures for completing the development process (Module 3 – administrative processes, Board responsibilities, etc.). This would all be compiled into the Consolidated Draft and later the Final Draft.

Module 1 – May 2020, re-released March 2021

As described in the Project Plan phase, Module 1 focused on zoning districts, uses, and definitions. Primary changes have resulted from Module 1 which includes –

- Consolidation of existing districts into new categories – existing commercial districts → mixed use districts, Industrial zones;
- Removal of districts – regulations will be captured in remaining districts (TND, PCR, DFOZ, and P/CR); and
- The creation of new zone districts and overlays – R-Flex Districts, Mixed-Use Institutional, WUI and ADU Overlays (memorializing what is currently in existence), Air Force Academy Overlay, and Area Design Standards Overlay.

While there have been several revisions in the past two years since the initial proposed district conversions, existing zone districts are proposed to convert as follows –

<b>Current Zone District</b>	<b>Proposed Zone District</b>
<b>Agricultural and Residential Zone Districts</b>	
A: Agriculture	A: Agriculture
R: Estate – Single-Family	R-E: Single-Family – Estate
R-1 9000: Single-Family	R-1 9: Single-Family – Large
R-1 6000: Single-Family	R-1 6: Single-Family – Medium
R-2: Two-Family Residential	R-2: Two-Family
R-4: Multi-Family (med density)	R-4: Multi-Family Low
R-5: Multi-Family (high density)	R-5: Multi-Family High
	R-Flex Low
	R-Flex Medium
	R-Flex High
<b>Mixed-Use Zone Districts</b>	
OR: Office Residential	MX-N: Mixed-Use Neighborhood Scale
OC: Office Complex	
MU-NC: Mixed-Use Neighborhood Center	
SU: Special Use	MX-T: Mixed-Use Transition
C-5: Intermediate Business	MX-M: Mixed-Use Medium Scale
PBC: Planned Business Center	
MU-CC: Mixed-Use Commercial Center	
C-6: General Business	MX-L: Mixed-Use Large Scale
MU-R EC: Mixed-Use Regional Employment Center	
	MX-I: Mixed-Use Institutional
FBZ: Form Based Zone	FBZ: Form Based Zone (Regulating Plan District)
<del>TND: Traditional Neighborhood Development</del>	
<del>PCR: Planned Cultural District</del>	
<b>Industrial Zone Districts</b>	
PIP-1: Planned Industrial Park	BP: Business Park (Planned District)

PIP-2: Planned Industrial Park	
M-1: Light Industrial	LI: Light Industrial
M-2: Heavy Industrial	GI: General Industrial
<b>Public and Semi-Public Zone Districts</b>	
APD: Airport Planned Development	APD: Airport Planned Development (Planned District)
PF: Public Facilities	PF: Public Facilities
PK: Parks	PK: Public Parks
<b>Overlay Districts</b>	
<del>DFOZ: Design Flexibility Overlay</del>	
AO: Airport Overlay	AP-O: Airport Overlay
	AF-O: United States Air Force Academy Overlay
SS: Streamside Overlay	SS-O: Streamside Overlay
	WUI-O: Wildland Urban Interface Overlay
	ADU-O: Accessory Dwelling Unit Overlay
NNA: North Nevada Avenue Overlay	NNA: North Nevada Avenue Overlay
	ADS-O: Area Design Standards Overlay
HP: Historic Preservation Overlay	HP-O: Historic Preservation Overlay
HR: High Rise Overlay	HR-O: High-Rise Overlay
HS: Hillside Area Overlay	HS-O: Hillside Overlay
<del>P/CR: Planned Provision Overlay/Conditions of Record</del>	
<b>Planned Development Zone District</b>	
PUD: Planned Unit Development	PDZ: Planned Development Zone District

Prior to the initial release of Module 1, Clarion and project staff explored the possibility of permitting additional housing types in existing residential zone districts. This was emphatically not supported by the City Council at the time nor some public participants.

Due to confusion with an unintentional deletion of the R-2 zone district and almost a year of time passing for the creation of the new R-Flex District concept, Module 1 was discussed at a public open house again on March 24, 2021 (callback from the initial virtual public house on May 5, 2020). Two public open houses were held for Module 1 because project staff felt it was important to share changes that had occurred within the perceived “pause” of time to ensure all participants were on the same page.

Module 2 – November 2020, re-released March 2021

The second Module makes up the bulk of the RetoolCOS project, addressing dimensional and design standards, essentially the physical form that is seen in the built environment. Module 2 was discussed virtually at a public open house on November 17, 2020 and again on March 24, 2021. While it was not part of the initially determined process of not re-releasing Modules throughout the project prior to the Consolidated Draft release, the revisiting was due to project staff taking the time to capture all changes in one draft due to misinformation and resulting confusion.

### Module 3 – July 2021

Administrative processes, essentially the day-to-day practice of development review staff, and the functions of Boards was captured in Module 3. This Module was reflective of heavy revisions made by Planning staff as several pieces of existing Chapter 7 had been identified as not meeting the needs of applicants. While significant change had been made when the Module was initially released and discussed virtually at a public open house on July 6, 2021, more substantial changes were made prior to the release of the Consolidated and Final Drafts.

### Consolidated Draft – October 2021

The Consolidated Draft was the first time all Modules were combined into one document. This resulted in significant comments as readers were able to reference previous Modules and the relationship between drafted regulations. A virtual public open house was held on October 5, 2021.

### Final Draft – August 2022

Significant time passed between the Consolidated and Final Draft releases as substantial discussion had to occur, plus several months of vetting through the City Attorney's Office. Since August, an Amended Final Draft has been released which includes changes that were requested by the direction of the Planning Commission in public hearings held on September 22 and October 12.

### **RetoolCOS Stakeholder Process/Public Engagement**

At the release of each Module, a public open house was held. Six (6) had initially been planned, but project staff added one additional due to the lapse in time between Module releases. Prior to COVID, meetings were held in person and during the pandemic were all held virtually. City Communications assisted project staff in the noticing of public hearings through press releases ten (10) days prior to meeting. In addition, project staff contacted all public participants (approximately 700) through email blasts with meeting information and any pertinent information throughout the life of the RetoolCOS project. Participants were able to access resources through the RetoolCOS website throughout the project to download drafts and supplemental documents to provide additional background, meeting minutes, etc.

Eighty (80) public meetings were held for the RetoolCOS project which allowed for project staff to meet with various interest groups, including elected and appointed officials, to share information about proposed language and seek feedback. The non-City board or commission meetings were held were at the request of the respective associations' organizers as no meeting request was declined. This includes meeting with the following –

- AAC (Airport Advisory Committee)
- City Council
- Planning Commission
- Colorado Department of Public Health & Environment (CDPHE)
- Interfaith Leaders Table
- Mayor's Fellowship
- Colorado Springs Utility Board
- CONO
- Food Policy Advisory Board
- Historic Preservation Board
- JLUS (Joint Land Use Study)
- Public Arts Commission

- Realtor groups (Pikes Peak Association of Realtors (PPAR), PPAR Young Professionals, Southern Colorado Commercial Brokers (SCCB), Investment Community of the Rockies (ICOR))
- RetoolCOS Public Open Houses
- Various Community Groups (Old North End, Near North End, Historic Neighborhood Partnerships, League of Women Voters)

Internally, project staff held nearly 500 meetings to discuss concepts and necessary redlines with members of the Technical Committee, plus the addition of the Parks Department, Office of Accessibility, Cultural Services Division, and City Clerk’s Office.

### **Major Code Changes**

While the majority of the current Chapter 7 language was carried forward into the UDC draft, several new concepts have been proposed. These are reflective of the need for regulatory language to support what was established in PlanCOS.

### New Housing Opportunities

The six (6) existing residential zone districts will remain with no change in uses as directed by the City Council. That includes –

- 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

In addition to these residential zone districts, three (3) Residential Flex Districts (R-Flex Districts) have been drafted, providing an opportunity to development varied housing products in developments based on overall density –

- R-Flex Low – Up to 6 dwelling units (DU) per acre
  - This is similar to what a true single-family zone district would be classified as, but a mix of housing types would be permitted.
- R-Flex Medium – Between 5 DUs/acre and 16 DUs/acre
  - Reflective of what the majority of PUD: Planned Unit Development rezoning requests that been in the past several years.
- R-Flex High – Between 15 DUs/acre and 30 DUs/acre

Anything higher than 30 DUs/acre would go through the PDZ: Planned Development Zone process.

Goals of the R-Flex Districts –

- Creates an established zone district that accomplishes what most existing PUDs (Planned Unit Development) rezoning requests seek – reduced lot sizes.
- Provide opportunity for a mix of housing types and lot sizes within the same development rather than a separation of uses as seen in existing “hard zoned” residential zone districts.
- Encourages flexibility in developments.

No properties will have an R-Flex designation applied through the RetoolCOS project but the option will be available in the future for new developments and rezoning requests. It should be noted that as with any rezoning application, requests to an R-Flex district would go through the



same public process as is in place today which requires public notification of properties within 1,000' of the subject property at least twice – at the time of application and prior to public hearings with the Planning Commission and City Council.

Tiny Home Communities standards have been drafted in the UDC to allow for an additional housing option which would require a Conditional Use in the three (3) R-Flex districts, MX-N: Mixed-Use Neighborhood and MX-T Mixed Use Transition. Current Chapter 7 does not have standards for this use type, thus requiring a PUD: Planned Unit Development rezoning request for any future development. By having an established use, the application request is much less cumbersome.

Mixed-Use Districts

Properties that are currently zoned commercially will be converted to Mixed-Use Districts allowing for the opportunity to include residential components into a development. This could be done as a true mixed use with both residential and commercial uses or 100% commercial or 100% residential. When presented at the July 26, 2021 City Council work session, several Councilmembers were supportive of this approach as it would minimize the amount of time necessary for converting zone districts to one that would permit residential to address the housing shortage.

It should be noted that no allowances that are granted today will be removed or reduced with the conversion. District changes are as follows –

<b>Mixed-Use Zone Districts</b>	
OR: Office Residential	MX-N: Mixed-Use Neighborhood Scale
OC: Office Complex	
MU-NC: Mixed-Use Neighborhood Center	
SU: Special Use	MX-T: Mixed-Use Transition
C-5: Intermediate Business	MX-M: Mixed-Use Medium Scale
PBC: Planned Business Center	
MU-CC: Mixed-Use Commercial Center	
C-6: General Business	MX-L: Mixed-Use Large Scale
MU-R EC: Mixed-Use Regional Employment Center	
	MX-I: Mixed-Use Institutional
FBZ: Form Based Zone	FBZ: Form Based Zone (Regulating Plan District)
<del>TND: Traditional Neighborhood Development</del>	
<del>PCR: Planned Cultural District</del>	

The districts that have been removed – TND: Traditional Neighborhood Development and PCR: Planned Cultural Resort – will become PDZ: Planned Development Districts. Standards that are codified in current Chapter 7 for these districts have been captured in dimensional standards and permitted uses for all Mixed-Use Zones, such as more permissive building setbacks or the establishment of dimensional standards through a Development Plan.

The current SU: Special Purpose district was initially proposed to be converted into the new MX-I: Mixed-Use Institutional zone district, but property owners insisted that it remain separate. We

have honored this request by converting by name only – the dimensional standards that are in the current SU: Special Purpose zone district will be carried forward with no change in the MX-T: Mixed-Use Transition zone district.

**New Overlay Districts**

Six (6) of the existing Overlay districts will be carried forward, two (2) have been removed, and four (4) new Overlays are being proposed. The two (2) that will be removed have been captured elsewhere –

- DFOZ: Design Flexibility Overlay – This Overlay provided options for flexible standards which have been drafted in several zone districts’ dimensional standards; and
- P/CR: Planned Provision Overlay/Conditions of Record – All Conditions of Record (CRs) will be carried forward as they are entitlements on a subject property. This will be captured in the future rezoning of the City for the next step of the RetoolCOS project.

Overlay Districts	
<del>DFOZ: Design Flexibility Overlay</del>	
AO: Airport Overlay	AP-O: Airport Overlay
	AF-O: United States Air Force Academy Overlay
SS: Streamside Overlay	SS-O: Streamside Overlay
	WUI-O: Wildland Urban Interface Overlay
	ADU-O: Accessory Dwelling Unit Overlay
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	ADS-O: Area Design Standards Overlay
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HR: High Rise Overlay	HR-O: High-Rise Overlay
HS: Hillside Area Overlay	HS-O: Hillside Overlay
<del>P/CR: Planned Provision Overlay/Conditions of Record</del>	

The four (4) new Overlay districts are as follows –

- AF-O: United States Air Force Academy Overlay – At the request of the United States Air Force Academy (USAFA), an Overlay was created to account for requirements for development within a 20,000’ buffer from the runway. While what has been drafted was already being implemented in practice, the Overlay memorializes internal policy. This includes providing notice on Plats and Development Plans informing owners and users of the use of air space around the specified development(s).
- WUI-O: Wildland Urban Interface Overlay – The WUI-O is already in existence but was not listed as an Overlay in Chapter 7. The Overlay is administered by the Office of the Fire Marshal and requirements therein are based on the City of Colorado Springs Fire Prevention Code and Standards.
- ADU-O: Accessory Dwelling Unit Overlay – Established through the Code adoption for ADUs (Accessory Dwelling Units) in June 2020, an ADU Overlay may be requested by an applicant. While none currently exist, the Overlay type was necessary to include in the list.
- ADS-O: Area Design Standards Overlay – The ADS-O provides a future opportunity for a specific area to request an Overlay that will preserve the bulk, form, and dimensional standards of a residential or commercial area. Stakeholder Engagement will be required to ensure consensus within a specified boundary. As with all Overlays, this would be

applied on top of base zone district uses, unless otherwise stated (ex – SS-O: Streamside Overlay).

### Design Standards

Current Code does not include requirements for architectural features or lighting. This has been drafted in the UDC as development standards for new development that is not single-family attached or detached or two-family. These standards are starting small as project staff is mindful of the implications of imposing too much at once.

- Architectural Requirements – Beyond developer-driven architectural requirements for developments, no properties are subject to design standards within the City. Proposed language in Part 7.4.11 ‘Building Design and Site Features’ outlines requirements for façade articulation and a mix of materials, transparency (windows) at the street level for specific use types, and roof articulation. Public art has been incorporated into this section as an option for meeting façade articulation which was created with the Cultural Services Division of the Parks Department and the Public Art Commission (PAC).
- Lighting Requirements – The intent of Part 7.4.12 ‘Exterior Lighting’ is to outline standards for the containment of light within a property while setting limits to levels of intensity. Wall-mounted lighting on single-family and two-family properties are exempt (ex – motion lights).

### Processes

Article 7.5 ‘Administration and Enforcement’ reflects some of the most substantial changes from what is currently codified in Chapter 7. This is largely due to the identification of breakdowns in current processes that are not only cumbersome for applicants but also staff. One of the goals of the RetoolCOS project is to simplify City processes in an effort to remove barriers, which resulted in drafted language being more clear and the inclusion of flowcharts and tables. This also accomplishes an early request from the survey included in the Project Plan. Noteworthy changes are captured in the following Sections –

- Section 7.5.415 Appeals
- Land Use Plans and Development Plans
- Variances and Adjustments

Several iterations of the Appeals Section have been worked through since the release of Module 3 in July 2021. The proposed appeal language has been heavily discussed and vetted with the City Council and focuses on the following –

- Definition of “Affected Party”;
- Clarification on when an appeal can be submitted; and
- Establishment of “standing” for the right to appeal an application.

As outlined in current Chapter 7, Concept and Master Plans will be consolidated into the new Land Use Plan application process. The application of the Land Use Plan has been clarified which should minimize confusion with our processes. For any annexation, rezoning, or establishment of an R-Flex or Mixed-Use District, the Land Use Plan will be required.

Variances and Adjustments have been expanded upon and clarified from what is currently codified with a more logical progression of application types –

- Administrative Relief – Allows for up to a 15% relief to outlined standards (Dimensional Standards, Access and Connectivity, Parking and Loading, and Building Design and Site Features) as approved by Staff.

- Non-Use Variance – For requested relief beyond 15%, an application would be reviewed by the Planning Commission, and would be based on physical hardships.
- Use Variance – As this is a deviation from permitted uses within a zone district and thus a rezoning-type request, the City Council would be the ultimate decision-making body for these applications.
- Development Criteria Adjustment – Requests for deviation from outlined standards (Dimensional Standards, Parking and Loading, and Building Design and Site Features) can be requested if a compensating benefit is provided as an alternative to compliance with established standards.

### **Next Steps**

The UDC draft in front of the Planning Commission represents a compromise amongst all the voices that provided input during extensive stakeholder engagement. Conversations and hearings up to and including the Planning Commission meeting on October 12, 2022 have resulted in amendments, tweaks, additions, and deletions of language. It is important to note that while not all participants who provided input may agree on everything in this document, this is the nature of these large-scale planning efforts. Staff finds that the proposed UDC represents the collective efforts of all those involved and requests that Planning Commission forward this to the City Council with a recommendation of approval. Planning Commission's recommendation on adoption, with any requested changes compiled in a memo, will be presented to the City Council on December 13, 2022 for first reading and second in January 2023.

The RetoolCOS project includes not only the creation of the UDC but also a City-wide rezoning and implementation of new regulations. Users should be aware that if the UDC receives an affirmative vote for adoption, the effective date will be in Spring 2023 to allow for training time and administrative updates of applications, checklists, and implementation of new fees through Budget Committee review and approval.

The City-wide rezoning of properties will be captured in the new names of districts and Overlays. No rights are being removed from property owners, but rather additional opportunities with new uses and more flexibility through dimensional standards. Any property that has a Conditional Use or a Condition of Record will be carried forward as-is.

Based on discussions with the Planning Commission and questions regarding how a transition of this size is administered, Section 7.1.109 'Transitional Provisions' has been included in the UDC draft. This addresses continuity of standards, violations, and legal nonconformities that were in existence prior to the effective date and how those items will be handled.

For applications that are in process during the period between the adoption and effective dates, applicants will have the option to choose between adherence to current Chapter 7, as they would be vested to those requirements, or the UDC if new standards would be more beneficial to the project. This would be an "all or nothing" situation to prevent administrative confusion.

As has been stated several times in public meetings, project staff intends on reviewing the UDC annually to ensure language is being administered as intended, and if not can be amended. Additionally, as future needs are presented and companion Codes are updated (ex – Regional Building Code) to address new uses that have been discussed, such as Electric Vehicles, Planning has the ability to propose future changes.

**ANALYSIS OF COMPREHENSIVE PLAN CONFORMANCE:**

As a directive of PlanCOS, RetoolCOS aligns with several of the established Policies through the adoption of the UDC including –

- **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.

**Summary of Ordinance**

The text of the UDC is set forth separately from the ordinance and is intended to be adopted by reference as provided for in CO State Statute (CRS 31-16-203). The UDC will replace the current Chapter 7 of the City Code in its entirety and serve as the new Chapter 7.

**STAFF RECOMMENDATION:**

**CODE 22-0001- CODE AMENDMENT**

**Recommend to the City Council adoption of an ordinance** repealing and replacing Chapter 7 (Planning, Development and Building) of City Code in its entirety with the Unified Development Code (UDC) also known as the “Zoning Code”.