



Legislation Text

File #: 24-160, **Version:** 1

Ordinance No. 24-18 amending Section 415 (Appeals) of Part 4 (General Procedures) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to scheduling of hearing.

(First Reading)

(Legislative)

Presenter:

Peter Wysocki, Director, Planning + Neighborhood Services

Mike Tassi, Assistant Planning Director, Planning + Neighborhood Services

Summary:

The Unified Development Code (UDC) requires that a public hearing for an appeal be scheduled for the next available regular agenda of the appellate body that it at least 20 days after the receipt of the appeal.

After the June 5, 2023, effective date of the UDC, it has been the experience that the inflexibility of this provision of the UDC was creating scheduling conflicts for the parties involved. This also eliminates any flexibility for setting City Council agendas, which may lead to very lengthy Council meetings. The proposed amendment (see Exhibit 1 - Redline of amendment to UDC Subsection 7.5.415 - Appeals - Scheduling of Hearing) provides a remedy that allows the parties, city staff and City Council to collectively agree on a date for the appeal that is within a 30-60 day window after receipt of the appeal. Therefore, allowing a negotiated date that complies with Code while enhancing transparency and predictability for the applicant, appellant, and the City. This amendment is supported by Planning staff and Legislative Services staff.

The amendment was vetted by stakeholder organizations, including the Housing and Building Association. The HBA understands the scheduling issue and does not object to the amendment.

Review Criteria:

The City Council shall review the application and the recommendation from the Planning Commission at a public hearing and make a decision based on the approval criteria in Subsection D below.

UDC Section 7.5.702.D - Approval Considerations

1. General

The Planning Commission may recommend approval or approval with conditions, and City Council may approve or approve with conditions, after paying due regard to each of the following factors:

- a. The Colorado Springs Comprehensive Plan and other Plans adopted by the City Council.
- b. The current conditions and character of current structures and uses in each zone district.

- c. The most desirable use of land in each zone district.
- d. The conservation of sensitive environmental features.
- e. Promotion of responsible development and growth.

Previous Council Action:

Ordinance 23-03 adopting the Unified Development Code was approved by the City Council on February 27, 2023.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

City Planning Commission voted 8-0-1 (with Commissioner McMurray absent) to recommend approval to the City Council the amendment to 7.5.416.A6 (Appeals - Scheduling of Hearing)

Proposed Motions:

CODE-24-002 - UDC Amendment - Appeals

Approve Ordinance 24-18 amending Section 415 (Appeals) of Part 4 (General Procedures) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to scheduling of hearing.

An ordinance amending Section 415 (Appeals) of part 4 (General Procedures) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, pertaining to scheduling of hearing. (Legislative)