

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS TO IMPLEMENT THE UNIFIED DEVELOPMENT CODE AS IT DEFINES ZONE DISTRICTS

WHEREAS, pursuant to Ordinance 23-03, City Council adopted the Unified Development Code (“UDC”) as Chapter 7 of the Code of the City of Colorado Springs 2001, as amended (“City Code”), with an effective date of June 5, 2023; and

WHEREAS, the zone districts provided for in the UDC differ from the zone districts in effect prior to the adoption of the UDC; and

WHEREAS, upon the effective date of the UDC, the Traditional Neighborhood Development zone will be abolished; and

WHEREAS, although the Planned Cultural Resort zone district is currently effective through § 7.3.401 *et seq.* of the City Code, it is not codified in the UDC; and,

WHEREAS, the City Council desires to allow the continuation of the Planned Cultural Resort zone district where it currently exists; and

WHEREAS, no future development will be permitted to apply for a Planned Cultural Resort zone; and

WHEREAS, certain zone districts existing prior to the UDC will be reclassified, renamed, or merged to conform to the UDC as described in Exhibit A of this ordinance; and

WHEREAS, certain zone districts existing prior to the UDC, including residential zone districts, will remain in place under the UDC, as described in Exhibit A of this ordinance, subject to the rules, regulations, and standards set forth in the UDC; and

WHEREAS, in order to avoid doubt and confusion regarding the effect of adopting the zone districts provided for in the UDC, City Council desires to provide for the continued validity of certain conditions of approval, entitlements, approvals, and vested property rights as provided for in this ordinance.

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by reclassifying certain zone districts previously defined in City Code to the zone districts defined in the UDC, as described in Exhibit A, attached hereto and made a part hereof.

Section 2. Nothing in this ordinance shall be construed to revoke or repeal any vested right pursuant to any development plan or plat approved prior to the effective date of this ordinance or to impair or relieve the rights or obligations of any party to a development agreement.

Section 3. All zone districts in the City, whether newly established or previously existing, shall be subject to the rules, regulations, and standards of the UDC, except that:

A. All conditions of approval, conditions of record, or conditions stated as a planned provisional overlay/conditions of record (P/CR) in any zoning ordinance in effect immediately prior to the effective date of this ordinance shall remain in effect until repealed or revoked as provided for in the UDC.

B. All approved and effective entitlements, permits, and approvals, including, but not limited to, master plans, development plans, concept plans, subdivision plats, administrative permits, use variances, non-use variances, and administrative relief shall remain in effect, subject to any conditions of approval and the provisions of the UDC, including applicable provisions regarding non-conformities, until expired, repealed, or revoked as provided for in the UDC.

C. All unexpired, accrued vested property rights shall remain vested for six (6) years from the original approval of the related development plan, subject to any conditions of approval and the provisions of the UDC regarding vesting.

D. Design Flexibility Overlay (DFOZ) standards established pursuant to a zoning ordinance in effect immediately prior to the effective date of this ordinance shall remain in effect until repealed or amended pursuant to a zoning map amendment as provided for in the UDC.

E. All Planned Unit Development (PUD) and Traditional Neighborhood Design (TND) zone districts established pursuant to a zoning ordinance in effect immediately prior to the effective date of this ordinance shall become Planned Development Zone (PDZ) districts with the standards established by the prior zoning ordinances and by the master plans, concept plans, and development plans in effect for each property.

Section 4. The PCR Zone is hereby adopted as supplemental to the zone districts provided for in the UDC, and all property zoned PCR as of the date of passage of this ordinance shall be subject to the regulations provided for below:

A. PCR - Planned Cultural Resort: This zone district is intended to provide a framework for the unified development of unique mixed use cultural, resort, or recreational developments intended to attract visitors from both within and outside the Colorado Springs metropolitan area. Due to specialized characteristics and potential impact on the surrounding community, these developments do not easily fit into the intent and purpose of other zone districts.

1. Purpose: The purpose of the PCR Zone is:
 - a. To provide for flexibility and innovation of design in order to promote the most suitable use of the site;

- b. To facilitate efficient and timely provision of streets, utilities, and Municipal services;
- c. To achieve a compatible land use relationship with the surrounding area;
- d. To preserve the unique, natural, scenic, historical, and cultural features of the site;
- e. To encourage a high quality of design in new development; and
- f. To promote tourism and economic development in the community.

2. Amendment Of A PCR Zone: No new PCR Zone may be established within the City. Existing PCR Zones shall continue and may be amended within their established boundaries. The application for amendment of the PCR Zone ordinance shall follow zone change procedures listed in the Unified Development Code (the "UDC"). The Manager of the Community Development Department may require any or all of the following to accompany any application for amendment: a regional context plan, a concept plan, or a phasing plan, as described below. The review of the amendment request shall be based on the criteria established in the UDC and may be informed by the regional context plan, concept plan, and phasing plan. Each PCR Zone is defined by the permitted uses, conditions and design parameters approved in the zoning ordinance and in related land use plans and development plans.

3. Regional Context Plan: The purpose of the regional context plan is to illustrate the relationship between the proposed PCR Zone and the surrounding area. The regional context plan is an inventory of existing and proposed land uses, transportation systems, and utility systems, drainage basin boundaries (including special districts), planning area or land use plan boundaries, existing and planned parks, schools and other public facilities, and significant physical features in the vicinity of the proposed PCR Zone. The Manager may require an updated Regional Context Plan to accompany any application for a development plan or major amendment to a development plan in the PCR Zone. The boundaries of the area to be covered by the regional context plan shall be determined by the Manager who shall consult with appropriate City staff. The boundaries of the plan shall be established to include all areas expected to potentially influence or be influenced by the proposed PCR development, in the discretion of the Manager. Factors to be considered in determining the regional context plan area may include, but are not limited to, topography, visual line of sight, natural ecosystems,

transportation systems, utility systems, water and air drainage basins, noise impact, existing subcommunities, land use plan areas and political jurisdictions.

4. Concept Plan: The concept plan shall consist of a graphic illustration of the proposed development along with accompanying written information describing and justifying the proposed uses, intensity, setbacks, height, buffers, screening, access, vehicular and pedestrian circulation, parking, sign controls, lighting, noise controls, and required public infrastructure for development of the zone district. All subsequent development of the district shall be in conformance with these design parameters established at the time of zoning which are based upon the concept plan review criteria listed below. It is intended that the PCR concept plan will be more detailed and restrictive on the periphery of the zone and more flexible and general on the interior of the zone. More intensive uses should be clustered near the center of the development with less intensive uses which are more compatible with adjacent land uses located near the perimeter.

The concept plan shall provide the information required by the application forms and instructions provided by the Community Development Department. A concept plan which substantially meets the objectives of the review criteria listed below may be approved. The Community Development Department may determine that certain criteria are irrelevant based on the characteristics of the individual project. The concept plan review criteria shall include:

- a. The proposed development will not have a detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood of the proposed development.
- b. The intensity of development is appropriate, and the design reflects an effort by the developer to blend the project harmoniously into the surrounding area by means of appropriated density, landscape buffering, access points, building types, bulk and placement, and other means.
- c. The proposed density relates to the topography and other natural features of the site, and the design minimizes destruction of desirable natural features and utilizes these elements in the project design.
- d. The permitted uses, bulk requirements, and required landscaping are appropriate to the type of development, neighborhood, and community.

- e. The proposed access points, traffic circulation, parking areas, and pedestrian areas are designed to promote safety, convenience, and ease of traffic flow and pedestrian movement both on and off the site.
- f. The proposed development does not overburden the capacities of existing streets, utilities, parks, schools, or other public facilities.
- g. The proposed development promotes the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods.
- h. The concept plan shows how any potentially detrimental use to use relationships will be mitigated, and the development provides a gradual transition between uses of differing intensities.
- i. The proposed concept plan is in compliance with the Comprehensive Plan.
- j. Any accompanying phasing plan calls for completion of perimeter buffers early in the development of the project and provides for timely construction of public facilities needed to adequately serve the proposed development in a safe and convenient manner.

5. Phasing Plan: When development projects utilizing the PCR Zone may be developed incrementally over a number of years, the Manager shall require a phasing plan that describes in written and graphic form how the project is to be incrementally developed. The plan shall address the phasing of roads, utilities, drainage improvements, building development, buffer treatments, parking, and interim uses.

The phasing plan will relate the development phases to infrastructure requirements for each phase. It shall be a working document used to identify the timing and responsibility for construction of necessary infrastructure and aid in capital improvements budgeting. The Manager may require annual progress reports be submitted to the Community Development Department. Amendments to an approved phasing plan shall require a public hearing before the Planning Commission and approval by the City Council.

6. Concept Plan Amendments: Amendments to PCR concept plans shall be processed in accord with the provisions of this ordinance.

7. Development Plan: A final development plan in conformance with the approved concept plan and phasing plan shall be submitted in accord with the UDC before any building permits may be issued. The development plan and any amendments shall be reviewed for compliance with the criteria set forth in the UDC and the purposes of this ordinance.

8. Subdivision: Subdivision of the PCR District shall be in accord with the approved concept plan and phasing plan and shall comply with all applicable requirements of the UDC.

B. All PCR Zone regional context plans, concept plans, development plans, development agreements, and any other agreements or entitlements applicable to existing PCR Zones shall remain in full force and effect until amended or expired as provided for in the UDC and in this ordinance.

C. The general administrative processes and procedures of the UDC shall apply to applications for amendments to the PCR Zone and to requests for entitlements, permits, and approvals within the PCR Zone.

Section 5. This ordinance shall be in full force and effect as of June 5, 2023 and after its final adoption and publication as provided by Charter.

Section 6. 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 _____, 2023.

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