



## Legislation Text

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**File #:** ZONE-23-0006, **Version:** 3

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Ordinance No. 23-18 amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts

**Presenter:**

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**Summary:**

The RetoolCOS project includes the adoption of a new Unified Development Code (UDC) which will repeal and replace the current City Code Chapter 7. To implement revised zone district standards established in the UDC, a City-wide rezoning must occur as the step to follow text adoption.

**Previous Council Action:**

At the second reading on February 14, 2023, the City Council voted 8-1 (Councilmember Donelson voting no) to adopt the UDC to repeal and replace the Chapter 7 Zoning & Subdivision Ordinance.

**Background:**

To implement the new zone districts and associated regulations established in the Unified Development Code (UDC) through the RetoolCOS project, including associated uses and dimensional standards, a City-initiated rezoning is necessary. The outlined changes with zone district revisions will go into effect at the same time as the UDC on June 5, 2023. It should be noted that this is a renaming process of existing zone districts and no allowances that are granted today in Chapter 7 (pre-UDC effective date) will be removed or reduced with the conversion, but rather expanded upon for the benefit of property owners.

**Zone District Changes**

The zoning map of Colorado Springs is to be updated to ensure the implementation of the new UDC through the RetoolCOS project. Simply stated, without the conversion from the current zone districts in Chapter 7 to the new districts in the UDC, the new Code will not be valid. Several districts have name changes with new permissions while others may be eliminated and will their standards either captured in other zone districts or converted to PDZ Planned Development Zones. The RetoolCOS zone change full ordinance outlining proposed changes can be found in the attached. EXHIBIT A outlines the extent of the new naming convention, consolidation, and removal of existing zone districts. Districts that will be removed have been struck and their new zone district designation indicated.

**R-Flex Districts**

The R-Flex zone districts will not be applied to any existing developments. The opportunity for rezoning once the UDC is in effect (June 5, 2023), property owners will be able to request these zone districts if desired. The process is unchanged from what currently exists in Chapter7, including the

need for public notice and public hearings through the Planning Commission and City Council.

#### Mixed-Use Districts

Properties that are zoned commercially will be converted to Mixed-Use Districts allowing for the opportunity to include residential components into a development as a use by right. This could be done as a true mixed use with both residential and commercial uses or 100% commercial or 100% residential.

#### Existing PUD Planned Unit Development

All properties zoned as PUD Planned Unit Development will be renamed to PDZ Planned Development Zone. Defined uses and dimensional standards for all PUDs are site-specific and will carry forward retaining all vested approvals.

#### TND Traditional Neighborhood Development

The TND Traditional Neighborhood Development zone district is applied to one development, Gold Hill Mesa. While the majority of the standards established through the TND zone district have been met, several phases have approved variances that deviate from codified requirements. Because of this, Staff felt that applying the PDZ Planned Development Zone district allowed for better capturing of those deviations in addition to the base zone requirements. All previously-approved conditions and variances will be carried forward in the newly established PDZ.

#### PCR Planned Cultural Resort

The PCR Planned Cultural Resort district will be preserved as currently codified in Chapter 7 and will not be an option for future rezonings. This is largely due to the zone district having been applied to three properties since its existence in Chapter 7. Dimensional standards for the PCR district are somewhat similar to the PUD Planned Unit Development zone district as providing an option for uses necessitating use-specific requirements or conditions. The existing PCR zone district ordinances that apply to those three properties outline specific requirements which includes uses and dimensional standards, largely similar to the functionality of a PUD, thus why PCR has not been widely utilized. All established standards on those properties are being retained.

#### Overlay Districts

Six (6) of the existing Overlay districts will be carried forward while two (2) will be removed and four (4) new Overlays have been established through the UDC. The standards of the two (2) Overlay districts that will be removed have been captured in other hard zoned districts -

- DFOZ: Design Flexibility Overlay - This Overlay provided options for flexible standards which have been drafted in several zone districts' dimensional standards, such as the R-Flex zone districts; 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.

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 (USFA), 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).

#### Vested Property Rights

As stated in Section 2 of the associated ordinance, this process will not revoke or repeal any vested rights of the properties that are being renamed or converted to PDZ Planned Development Zone districts as this process changes the naming convention of the above-highlighted zone districts to implemented the Council-adopted UDC. No allowances have been reduced through the RetoolCOS project but rather expanded upon. Additionally, all vested rights pursuant to any Development Plan or plat approved prior to the effective date of the UDC (June 5, 2023). This also includes the retention of any Conditions of Record (CRs) that may exist on a property.

#### Financial Implications:

N/A

#### Board/Commission Recommendation:

Specific to this step in the RetoolCOS process (zone district renamings), the Planning Commission voted 7-0 (Commissioners Hente and Raughton being excused) for approval recommendation to the City Council at the March 8, 2023 public hearing.

#### Stakeholder Process:

Throughout the course of the RetoolCOS project, Staff has provided 94 project updates to various groups which includes the 7 public open houses; 53 presentations to City Boards and Commissions including the Planning Commission, City Council (including today's discussion), Historic Preservation Board, Downtown Review Board, CSURA Board, Food Policy Advisory Board, and Public Arts Commission; 9 updates to USAFA and/or Airport-focused Committees, including the AAC (Airport Advisory Committee) and JLUS (Joint Land Use Study) Committee; and 25 updates to community organizations including PPAR (Pikes Peak Association of Realtors), SCCB (Southern Colorado Commercial Brokers), and organized neighborhoods or HOAs such as the Historic Neighborhood Partnership (9 meetings). In addition to the 70 project updates to outside entities, project Staff has had over 400 internal meetings with various City Departments/Divisions, Colorado Springs Utilities, and PPRBD. This stakeholder involvement not only informed participants of the proposed UDC language but also the anticipated zone district name changes.

Members of the public were made aware of drafts and project updates through RetoolCOS email blasts. The 700+ participant list consists of residents/business owners/developers who have participated in the process either by attending Open Houses or submitting comments during public review periods.

**Alternatives:**

The Council may make changes to the proposed draft ordinances as deemed necessary.

Refer the changes to the City Planning Commission for additional vetting and recommendation.

Approve the proposed draft ordinance as presented.

Proposed Motion:

Adopt an ordinance amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts

An ordinance amending the zoning map of the City of Colorado Springs to implement the Unified Development Code as it defines zone districts