



## Legislation Text

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**File #:** CODE-22-0001, **Version:** 5

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Ordinance No. 23-03 repealing Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and adopting the Unified Development Code of the City of Colorado Springs, incorporating various building codes, other primary and secondary codes, as included, and providing for the penalties and remedies for violation thereof

### **Presenter:**

Morgan Hester, Planning Supervisor  
Mike Tassi, Assistant Director of Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development  
Don Elliott, Clarion Associates

### **Summary:**

Provision of requested amendments reflective of the previous vote at first reading and requested final adoption of the Unified Development Code (UDC) otherwise known as the RetoolCOS project.

### **Previous Council Action:**

Since the December 2019 kick-off, project staff met with the City Council 24 times (including today) at both work sessions and regular meetings to discuss the progress of the RetoolCOS project and seek guidance on new concepts. Staff met with Planning Commission 16 times with similar discussions.

At the January 10, 2023, City Council meeting, a vote was postponed to January 24, 2023. The City Council voted 8-1 to approve the Unified Development Code (UDC) at the January 24, 2023, hearing.

### **Background:**

The City Council voted to approve the Unified Development Code (UDC) with changes at the January 24, 2023, with an 8-1 vote (Councilmember Donelson voting no). At the meeting, requested changes were discussed and have been captured in the "clean" version of the UDC which will ultimately be adopted and go into effect Summer 2023.

The vote included the requested changes that were presented at the January 10, 2023, public hearing which came from Planning Commission and Staff. The Council requested additional changes after the January 10, 2023, hearing as outlined in a PowerPoint that was included in the agenda packets for the January 24, 2023, hearing. At that meeting, the consensus was that Staff would only present on topics that the City Council provided comment on. These topics have been outlined below and are associated with their topic number from the January 24, 2023, hearing -

1. "Neighborhoods" in the purpose statement;
2. Lot coverage increase for existing residential zone districts;
3. New MX-N district which proposes the consolidation of existing OR Office Residential and OC Office Complex;
4. Appeals; and

## 8. TOD language.

The Council came to an agreement on the following (further outlined in ATTACHMENT 1 that outlines requested changes which are represented in the redlines titled ATTACHMENT 2, 3, and 4) -

1. Include “neighborhoods” in the purpose statement; (see revised language in ATTACHMENT 1)
2. Leave the Planning Commission-vetted change to lot coverage as-is (includes the 10% increase for existing residential zone districts);
3. Separate OR Office Residential and OC Office Complex, resulting in OR Office Residential being left as-is (specific to uses) in Chapter 7;
4. Increase the radius for the establishment of standing to 3-miles from proposed 2-miles; and
8. Include HP-O language in the TOD incentive section.

In addition to the above, all Planning Commission-requested changes from the October 28, 2022, approval recommendation were accepted and carried forward with the exception of Planning Commissions recommended re-inclusion of electric vehicle charging station requirements (now removed from the UDC by vote of the Cit Council).

Due to the level of changes required that appear throughout the UDC draft to address the Council-requested change to keep the existing OR Office Residential zone district as codified in Chapter 7 (specific to uses), redlines have not been included in the supplemental documents but changes have been made to maintain the OR Office Residential district. The final version of the UDC reflecting all changes has been included in the agenda backup.

### **Financial Implications:**

RetoolCOS proposes changes to the application process which will impact fees collected by the Planning & Community Development at the time of submittal. These fees will be heard by and discussed at a later date by the Budget Committee prior to the effective date of the UDC.

### **Board/Commission Recommendation:**

The City Council voted to approve 8-1 (Councilmember Donelson voting no) the UDC with requested changes. Those changes have been outlined in ATTACHMENT 1. Previously requested changes from the Planning Commission and Staff, which were discussed at the January 10, 2023, City Council hearing with the exception of requirements for electric vehicle charging stations, have been included in the “clean” version of the UDC for adoption.

The Planning Commission held three public hearings to hear the RetoolCOS project - September 22, 2022, October 12, 2022, and October 28, 2022. A vote was taken at the October 28, 2022, resulting in an 8-0 (Commissioner Briggs being absent) recommendation to the City Council with requested changes.

At the October 28, 2022, hearing, twelve residents spoke in opposition, nine of whom are members of the HNP, and four spoke in support of the project.

### **Stakeholder Process:**

Throughout the course of the RetoolCOS project, Staff has provided 90 project updates to various groups which includes the 7 public open houses; 50 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 24 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.

Since the inception of the project, six Public Open Houses were promised, focusing on -

- RetoolCOS project introduction (December 2019);
- Project Plan discussion (February 2020);
- Introductions of each of the three Modules (May 2020, November 2020, and July 2021); and
- Consolidated Draft discussion (October 2021).

One additional Public Open House was held (March 2021) due to the re-release of the Module 1 (revised) & 2 draft as Staff felt it was important to share with participants what changes were made based on extensive feedback received through the public comment period before moving forward.

Members of the public have been 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 repealing and replacing Chapter 7 (Planning, Development and Building) of City Code in its entirety with the Unified Development Code (UDC) which will serve as the zoning code and Chapter 7 of the City Code of the City of Colorado Springs 2001, as amended.

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.