

ORDINANCE NO. 23 - 17

AN ORDINANCE INCORPORATING VARIOUS AMENDMENTS TO THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AS IT RELATES TO CHAPTER 7 (UNIFIED DEVELOPMENT CODE) TO COINCIDE WITH THE ADOPTION OF UNIFIED DEVELOPMENT CODE

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

Section 1. The following sections of the Code of the City of Colorado Springs 2001, as amended, are amended to read as follows:

1.6.502: SOURCE OF REVENUES:

All unit drainage fees paid to the City or other revenue received by the City for the construction of drainage facilities under the ~~City's Subdivision Code~~ **Subdivision Standards of the UDC** shall be placed in the subdivision storm drainage fund. Fees and revenue from each drainage basin shall be segregated in a subfund within the subdivision storm drainage fund. Fund monies shall be administered as provided in the City's Subdivision Code.

\* \* \*

2.2.102: DEFINITIONS:

\* \* \*

RETAIL MARIJUANA STORE: Footnote: 1.

\* \* \*

Notes

- 1 Definitions of "~~educational institution~~", "drug and alcohol treatment facility", and "residential childcare facility" are found in section ~~7.2.302~~ **7.6.301** of this Code.

\* \* \*

2.2.203: LICENSE REQUIRED; TERM; TRANSFERABILITY; FEES:

\* \* \*

B. All marijuana consumption club licenses shall expire one year from the date of issuance, unless suspended or revoked earlier. In accord with section ~~7.3.205~~ **7.3.303** of this Code, all marijuana consumption club licenses shall not be valid beyond the date of March 22, 2024.

\* \* \*

### 3.2.217: OBSTRUCTION ON PUBLIC WAYS PROHIBITED; REMOVAL:

\* \* \*

D. \* \* \*

2. \* \* \*

b. The sign is not placed within the downtown core as defined in subsection ~~7.4.414F~~ **7.4.1312(F)(2)** of this Code; and

\* \* \*

### 3.2.218: SMALL CELL FACILITIES:

Small Cell Facilities may be located in the right-of-way pursuant to the requirements of City Code Section ~~7.4.601 et. Seq~~ **7.3.303**. The Mayor or designee shall set the terms, fees, compensation and conditions relating to the use of the right-of-way for Small Cell Facilities, consistent with the provisions of this Code.

\* \* \*

### 3.3.109: GRADING PLANS; DRAINAGE FACILITIES; ARTERIAL BRIDGES:

Grading plans, public drainage facilities and arterial roadway bridges shall be designed and constructed in accord with the "Public Works Design Manual", the "Subdivision Policy Manual" and the ~~City's Subdivision Code~~ **Subdivision Standards of the UDC** and the related construction plans shall be submitted to the City Engineer for review and acceptance.

\* \* \*

### 6.7.110: SPECIFIC ANIMALS PROHIBITED; EXCEPTION:

\* \* \*

D. \* \* \*

11. Owners and keepers of potbellied pigs are exempt from the provisions of subsection ~~7.3.105~~**7.3.303(A)(2)** of this Code.

\* \* \*

#### 6.14.301: CITY BUILDING CODE, EFFECT ON CONSTRUCTION DEFECT CLAIMS IN COMMUNITIES:

With respect to construction in residential, common interest communities, covered by this article, a violation of, or failure to substantially comply with, the Pikes Peak Regional Building Code, as adopted under section ~~7.10.101~~**7.4.1401**, et seq., of this Code (the "~~City~~**Regional** Building Code"), shall not: a) create a private cause of action or b) support or prove any construction defect claim, regardless of the statutory or common law theory under which the claim is asserted, unless such defect constitutes a "construction defect" as defined under this article or such defect constitutes a breach of an express warranty or contract.

A. A violation of, or failure to substantially comply with, the ~~City~~**Regional** Building Code shall not under any circumstances support or prove any construction defect claim based upon a theory of strict liability or under the common law doctrine of negligence per se.

B. The ~~City~~**Regional** Building Code is intended to establish a minimum standard for safe and sound construction. Therefore, any particular element, feature, component or other detail of any improvement to real property that is specifically regulated under the ~~City~~**Regional** Building Code, which is constructed or installed in substantial compliance with such code, shall not be considered defective for purposes of proving any construction defect claim. Provided, however, that higher standards than those established by the ~~City~~**Regional** Building Code may be imposed through the provisions of an express warranty and/or contract, so nothing in this article shall prevent the enforcement of such warranty or contract standards.

#### 8.4.105: AMENDMENTS TO THE INTERNATIONAL FIRE CODE:

\* \* \*

K101.1 Scope. Wildfire Risk Mitigation: Wildfire risk reduction techniques shall include monitored smoke alarm systems, sprinkler systems, fire resistant roofing materials which are class A (excluding solid wood roofing products) for all residential occupancies, a minimum class B on all other occupancies, fire resistive construction materials, and fuels management measures. Within the wildland urban interface, fuels management measures shall be utilized within the safety zone of applicable new building construction. Fuels management is defined as the modification of the natural vegetation within the safety zone. Fuels management requirements, as set forth below, are intended to protect structures from wildfire as well as to reduce fire from spreading to the wildland. The safety zone is defined as the area within thirty feet (30') of the main structure or significant accessory structures, not to extend beyond the property line. As it is the City's desire to

provide an environment safe from wildfire while maintaining the aesthetic qualities of the native hillside, the following wildfire risk reduction standards shall be required for all new building construction or reconstruction in the wildland urban interface, regardless of development plan approval date or initial construction plan approval, and in accordance with Section ~~7.3.504~~**7.2.610** of the Code of the City of Colorado Springs.

\* \* \*

K201.1 Scope. Fire protection system requirements for wildland urban interface homes shall only apply to the conditions listed below as specifically addressed within Section ~~7.3.504~~**7.4.302(J)(1)** of the Code of the City of Colorado Springs.

\* \* \*

#### 12.2.403: CONVERSION; CONDITIONS:

##### A. \* \* \*

1. The proposed conversion area shall be deemed adequate in size by the Chief Executive Officer. An area less than one "Block", as the term is defined in ~~section 7.7.108~~**Chapter 7** of this Code, shall not be considered for conversion.

\* \* \*

#### 12.4.301: SERVICE; APPLICATION FOR:

\* \* \*

B. No premises shall be supplied with a permanent water connection from the water system unless the same shall be designated by official street name and number and the number shall be placed and maintained conspicuously, in accord with the addressing requirements of this Code, ~~and in particular, chapter 7, article 10, part 5 of this Code, and section 8.4.105 of this Code~~ **the Regional Building Code, and International Fire Code requirements.**

\* \* \*

#### 12.4.302: SERVICE OUTSIDE CITY; POLICY:

A. The policy of the City relating to the furnishing of water service to property lying outside the corporate limits of the City is set forth in subsection ~~7.6.201~~**7.5.701** of this Code. Utilities expressly reserves the right, except as otherwise specifically limited by State or Federal law, to impose the conditions as it may see fit relative to the furnishing of the service and to refuse service in its discretion.

\* \* \*

#### 12.4.303: SERVICE OUTSIDE CITY; APPLICATION FOR:

Any person desiring to connect a service line which is located outside the corporate limits of the City to the water supply system shall comply fully with sections ~~7.6.204 through 7.6.210~~**7.5.701** of this Code. The person shall then make application to Utilities for water service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Chief Executive Officer to determine compliance with all tariffs, ordinances, regulations or rules concerning the water system. The Chief Executive Officer shall review and approve or disapprove the application as complying or failing to comply with all tariffs, ordinances, regulations or rules concerning the water system of the City.

#### 12.4.1201: SCOPE AND APPLICABILITY:

\* \* \*

D. In accord with section ~~7.10.103~~**7.5.1401** of this Code, where in any specific case different requirements are specified by the Regional Building Code, the more restrictive shall govern.

\* \* \*

#### 12.5.302: SERVICE OUTSIDE CITY; POLICY:

City policy relating to the furnishing of wastewater treatment service to users located outside the corporate limits of the City is set out in subsection ~~7.6.204~~**7.5.701** of this Code. Utilities expressly reserves the right, except as otherwise specifically limited by State or Federal law, to impose the conditions as it may see fit relative to furnishing the service, and may refuse the service in its discretion. (Ord. 98-173; Ord. 99-162; Ord. 01-42)

#### 12.5.303: SERVICE OUTSIDE CITY; APPLICATION FOR:

Any person desiring to connect a service line and/or add fixtures to an existing connection which is located outside the City limits shall comply fully with sections ~~7.6.204 through 7.6.210~~**7.5.701** of this Code. The person shall then make application to Utilities for wastewater service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Chief Executive Officer to determine compliance with all tariffs, ordinances, regulations or rules concerning the wastewater system. The Chief Executive Officer shall endorse approval or disapproval of the application as complying or failing to comply with all tariffs, ordinances, regulations or rules concerning the wastewater system of the City.

\* \* \*

#### 12.5.406: WASTEWATER LINES; COMPLIANCE WITH SUBDIVISION REQUIREMENTS:

No wastewater lines shall be laid or placed in any proposed addition or subdivision to the City until the proposed addition is platted and approved as provided in **7.4.3** ~~chapter 7, article 7~~ of this Code, except the Chief Executive Officer may approve the installation of facilities after final approval of the final plat, but prior to the recording of the plat, upon the request of the owner subject to an agreement as prescribed by the Chief Executive Officer.

\* \* \*

#### 12.9.102: LEGISLATIVE FINDINGS:

\* \* \*

F. The service charge should be established in an amount sufficient to defray the revenue requirement of the street lighting service to Utilities for streetlight infrastructure on arterial and residential streets not otherwise recovered pursuant to section ~~7.7.8017.4.303~~ **7.4.303** of this Code;

\* \* \*

#### 12.9.103: STREET LIGHTING SERVICE CHARGE:

Utilities is authorized and directed to assess and collect a service charge, denominated as the street lighting service charge, from the Municipal government of the City of Colorado Springs. The revenues received from the street lighting service charge shall be sufficient to defray the costs of street lighting service within the City of Colorado Springs, such costs may include, but are not limited to, the operations and maintenance expenses, inclusive of power consumption, and all capital costs associated with arterial and residential street lighting infrastructure not recovered through section ~~7.7.8017.4.303~~ **7.4.303** of this Code.

#### 14.8.102: FUNCTIONS AND ACTIVITIES:

\* \* \*

D. Make recommendations to the Subdivision Storm Drainage Board for drainage basin studies and periodic drainage basin study updates for new and existing infrastructure to address design requirements and fiscal impacts for planning, operation, capital and development, and fund drainage basin study updates for drainage infrastructure and facility planning in accord with section ~~7.7.9107.4.702~~ **7.4.702** of the City Code.

\* \* \*

Section 2. This ordinance shall be in full force and effect from and after June 5,

2023.

Section 3. 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 28<sup>th</sup> day of March 2023.

**Finally passed:** April 11, 2023

  
Council President

**Mayor's Action:**

- ☒ Approved on 4/14/2023.
- ☐ Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John W. Suthers  
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  
Sarah B. Johnson, City Clerk



CAO: ms  
COS: \_\_\_\_\_



I HEREBY CERTIFY that the foregoing ordinance entitled **“AN ORDINANCE INCORPORATING VARIOUS AMENDMENTS TO THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AS IT RELATES TO CHAPTER 7 (UNIFIED DEVELOPMENT CODE) TO COINCIDE WITH THE ADOPTION OF UNIFIED DEVELOPMENT CODE”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on March 28, 2023; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 11<sup>th</sup> day of April 2023, and that the same was published by title and in summary, in accordance with Section 3-80 of Article III of the Charter, a newspaper published and in general circulation in the Gazette, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 11<sup>th</sup> day of April 2023.

  
Sarah B. Johnson, City Clerk



1<sup>st</sup> Publication Date: March 31, 2023

2<sup>nd</sup> Publication Date: April 19, 2023

Effective Date: April 24, 2023

Initial: SBS  
City Clerk