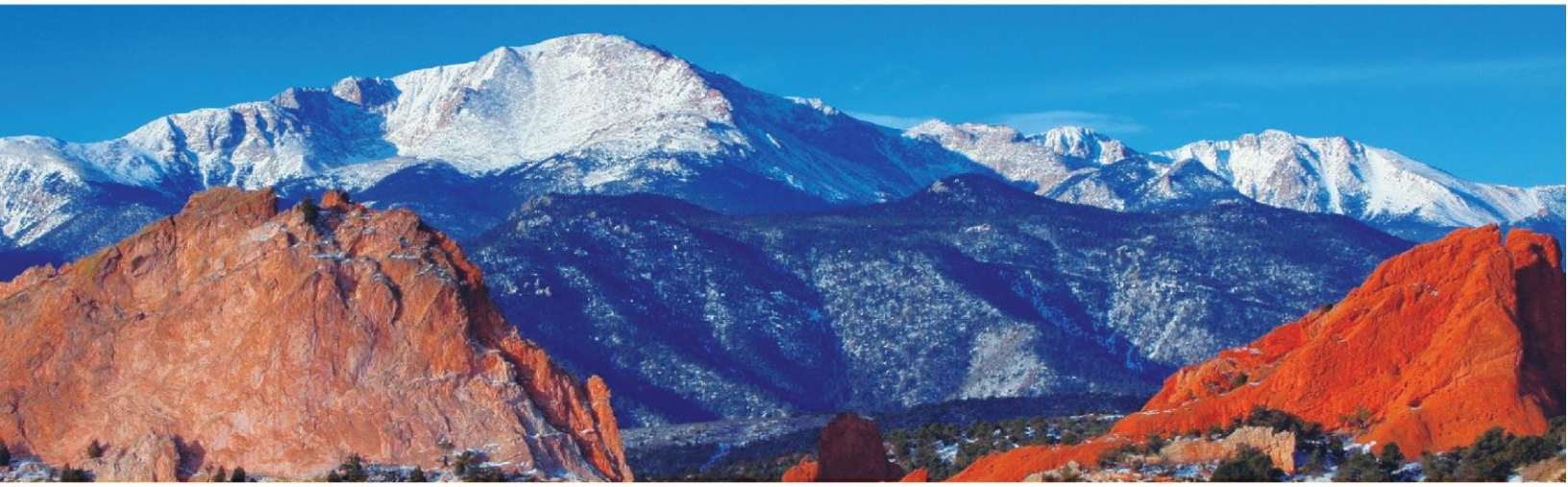
RetoolCOS

UNIFIED DEVELOPMENT CODE (UDC) PROJECT

MODULE 1: DISTRICTS AND USES

MODULE 2: DEVELOPMENT & DESIGN STANDARDS

MODULE 3: REVIEW & APPROVAL PROCEDURES



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COLORADO SPRINGS
OLYMPIC CITY USA

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Article 7.1 General Provisions[1]

Note about General Provisions. Article 7.1 was prepared after the release of the public draft of Module 2 of the UDC. This article consolidates general information relating to the establishment and operation of the new UDC, including legal authority, purpose, applicability, and provisions regarding the transition from the existing zoning and subdivision ordinance to the new UDC.

7.1.1 TITLE

This ordinance, Chapter 7 of the City Code of Colorado Springs, shall officially be known as the Unified Development Code of the City of Colorado Springs, and is sometimes referred to within this document as "the UDC" or "this UDC." A copy of the official UDC is available on the City's website or in the City's Planning Department.[2]

7.1.2 AUTHORITY[3]

7.1.201 This UDC is adopted pursuant to the Home Rule powers granted to the City by Article XX of the Colorado Constitution, the Charter of the City of Colorado Springs, and the powers and authority conferred by the laws of the State of Colorado upon all municipal corporations, including without limitation those in C.R.S. §§ 31-23-301 et. seq. (Zoning), C.R.S. §§ 31-23-101 et. seq. (Subdivision), C.R.S. §§ 29-20-101 et. seq. (Local Government Land Use Enabling Act), C.R.S. §§ 24-65.1-101 et. seq. (Areas and Activities of Statewide Interest), C.R.S. §§ 29-20-104 et. seq. (Impact Fees), and C.R.S §§ 31-12-101 et. seq (Municipal Annexation Act of 1965, as amended),

7.1.202 Authority is granted to the Manager or Planning and Development, the Planning Commission established in Section <7.5.202>, and other officials and bodies named in Section <7.5.2> (Review and Decision-Making Bodies) for the interpretation and administration of the UDC pursuant to the authority granted to the City by the Charter of the City of Colorado Springs, and according to the powers and authority pursuant to Title 31, Article 23 of the Colorado Revised Statues, as amended and other applicable laws, statutes, ordinances and regulations of the State of Colorado.

7.1.203 It is the intent of the City to have available all powers of a Home Rule municipality under Colorado law to control land uses, land development, and the impacts of land use and development.

7.1.204 It is the intent of the City to interpret and administer this UDC in compliance with all applicable state and federal law, and that if any provision of this UDC is later held by a court of competent jurisdiction to violate state or federal law the effect of that decision be interpreted narrowly, so that all other provisions of this UDC remain in full force and effect and that the invalidation affect as few properties as possible.

7.1.3 PURPOSE[4]

The purpose of this UDC is to:

A. Implement the Comprehensive Plan, as may be amended or replaced from time to time.

B. Ensure that land throughout the City is used in an appropriate fashion, consistent with the Comprehensive Plan and other plans and policies adopted by the City.

[1] All provisions in Article 7.1 are new in the Revised Public Draft.
[2] References to "Community Development Department" and "Department of Planning and Development" have been changed to "Planning Department" throughout this Revised Public Draft, for consistency and at staff's direction.
[3] New section.
[4] Updates existing purpose statements to reflect priorities of PlanCOS.

C. Ensure the logical growth of the City's physical elements.

D. Promote health, safety, and general welfare.

E. Provide opportunities for affordable, attainable housing throughout the City.

F. Provide adequate transportation facilities for all modes of travel, including walking, bicycling, taking transit, and driving.

G. Facilitate adequate provision of utilities, schools, parks, and other public infrastructure services.

H. Improve connectivity within and between neighborhoods and commercial developments.

I. Encourage mixed-use development.

J. Protect property values.

K. Ensure safety from fire, panic, and other dangers and provide adequate light and air.

L. Preserve residential neighborhoods.

M. Protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions.

7.1.4 APPLICABILITY[5]

The regulations of this UDC shall apply to all property within the corporate limits of the City of Colorado Springs, including land annexed into the City after the Effective Date.

7.1.5 CONFORMITY WITH REGULATIONS REQUIRED[6]

Except as specified in this UDC, it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in compliance with all applicable provisions of this UDC.

7.1.6 CONFLICTING PROVISIONS[7]

A. If two or more of the regulations in this UDC conflict with each other, or conflict with other applicable laws or regulations of the City, or conflict with applicable state or federal law, the stricter provision shall apply, except as noted in Subsection B below.

B. If any regulation contained in Section 7.2.5 (Overlay Zone Districts) conflicts with any other regulation in a different section of this UDC, the provisions of Section 7.2.5 shall apply regardless of whether it is more or less strict than the conflicting provision.

7.1.7 RELATIONSHIP TO PRIVATE COVENANTS[8]

This UDC applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not have any obligation to enforce any

[5] Carries forward Section 7.2.103 (Jurisdiction) of the existing zoning and subdivision ordinance.
[6] Carries forward Section 7.2.107 of the existing zoning and subdivision ordinance.
[7] Updates Section 7.2.109 of the existing zoning and subdivision ordinance to include rules that govern the relationship between base and overlay zone district regulations.
[8] New section that describes the relationship between the UDC and private covenants and the City's role in enforcement, building on the last part of Section 7.2.103 (Jurisdiction) of the existing zoning and subdivision ordinance.

private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.

7.1.8 EFFECTIVE DATE[9]

The effective date of this UDC shall be _____ (the "Effective Date").

7.1.9 TRANSITION TO THIS UDC[10]

This Section 7.1.9 addresses the transition from the Zoning and Subdivision Ordinance in effect prior to the Effective Date.

7.1.901 An application for a permit or approval that has been accepted by the Manager as complete prior to the Effective Date shall be processed in compliance with the requirements in effect when the application was accepted as complete.

7.1.902 Minor modifications to development approvals and permits in effect prior to the Effective Date may also be processed in compliance with the requirements in effect when the application was accepted as complete, pursuant to Section <7.5.417> (Modification of Approved Plans and Permits).

7.1.903 Major Modifications to development approvals and permits in effect prior to the Effective Date shall be processed in compliance with the requirements of Section <7.5.417> (Modification of Approved Plans and Permits).

7.1.904 An application for a permit or approval that has not been accepted by the Planning Department as complete prior to the Effective Date, or that is submitted after the Effective Date, shall be processed in compliance with the requirements of this UDC.

7.1.905 A Master Plan or Concept Plan approved prior to the Effective Date shall not expire, unless the Master or Concept Plan includes an expiration date. Modifications to adopted Master Plans or Concept Plans may be processed pursuant to Section 7.5.417 (Modification of Approved Plans and Permits).

7.1.906 Permits and approvals issued by the City prior to the Effective Date shall lapse or expire as provided in that permit or approval, or as otherwise provided in Chapter 7 of the City Code in effect prior to the Effective Date. If the permit or approval contains no expiration or lapsing date and the regulations in effect prior to the Effective Date provided for no expiration or lapsing date, the permit or approval shall lapse as shown for that type of permit or approval in this UDC (or for the successor type of permit or approval under this UDC) as if the permit or approval were issued on the Effective Date.

7.1.907 Any violation of Chapter 7 of the City Code in effect prior to the Effective Date shall continue to be a violation under this UDC unless the development or other activity that was a violation conforms with the requirements and regulations of this UDC.

7.1.908 No provision of this UDC shall operate to modify or invalidate any vested right approved by the City prior to the Effective Date, including but not limited to those approved in a development agreement or other agreement approved by the City and those included on a Development Plan or other site-specific development plan approved by the City (based on provisions regarding vested rights that applied prior to the Effective Date).

[9] New section. While the City Charter provides that an ordinance takes effect five days after the second publication of the ordinance following City Council's final approval, communities often choose to delay the effective date to allow property owners, staff, and other stakeholders to become familiar with the new ordinance. In addition, certain sections of this UDC reference the Effective Date, and including the date in the code improves clarity.

[10] New; provides rules for determining what procedures and regulations apply to development applications in process when this UDC takes effect, and development orders and permits issued before the Effective Date.

7.1.909 No provision of this UDC shall operate to modify or invalidate any provision included in an Annexation Agreement, development agreement, or other agreement between a property owner and the City regarding the development or redevelopment of land, that was approved by the City prior to the Effective Date, unless and to the degree that previously-approved agreement stated that this UDO or future amendments to UDO regulations would apply.

7.1.10 SEVERABILITY[11]

If a court of competent jurisdiction declares any section, part, clause, or phrase of this UDC to be unconstitutional or invalid for any reason, that ruling shall not affect the validity of the remaining portion of this UDC. More specifically, if any development standard, sign regulation, procedure, or other requirement of this UDC is declared to be unconstitutional or invalid, this UDC shall be interpreted to produce a result as close as possible to that which would have occurred if the development standard, sign regulation, procedure or other requirement had not been ruled unconstitutional or invalid.

[11] Builds on Section 7.2.110 of the existing zoning and subdivision ordinance. Second sentence is new and establishes general rule for interpreting approvals or decisions that are impacted by the ruling.

Article 7.2 Zone Districts[12]

Note about Zone Districts: This draft of the UDC incorporates comments and suggested changes to Zone District regulations received from City staff, RetoolCOS Advisory Committee members, and the public during reviews of both Module 1 and Module 2. While Module 2 focused primarily on Development Standards and Incentives, some suggested changes to those standards required complementary changes to Article 7.2 for internal consistency. Key changes to the zone district lineup and related summaries of dimensional include the following:

- The Character Areas defined in the first draft of this Article have been dropped due to the difficult of defining and applying them consistently.
- The current R-2 district, which was removed from the public draft of Modules 1 and 2, has been added back into the UDC.
- The single R-Flex district has been replaced with three districts -- R-Flex Low, R-Flex Medium, and R-Flex High -- that accommodate different levels of density.
- The current R-4 and R-5 districts have been reinserted since the release of Module 2. In previous drafts, they were combined into the R-Flex High district.
- Dimensional standard summary tables have been updated to reflect changes to the more detailed Dimensional Standards tables in Article 7.4.

7.2.1 Zone Districts Established[13]

The following zone districts are established as shown in Table 7.2.1-A.

Table 7.2.1-A
Current and Proposed Zoning Districts

Current Base Zone Districts	Proposed Base Zone Districts
Agricultural and Residential	**Agricultural and Residential**
A: Agricultural	A: Agriculture
R: Estate – Single-Family	R-E: Single-Family - Estate
R-1 9000: Single-Family	R-1 9: Single-Family - Large
R-1 6000: Single-Family	R-1 6: Single-Family - Medium
R-2: Two-Family	R-2: Two-Family[14]
R-4 Multi-Family	R-4: Multi-Family Low[15]
R-5: Multi-Family	R-5: Multi-Family High[16]
	R-Flex Low (Planned District)
	R-Flex Medium (Planned District)
	R-Flex High (Planned District)[17]

[12] This article has been substantially revised as described in footnotes. In addition, references to the need for various types of plan approval (e.g. Master Plan, Concept Plan, and Hillside Development Plan) have been updated in accordance with the changes in Article 7.5: Administration and Enforcement.
[13] New section. We recommend keeping this table in the UDC throughout the drafting process to improve public understanding of how to read the change in their districts.
[14] Reinserted after deletion in previous drafts.
[15] Reinserted and renamed after deletion in previous drafts.
[16] Reinserted and renamed after deletion in previous drafts.
[17] In previous drafts, the R-4 and R-5 districts were consolidated into R-Flex High. Following discussion with staff, R-Flex High has been retained but as a new, unmapped zone district.

Table 7.2.1-A
Current and Proposed Zoning Districts

Current Base Zone Districts	Proposed Base Zone Districts
Commercial	**Mixed-Use**
OR: Office Residential	MX-N: Mixed-Use Neighborhood Scale
OC: Office Complex	
MU-NC: Mixed-Use Neighborhood Center	
C-5: Intermediate Business	MX-M: Mixed-Use Medium Scale
PBC: Planned Business Center	
MU-CC: Mixed-Use Commercial Center	
C-6: General Business	MX-L: Mixed-Use Large Scale
MU-R-EC: Mixed-Use Regional Employment Center	
SU: Special Use	MX-I: Mixed-Use Institutional[18]
PCR: Planned Cultural Resort	
FBZ: Form-Based Zone	FBZ: Form-Based Zone (Regulating Plan District)
~~TND: Traditional Neighborhood Development~~	
Industrial	**Special Purpose**
PIP-1: Planned Industrial Park	BP: Business Park (Planned District)
PIP-2: Planned Industrial Park	
M-1: Light Industrial	LI: Light Industrial
M-2: Heavy Industrial	GI: General Industrial
Special Purpose	**Special Purpose**
APD: Airport Planned Development	APD: Airport Planned Development (Planned District)
PF: Public Facilities	PF: Public Facilities
PK: Public Parks	PK: Public Parks
Overlay Districts	**Overlay Districts**
~~DFOZ: Design Flexibility Overlay~~	
HP: Historic Preservation Overlay	HP-O: Historic Preservation Overlay
HR: High Rise Overlay	
HS: Hillside Area Overlay	HS-O: Hillside Area Overlay
AO: Airport Overlay	AP-O: Airport Overlay
SS: Streamside Overlay	SS-O: Streamside Overlay
~~P/CR: Planned Provision Overlay/Conditions of Record~~	
	WP-O: Wildfire Protection Overlay
	NC-O: Neighborhood Character Overlay
NNA: North Nevada Avenue Overlay	NC-O/NNA: North Nevada Avenue Neighborhood Character Overlay
	ADU-O: Accessory Dwelling Unit Overlay
Planned Development Zone Districts	**Planned Development Zone Districts**
PUD: Planned United Development	PUD: Planned Unit Development
	Gold Hills Mesa becomes an approved PUD

[18] There is continuing discussion about this proposed consolidation.

7.2.2 AGRICULTURAL AND RESIDENTIAL ZONE DISTRICTS

7.2.201 A: Agricultural

A. Purpose[19]

This zone district serves as a holding zone for recently annexed properties, accommodating large lot residential development and agricultural purposes. The agricultural activities permitted in the A zone district should not be detrimental to adjacent urban land uses. The types, size, and intensity of permitted uses encourages and protects agricultural uses until urban development occurs.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

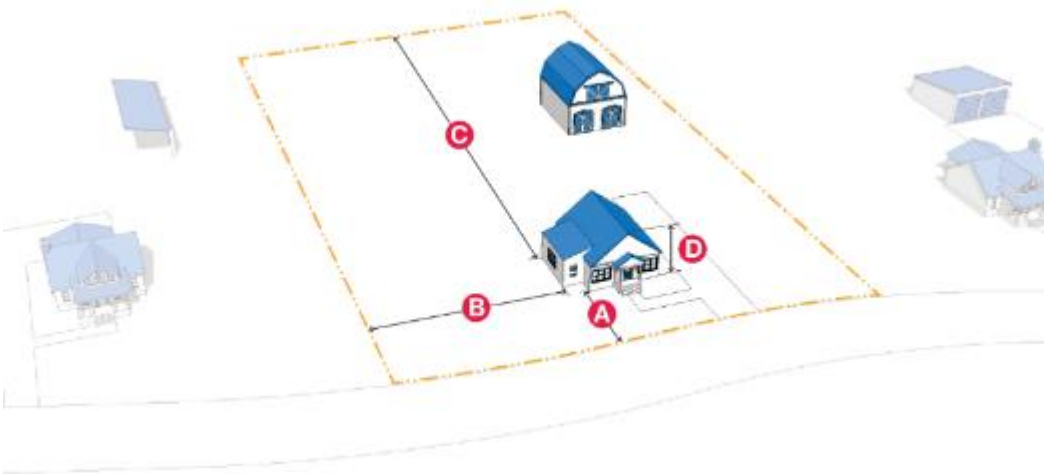
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-A
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards

[19] Carried forward existing purpose statement with minor adjustments.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.[20]

Table 7.2.2-B
A: Lot and Building Standards[21]

Lot Standards		
	Lot area (minimum)	5 acres per single-family detached dwelling unit
	Lot width (minimum)	200 ft.
	Lot coverage (maximum)	15%
Setbacks (minimum)		
A	Front	25 ft.
B	Side	10 ft.
C	Rear	35 ft.
Height (maximum)		
D	Building height	35 ft.[22]

[20] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[21] Adjustments from current standards identified in Table 7.4.2-A.
[22] Maximum height increased from 30 to 35 feet to match height necessary to accommodate typical two-story single-family dwelling.

7.2.202 R-E: Single-Family - Estate

A. Purpose[23]

This zone district accommodates large lots primarily for low-density, detached single-family residential use, as well as other land uses indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

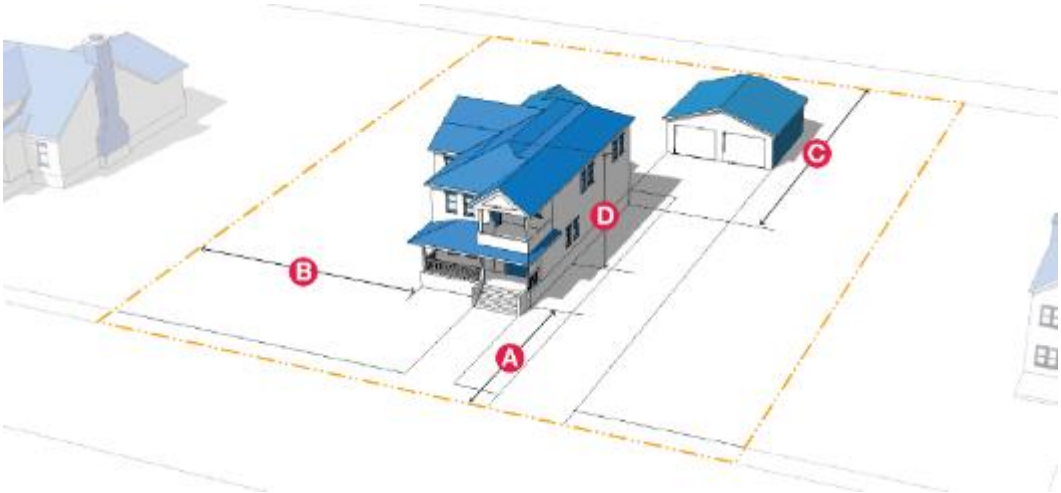
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-C
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[23] Existing purpose statement carried forward with minor adjustments.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.[24]

Table 7.2.2-D R-E: Lot and Building Standards[25]		
Lot Standards		
	Lot area (minimum)	20,000 s.f.
	Lot width (minimum)	100 ft
	Lot coverage (maximum)	30%
Setbacks (minimum)[26]		
A	Front	
	House – General	15 ft.
	Garage – General (from back of sidewalk)	20 ft.[27]
	House and Garage abutting collector street[28]	25 ft.
B	Side	10 ft.
C	Rear	25 ft.
Height (maximum)		
D	Building height	35 ft.[29]

[24] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[25] Adjustments from current standards identified in Table 7.4.2-A.
[26] A reduction in setbacks for secondary frontages is under discussion.
[27] Increased from 18 in prior draft to 20 feet. Possible adjustments to 18 feet will be discussed as part of administrative adjustments in Module 3.
[28] New provision.
[29] Increased from 25 feet in prior draft to 35 feet, which is a standard maximum height for detached single-family residences. Maximum height is 30 feet in existing zoning and subdivision ordinance.

7.2.203 R-1 9: Single-Family - Large

A. Purpose[30]

This zone district accommodates medium-sized lots with a minimum size of 9,000 square feet primarily for detached single-family residential use, as well as other land uses indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

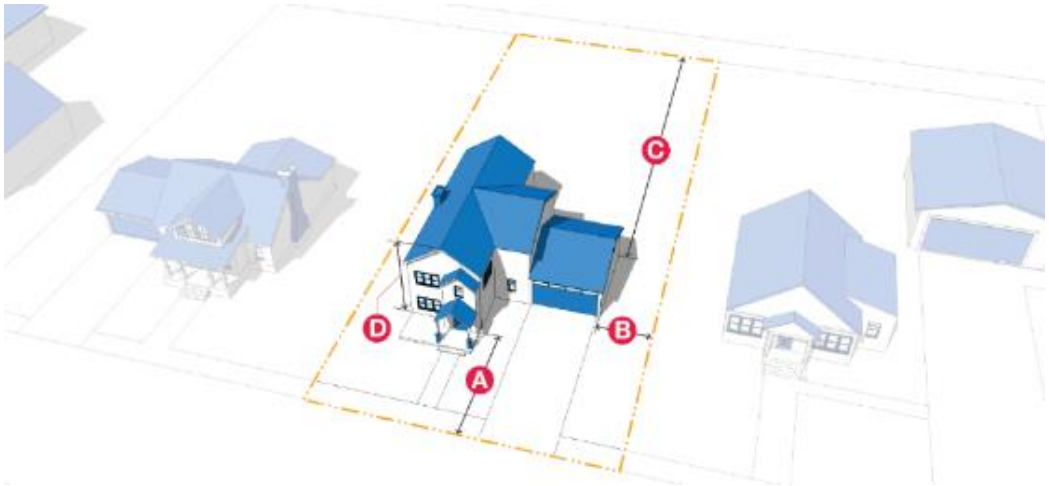
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-E
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[30] Existing purpose statement carried forward with minor adjustments.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.[31]

Table 7.2.2-F R-1 9: Lot and Building Standards[32]		
Lot Standards		
	Lot area (minimum)	9,000 s.f.
	Lot width (minimum)	75 ft.
	Lot coverage (maximum)	35%
Setbacks (minimum) [33]		
A	Front	
	House – General	15 ft.
	Garage – General (from back of sidewalk)	20 ft.[34]
	House and Garage abutting collector street	25 ft.
B	Side	5 ft.; 15 ft. combined both sides
C	Rear	
	House and Attached Garage or Carport, General	20 ft.
	Detached Garage or Carport accessed from alley or rear access easement	5 ft.
Height (maximum)		
D	Building height	35 ft.

[31] Introductory text has been added to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[32] Adjustments from current standards identified in Table 7.4.2-A.
[33] A reduction in setbacks for secondary frontages is under discussion.
[34] Increased from 18 in prior draft to 20 feet.

7.2.204 R-1 6: Single-Family - Medium

A. Purpose[35]

This zone district accommodates single-family residential uses on lots with a minimum size of 6,000 square feet, as well as other land uses indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

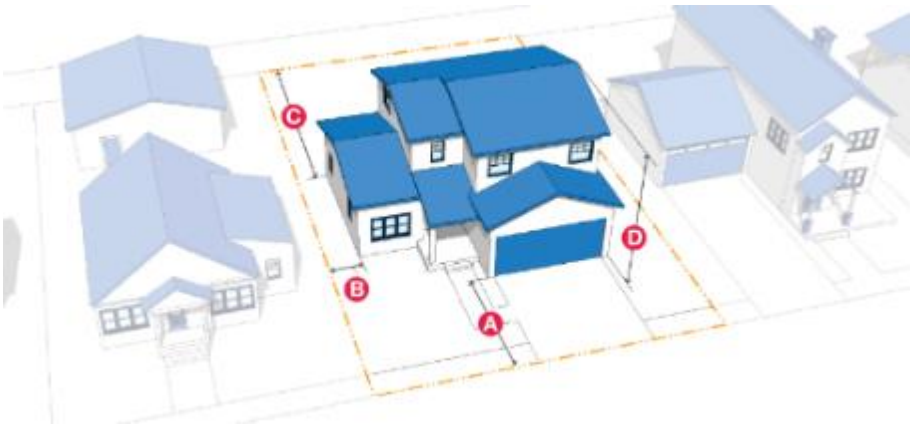
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-G
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[35] Existing purpose statement revised to delete statement that character varies by area because defined Character Areas are no longer included in the draft UDC.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.[36]

Table 7.2.2-H
R-1 6: Lot and Building Standards[37]

Lot Standards		
	Lot area (minimum)	6,000 s.f.
	Lot width (minimum)	50 ft.
	Lot coverage (maximum)	45%
Setbacks (minimum)[38]		
A	Front	
	House – General	10 ft. or average of abutting developed properties
	Garage – General (from back of sidewalk)	20 ft.[39]
	House and Garage abutting collector street	25 ft.
B	Side	5 ft.
C	Rear	
	House and Attached Garage or Carport, General	15 ft.
	Detached Garage or Carport accessed from alley or rear access easement	5 ft.
Height (maximum)		
D	Building height	35 ft.

[36] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[37] Adjustments from current standards identified in Table 7.4.2-A.
[38] A reduction in setbacks for secondary frontages is under discussion.
[39] Increased from 18 in prior draft to 20 feet.

7.2.205 R-2: Two-Family[40]

A. Purpose[41]

The R-2 zone district accommodates detached single-family and two-family (duplex) residential uses on a single lot larger than 5,000 square feet, or duplex structures on separate lots provided each lot is larger than 3,500 square feet, as well as other land uses indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

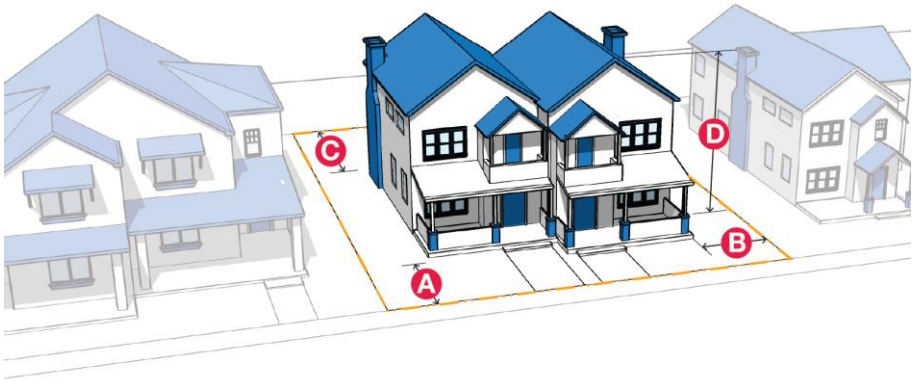
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-I
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[40] The existing R-2 zone district has been re-inserted in this draft.
[41] Existing purpose statement carried forward with minor wording adjustments for internal consistency.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.[42]

Table 7.2.2-J R-2: Lot and Building Standards[43]		
Lot Standards		
	Lot area (minimum)	
	Single-Family Detached or duplex on one lot	5,000 s.f.
	Single-Family with Accessory Dwelling Unit	7,000 s.f.
	Duplex on two lots[44]	3,500 s.f. for each lot
	Lot width (minimum)	50 ft.
	Lot coverage (maximum)	45%
Setbacks (minimum) [45]		
A	Front	
	House – General	25 ft.
	Garage – General (from back of sidewalk)	20 ft.[46]
	House and Garage abutting collector street	25 ft.
B	Side [1]	5 ft.
C	Rear	
	House and Attached Garage or Carport, General	15 ft.
	Detached Garage or Carport accessed from alley or rear access easement	5 ft.
Height (maximum)		
D	Building height	35 ft.

Notes:
[1] Minimum side setbacks do not apply where two residential dwelling units share a common wall.

[42] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[43] Adjustments from current standards identified in Table 7.4.2-A.
[44] Revised since earlier drafts to reflet current platting requirements for two-family structures on two platted lots.
[45] A reduction in setbacks for secondary frontages is under discussion.
[46] Increased from 18 in prior draft to 20 feet.

7.2.206 R-4: Multi-Family Low[47]

A. Purpose[48]

The R-4 zone district accommodates detached single-family homes, duplexes, triplexes, fourplexes, and small multi-family dwelling units, as well as the other land uses indicated in Table 7.3.2-A, and is intended for use in areas collector or arterial streets where future transit service is not anticipated, in transition areas at the edges of low-density neighborhoods, and in areas adjacent to R-Flex, Mixed-Use or PUD zones where similar densities or intensities of development are permitted.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-K
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[47] Since Module 1, the existing R-4 zone district has been re-inserted in this draft and renamed.
[48] Revised since Module 1 to clarify character and intended use of this district now that it is being kept separate from the R-Flex High district..

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.

Table 7.2.2-L
R-4: Lot and Building Standards[49]

Lot Standards		
	Residential density (maximum)	8 du/ac
	Lot area (minimum)	[1]
	Lot width (minimum)	50 ft.
	Lot coverage (maximum)	45%
Setbacks (minimum)		
A	Front	
	House – General	20 ft.
	Garage – General (from back of sidewalk)	20 ft.
	House and Garage abutting collector street	20 ft.
B	Side	5 ft.
C	Rear	
	House and Attached Garage or Carport, General	15 ft.
	Detached Garage or Carport accessed from alley or rear access easement	5 ft.
Height (maximum)		
D	Building height	40 ft.

Notes:

[1] Minimum lot size is as follows: SFD: 5,000 s.f.; SFA: 3,000 s.f.; 2F on 1 lot: 6,000 sf; 2F on 2 lots: 3,000 s.f. each; 3F, 4F, and MF = 2,500 s.f. of lot per DU for a one-story structure, 2,000 s.f. of lot per DU for a two-story structure, and 1,500 s.f. ft of lot per DU for a three-story structure.

[49] Adjustments from current standards identified in Table 7.4.2-A.

7.2.207 R-5: Multi-Family High[50]

A. Purpose[51]

The R-5 zone district accommodates detached single-family homes, duplexes, triplexes, fourplexes, and multi-family dwelling units at the highest density permitted in the City's residential districts, as well as the other land uses indicated in Table 7.3.2-A, and is intended for use in areas adjacent to the FBZ district or R-Flex, Mixed-Use, or PUD zones where similar or higher densities or intensities of use are permitted.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-M
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[50] Since Module 1, the existing R-5 zone district has been re-inserted in this draft and renamed.
[51] Revised since Module 1 to clarify character and intended use of this district now that it is being kept separate from the R-Flex High district.

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-A.

Table 7.2.2-N
R-5: Lot and Building Standards[52]

Lot Standards		
	Lot area (minimum)	[1]
	Lot width (minimum)	50 ft.
	Lot coverage (maximum)	50%
Setbacks (minimum)		
A	Front	
	House – General	20 ft.
	Garage – General (from back of sidewalk)	20 ft.
	House and Garage abutting collector street	20 ft.
B	Side	5 ft.
C	Rear	
	House and Attached Garage or Carport, General	15 ft.
	Detached Garage or Carport accessed from alley or rear access easement	5 ft.
Height (maximum)		
D	Building height	45 ft.

Notes:

[1] Minimum lot size is as follows: SFD: 4,000 s.f.; SFA: 2,200 s.f.; 2F on 1 lot: 6,000 s.f.; 2F on 2 lots; 3,000 s.f. each; 3F: [] s.f.; 4F: [] s.f.; 3F, 4F, and MF = 1,400 s.f. of lot per DU for a one-story structure; 1,100 s.f. of lot per DU for a two-story structure; 900 s.f. of lot per DU for a three-story structure; and 800 s.f. of lot per DU for a four-story structure.

[52] Adjustments from current standards identified in Table 7.4.2-A.

7.2.208 R-Flex Low[53]

A. Purpose[54]

The R-Flex Low zone district accommodates detached and attached low-density housing up to a maximum residential density of eight dwelling units per acre, or 11 dwelling units per acre if a mix of housing types and lot sizes is included. The layout of permitted housing types shall be as shown in a Concept Plan approved pursuant to Section 7.5.515. Other uses are permitted as indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

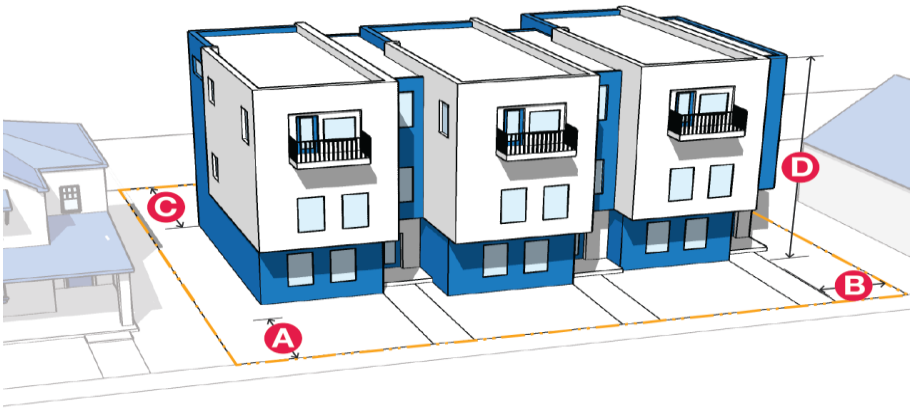
Table 7.2.2-O
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design (Multi-family only)	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[53] New district that accommodates a range of low-density building products, subject to overall density limits. Numerous public comments received in response to Module 1 requested that zone districts permit a greater variety of housing types. The R-Flex Districts allow new forms of development allow and incentivize a variety of housing types on flexible lot sizes, including "missing middle" housing such as duplexes, stacked townhouses, triplexes, fourplexes, and live-work units. Three varieties of R-Flex district have been included – R-Flex Low supports one-to-four family dwellings of low-to-mid density within an average of eight dwelling units per acre on minimum 2,000 square foot lots, R-Flex Medium supports mid-to-high density development including multifamily dwellings at an average of 12 dwelling units per acre, and R-Flex High supports the highest level of residential development density with 25 dwelling units per acre on lots as small as 1,500 square feet. Additional density is permitted if the development includes a mix of housing types and lot sizes, up to 11 dwelling units per acre in R-Flex Low, 16 dwelling units per acre in R-Flex Medium, and 35 dwelling units per acre in R-Flex High. The specific type of Plan approval needed prior to development in each of the R-Flex zones will be addressed in Article 7.5 (Administration and Enforcement).

[54] Photos to be replaced with COS examples.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-B.[55]

Table 7.2.2-P
R-Flex Low: Lot and Building Standards

RES = Residential uses		O = All other uses	
		Lot Area Range [1]	
Density and Lot Standards		**2,000 – 3,999 s.f.**	**4,000 – 5,999 s.f.**
	Maximum residential density of area included in Concept Plan	General: 8 du/ac With Housing Mix Incentive: 11 du/ac	
	Minimum lot size	RES: 2,000 s.f. (per unit for SFA) O: 5,000 s.f.	
	Lot width (minimum)		
	Single-Family Detached, Duplex, Triplex, Fourplex	20 ft. (per unit for SFA)	25 ft. (per unit for SFA)
	Single-family Attached (per unit)	20 ft. (per unit for SFA)	25 ft. (per unit for SFA)
	All other uses	50 ft.	50 ft.
	Lot coverage (maximum)	60%	50%
Setbacks (minimum)			
A	Front		
	All Residential Structures	10 ft.	15 ft.
	Other Structures	20 ft.	20 ft.
	Street-Loaded Garage	RES: 20 ft. from back of sidewalk in public right-of-way	
B	Side [2] [3][56]	Interior: 1 ft.; and 6 ft. combined both sides. Street frontage: 5 ft.	Interior: 5 ft. Street frontage: 10 ft.
C	Rear		
	All residential structures	10 ft.	15 ft.

[55] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[56] Discussion is continuing among City agencies about side setback requirements.

Table 7.2.2-P
R-Flex Low: Lot and Building Standards

	RES = Residential uses	O = All other uses	
	Other primary structures	15 ft.	15 ft.
	Detached Garage or Carport	5 ft. from property line adjacent to the alley or from the edge of any access easement	
Height (maximum)			
D	Building height	35 ft.	

Notes:

[1] For lots at least 6,000 s.f. and less than 9,000 s.f. in area, the dimensional requirements of the R-1 6 district apply. For lots 9,000 s.f. or larger in area, the dimensional requirements of the R-1 9 district apply.

[2] Minimum side setbacks do not apply where two residential dwelling units share a common wall.

[3] All side setbacks smaller than 5 feet require approval of Colorado Springs Utilities and the Stormwater Enterprise Manager to confirm adequate utilities and drainage can be provided within that reduced setback.

D. Additional Standards

1. No construction, development, or land disturbance may occur until a Concept Plan for the property on which the construction, development, or land disturbance is to occur has been approved by the City pursuant to Section 7.5.515, and a final subdivision plat for the property has been recorded.

2. In order to encourage a mix of dwelling units within Concept Plan areas, those Concept Plans in which no more than 80 percent of the dwelling units from any one dwelling unit Type described in Subsection 3 below, shall be eligible for an increase in maximum residential density within a Concept Plan area to 11 du/ac. For purposes of this provision, the size and acreage of the subject application and any previously approved Concept Plans in the same or related ownerships shall be considered together.

3. For purposes of this Section 0, dwelling unit types are defined as follows:

a. Type 1: Single-Family Detached dwelling units.

b. Type 2: Two-Family, Three-Family, Four-Family, or Single-Family Attached dwelling units.

c. Type 3: Any permitted residential use with parking that is not accessed from the public or private street or driveway abutting the front of the dwelling unit.

d. Type 4: Any permitted residential use located on a lot over 40 feet in width.

7.2.209 R- Flex Medium[57]

A. Purpose[58]

The R-Flex Medium zone district accommodates detached and attached low- to medium-density housing up to a maximum residential density of 12 dwelling units per acre, or 16 dwelling units per acre if a mix of housing types and lot sizes is included. The layout of permitted housing types shall be as shown in a Concept Plan approved pursuant to Section 7.5.515. Other uses are permitted as indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-Q
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design (Multi-family only)	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[57] R-Flex Medium supports low-to-medium density development including multifamily dwellings at an average of 12 dwelling units per acre (16 dwelling units per acre with incentives).
[58] Photos to be replaced with COS examples.

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-B.[59]

Table 7.2.2-R
R-Flex Medium: Lot and Building Standards [1]

RES = All residential other than Multi-Family SFA = Single-Family Attached O = All other uses
MF = Multi-Family residential

Density and Lot Standards		**RES**	**O/MF**
	Maximum residential density of area included in Concept Plan	General: 12 du/ac With Housing Mix Incentive: 16 du/ac	
	Lot area (minimum)	1,800 s.f. (per unit for SFA)	5,000 s.f.
	Lot width (minimum)	20 ft. (per unit for SFA)	50 ft.
	Lot coverage (maximum)	70%	50%
Setbacks (minimum)			
A	Front		
	Structure -- General	10 ft.	15 ft.
	Street-Loaded Garage	20 ft. from back of sidewalk in public right-of-way	N/A
B	Side [2] [3]	Interior: 1 ft.; and 6 ft. combined both sides. Street frontage: 5 ft.	
C	Rear	10 ft.	MF: 20 ft. O: 15 ft.
	Detached Garage or Carport	5 ft. from property line adjacent to the alley or from the edge of any access easement	
Height (maximum)			
D	Building height	45 ft.	

Notes:

[1] For lots at least 6,000 s.f. and up to 9,000 s.f. in area, the dimensional standards of the R-1 6 district (see Table 7.4.2-A) apply. For lots larger than 9,000 s.f. in area the dimensional standards of the R-1 9 district (see Table 7.4.2-A) apply.

[2] Minimum side setbacks do not apply where two residential dwelling units share a common wall.

[59] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.

Table 7.2.2-R
R-Flex Medium: Lot and Building Standards [1]

RES = All residential other than Multi-Family SFA = Single-Family Attached O = All other uses MF = Multi-Family residential

[3] All side setbacks smaller than 5 feet require approval of Colorado Springs Utilities and the Stormwater Enterprise Manager to confirm adequate utilities and drainage can be provided within that reduced setback.

D. Additional Standards

1. No construction, development, or land disturbance may occur until a Concept Plan for the property on which the construction, development, or land disturbance is to occur has been approved by the City pursuant to Section 7.5.515, and a final subdivision plat for the property has been recorded.

2. In order to encourage a mix of dwelling units within Concept Plan areas, those Concept Plans in which no more than 80 percent of the dwelling units from any one dwelling unit Type described in Subsection 3 below, shall be eligible for an increase in maximum residential density within a Concept Plan area to 16 du/ac. For purposes of this provision, the size and acreage of the subject application and any previously approved Concept Plans in the same or related ownerships shall be considered together.

3. For purposes of this Section 7.2.209, dwelling unit types are defined as follows:

a. Type 1: Single-Family Detached dwelling units.

b. Type 2: Two-Family, Three-Family, Four-Family, or Single-Family Attached dwelling units.

c. Type 3: Multi-family dwellings and other residential uses.

d. Type 4: Any permitted residential use with parking that is not accessed from the public or private street or driveway abutting the front of the dwelling unit.

e. Type 5: Any permitted residential use located on a lot over 40 feet in width.

7.2.210 R-Flex High[60]

A. Purpose[61]

The R-Flex High zone district accommodates detached and attached medium- to high-density housing up to a maximum residential density of 25 dwelling units per acre, or 35 dwelling units per acre if a mix of housing types and lot sizes is included. The layout of permitted housing types shall be as shown in a Concept Plan approved pursuant to Section 7.5.515. Other uses are permitted as indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.2-S
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design (Multi-family only)	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[60] R-Flex High supports medium-to-high density development including multifamily dwellings at an average of 25 dwelling units per acre (35 dwelling units per acre with incentives). In previous drafts, R-Flex High consolidated and replaced in the R-4 and R-5 districts. Following discussions with staff, in this draft, R-Flex High is a new district and the current R-4 and R-5 districts are carried forward.

[61] Photos to be replaced with COS examples.

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-B.[62]

Table 7.2.2-T
R-Flex High: Lot and Building Standards[63]

RES = All residential other than Multi-Family SFA = Single-Family Attached O = All other uses
MF = Multi-Family residential

	Density and Lot Standards	RES	O/MF
	Maximum residential density of area included in Concept Plan	General: 25 du/ac With Housing Mix Incentive: 35 du/ac	
	Lot area (minimum)	1,500 s.f. (per unit for SFA)	5,000 s.f.
	Lot width (minimum)	18 ft. (per unit for SFA)	40 ft.
	Lot coverage (maximum)	70%	50%
	Setbacks (minimum)		
A	Front		
	Structure – General	10 ft.	
	Street-Loaded Garage	Not permitted	N/A
B	Side [1] [2]	Interior: 1 ft.; and 6 ft. combined both sides. Street frontage: 5 ft.	
C	Rear	10 ft.	MF: 20 ft. O: 15 ft.
	Detached Garage or Carport	5 ft. from property line adjacent to the alley or from the edge of any access easement	
	Height (maximum)		
D	Building height	95 ft.	

Notes:
[1] Minimum side setbacks do not apply where two residential dwelling units share a common wall.

[62] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[63] Standards are new and are based on the standards for the current R-4 and R-5 districts. Any changes from those standards are identified in Table 7.4.2-B.

Table 7.2.2-T
R-Flex High: Lot and Building Standards[63]

RES = All residential other than Multi-Family SFA = Single-Family Attached O = All other uses MF = Multi-Family residential

[2] All side setbacks smaller than 5 feet require approval of Colorado Springs Utilities and the Stormwater Enterprise Manager to confirm adequate utilities and drainage can be provided within that reduced setback.

D. Additional Standards

1. No construction, development, or land disturbance may occur until a Concept Plan for the property on which the construction, development, or land disturbance is to occur has been approved by the City pursuant to Section 7.5.515, and a final subdivision plat for the property has been recorded.

2. In order to encourage a mix of dwelling units within Concept Plan areas, those Concept Plans in which no more than 80 percent of the dwelling units from any one dwelling unit Type described in Subsection 3 below, shall be eligible for an increase in maximum residential density within a Concept Plan area to 35 du/ac. For purposes of this provision, the size and acreage of the subject application and any previously approved Concept Plans in the same or related ownerships shall be considered together.

3. For purposes of this Section 7.2.210, dwelling unit types are defined as follows:

a. Type 1: Single-Family Detached dwelling units.

b. Type 2: Two-Family, Three-Family, Four-Family, or Single-Family Attached dwelling units.

c. Type 3: Multi-family dwellings and other residential uses.

d. Type 4: Any permitted residential use with parking that is not accessed from the public or private street or driveway abutting the front of the dwelling unit.

e. Type 5: Any permitted residential use located on a lot over 40 feet in width.

7.2.3 MIXED-USE ZONE DISTRICTS[64]

7.2.301 MX-N: Mixed-Use Neighborhood Scale[65]

A. Purpose[66]

The MX-N zone district provides opportunities for a compact mix of low intensity neighborhood-serving commercial, office, institutional, low-scale multi-family residential uses, and other land uses as indicated in Table 7.3.2-A. MX-N districts are generally located at the edges of, or internal to, a residential neighborhood, at a local street intersection with a collector or arterial street. MX-N districts are intended to maintain the scale of the adjacent neighborhood, to avoid establishments so large that they serve as destinations for persons from outside the neighborhood, and to have safe and convenient pedestrian and bicycle access.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.3-A
Cross References to Other Applicable UDC Sections

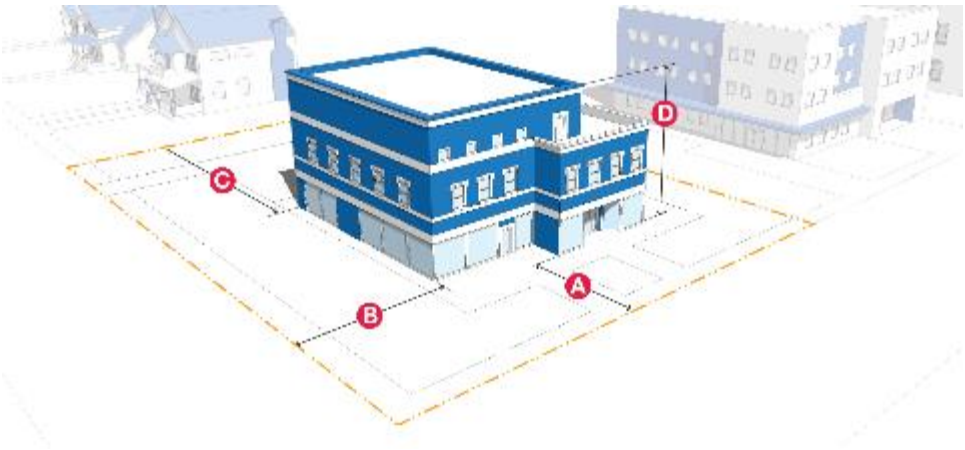
Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[64] Mixed-use districts are those that allow both residential and nonresidential uses as primary uses of land. However, the title does not mean that any residential and any nonresidential use is permitted in any combination. For each mixed-use zone district, Table 7.3.2 Allowed Use Table indicates which uses are Permitted, Conditional, or not-permitted in each district. In order to avoid most or all of a mixed-use zone district from being occupied by a single land use, when land is zoned into a mixed-use zone district in the future, the City may require that a [Master] Plan designating the percentage of land in the district to be occupied by residential or nonresidential uses be approved along with the rezoning.

[65] The MX-N district replaces the existing OC, OR, and MU-NC districts. A number of public comments received in response to Module 1 requested greater flexibility in zone districts to allow small-scale, neighborhood supportive retail development and moderate density residential development such as townhomes along collector roads and busy corners in residential neighborhoods. The MX-N district accommodates this type scale of development by allowing a mix of residential, retail, and commercial uses, up to 60% lot coverage, and a 45-foot building height limit.

[66] New purpose statement.



C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-C.[67]

Table 7.2.3-B
MX-N: Lot and Building Standards[68]

District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
	Lot coverage (maximum, for residential uses)	60%
Setbacks (minimum)		
A	Front and side street frontages [1]	
	Minimum	5 ft.
	Maximum	20 ft.
B	Side	10 ft.
C	Rear	15 ft.
Height (maximum)		
D	Building height	45 ft.
Other Standards		
	Front parking setback (minimum)	20 ft.

Notes:
[1] Applies to both frontages of corner sites.

D. Additional Standards[69]

When land is zoned into this zone district after the Effective Date, the City may require that a Concept Plan be approved along with the rezoning. A Concept Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section <>.

[67] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[68] Adjustments from current standards identified in Table 7.4.2-C.
[69] New standards.

7.2.302 MX-M: Mixed-Use Medium Scale[70]

A. Purpose[71]

The MX-M zone district accommodates a mix of commercial, retail, office, multi-family residential, and civic uses, as well as other land uses indicated in Table 7.3.2-A. MX-M districts are intended to accommodate the development of new activity centers in emerging growth areas, as well as to promote the adaptive reuse or redevelopment of single-use commercial centers that are vacant or underused, or of other obsolete buildings or properties. Activities and uses within MX-M districts may be horizontally or vertically mixed based on their density and intensity, but should be organized in a compact pattern that promotes pedestrian activity, provides a variety of outdoor gathering spaces, supports multimodal access and circulation, and minimizes impacts on established residential neighborhoods.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.3-C
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[70] The MX-M district replaces the current C-5, PBC, and (unused) MU-CC districts.
[71] New purpose statement.

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-C.[72]

Table 7.2.3-D
MX-M: Lot and Building Standards[73]

District Standards		
	District area (minimum)	2.5 ac
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
	Lot coverage (maximum, for residential uses)	50%
Setbacks (minimum)		
A	Front and side street frontages	
	Minimum	20 ft.
	Maximum	N/A or as stated in approved Concept Plan
B	Side	20 ft.
C	Rear	15 ft.
Height (maximum)		
D	Building height	50 ft.
Other Standards		
	Front parking setback (minimum)	20 ft.

D. Additional Standards[74]

When land is zoned into this zone district after the Effective Date, the City may require that a Concept Plan designating the percentage of land in the district to be occupied by residential or nonresidential uses be approved along with the rezoning. A Concept Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section <>.

[72] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[73] Adjustments from current standards identified in Table 7.4.2-C.
[74] New standards.

7.2.303 MX-L: Mixed-Use Large Scale[75]

A. Purpose[76]

The MX-L zone district accommodates a high-intensity mix of commercial, retail, office, hotels, restaurants, entertainment, and multifamily residential uses, as well as other land uses indicated in Table 7.3.2-A. MX-L districts typically serve the City as a whole and have significant traffic generation potential. Some MX-L districts may also include uses that have a regional draw. Uses in MX-L districts may be mixed horizontally or vertically mixed depending on their density and intensity. MX-L districts should be organized to promote synergy among uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation. MX-L districts should have direct access to existing or planned major transportation facilities and be designed to promote compatibility with adjacent land uses.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.3-E
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[75] Combines the current C-6 General Business and MU-R-EC districts.
[76] New purpose statement.

C. Dimensional Standards

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-C.[77]

Table 7.2.3-F
MX-L: Lot and Building Standards[78]

District Standards		
	District area (minimum)	10 ac
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
	Lot coverage (maximum, for residential uses)	50%
Setbacks (minimum)		
A	Front and side street frontages	
	Minimum	20 ft.
	Maximum	N/A or as stated in approved Concept Plan
B	Side	20 ft.
C	Rear	25 ft.
Height (maximum)		
D	Building height	90 ft.
Other Standards		
	Front parking setback (minimum)	20 ft.

D. Additional Standards[79]

When land is zoned into this zone district after the Effective Date:

1. The City may require that a Concept Plan designating the percentage of land in the district to be occupied by residential or nonresidential uses be approved along with the rezoning. A Concept Plan that integrates multi-family uses may qualify the development for incentives pursuant to Section <>.

[77] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[78] Adjustments from current standards identified in Table 7.4.2-C.
[79] New standards.

2. Land within each nonresidential development site shall designated for use as outdoor common area, which shall be located and landscaped to connect with adjacent public spaces. At least one public plaza shall be included. The public plaza shall be located at a street intersection and include furniture or seating surfaces.

7.2.304 MX-I: Mixed-Use Institutional[80]

A. Purpose[81]

The MX-I district is intended to provide a framework for the development of unique cultural, resort, recreational, educational, or institutional developments that may attract visitors from both within and outside the Colorado Springs metropolitan area, and for complex institutional campuses such as colleges, universities, and research centers that promote economic development, workforce development, and/or tourism in the city. Before proceeding with any development, an applicant rezoning land to the MX-I district after the Effective Date must obtain approval of a Concept Plan[82] pursuant to Section <>. Allowed uses are listed in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.3-G
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[80] MX-I combines the existing Special Use (SU) and Planned Cultural Resort (PCR) districts. A variety of residential uses are currently in use in SU districts. Module 3 will consider whether existing residential uses in the MX-I district should be treated as conforming uses.
[81] Updates and generalizes existing purpose statements from the SU and PCR districts to make them generally applicable to a wide variety of institutional campus uses.
[82] To be determined in Module 3.

C. Dimensional Standards[83]

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-C.[84]

Table 7.2.3-H
MX-I: Lot and Building Standards[85] [1]

District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
	Lot coverage (maximum, for residential uses)	N/A
Setbacks (minimum)		
A	Front and side street frontages	
	Minimum	N/A.
	Maximum	N/A or as stated in Concept Plan
B	Side	20 ft.
C	Rear	20 ft.
Height (maximum)		
D	Building height	65 ft.
Other Standards		
	Front parking setback (minimum)	20 ft.

Notes:

[1] For single-family detached dwellings, the dimensional standards of the R-1 6 district (see Table 7.4.2-A) apply. For two-family or two-family on two lots dwellings, the dimensional standards of the R-2 district apply (see Table 7.4.2-A) apply. For all other residential uses, the dimensional standards of the R-5 district (see Table 7.4.2-B) apply.[86]

D. Additional Standards[87]

1. This district may be established upon any tract of land held under single ownership or under unified control.

2. When land is zoned into this district after the Effective Date, approval of a Concept Plan pursuant to Section 7.5.515 is required prior to any development on the land. Lands zoned into the former SU or PCR zone districts prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Concept Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Concept Plan approval.

[83] Summary table to be fully populated as part of Module 2. A comprehensive set of dimensional standard tables will also be provided in Section 7.4.2 that allows users to compare standards against similar districts.
[84] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[85] Adjustments from current standards identified in Table 7.4.2-C.
[86] Since Module 1, reference changed from R-Flex High to R-5 standards (to reflect re-insertion of R-5 district).
[87] D carried forward from current PCR district and updated for consistency with other districts requiring approval of a [Master] Plan prior to development. Specific application requirements will appear with similar materials on the City's website.

3. Where Concept Plan approval pursuant to Section 7.5.515 is required, it shall be reviewed for compliance with the criteria in that section, as well as the need to minimize impacts of scale, shadowing, traffic, and parking on surrounding residential zone districts.[88]

[88] New standard.

7.2.305 FBZ: Form-Based Zone (Regulating Plan District)[89]

A. Purpose

1. To implement the Comprehensive Plan of the City of Colorado Springs by promoting development that is characterized by a sustainable, efficient, and adaptable urban form in areas that have had, or will have, the benefit of detailed context-sensitive public planning processes.
2. To provide a method of regulating development to achieve a specific physical urban form, and address how buildings relate to the public realm with a lesser focus on the predictability and regulation of particular land uses.
3. To provide a zoning option that allows for and accommodates the changing uses of buildings while maintaining the integrity and viability of the public realm, with an emphasis on intermodal transportation options and pedestrian linkages and orientation.
4. To encourage flexibility, innovation of design, and a variety of development types that will improve the quality of physical development over that normally achieved through the application of the City's standard single use zones, and when the planned unit development (PUD) and/or mixed-use (MX) zoning options are determined not to be the better options for providing the desired flexibility and innovation.

Image or graphics to be inserted

B. Requirements

1. The allowable urban form and the treatment of the public realm define the FBZ district. Uses allowed in this zone are determined at the time of approval or amendment of a FBZ regulating plan. Development standards are determined by the FBZ regulating plan, the Development Plan, and a development agreement, if applicable.
2. The requirements of a FBZ district are specific and prescriptive and are not intended to be design guidelines. The specificity of the requirements provides certainty for applicant neighborhoods and City staff. The minimum standards of the requirements imposed by a FBZ regulating plan are not intended to limit design creativity or adaptation to unique site or neighborhood conditions.

C. Establishment of Form, Mix, and Intensity of Land Uses[90]

The form and intensity of all buildings (including dimensional requirements) shall be established during review and approval of the FBZ regulating plan. Additionally, the FBZ regulating plan shall establish detailed requirements governing the relationships between all buildings and the public realm

[89] Although the Assessment suggested that the some of the current FBZ standards or subarea Regulating Plans might be made applicable to key corridor redevelopment opportunity areas, that suggestion was not carried forward because the same result can be achieved through use of the proposed MX-M and MX-L districts. Section 7.3.803A of the current zoning and subdivision ordinance will generally be carried forward as part of Module 3. Current FBZ regulations are not intended to be substantively changed. However, these materials will now appear with similar materials applicable to other types of planning and development approvals in the Administration and Enforcement chapter of the UDC. Similarly, Regulating Plan submittal requirements and other technical materials will appear on the City website.

[90] This carries forward Section 7.3.804 of the current zoning and subdivision ordinance.

and shall identify any limitations to the land use types or land use mix allowed in the district. Uses identified in the regulating plan shall be permitted.

D. Common Area Maintenance

The provision of a property owners' association or other acceptable maintenance entity is required to guarantee maintenance of common areas, project landscape, parking, drive aisles, fencing and building exteriors, public art, stormwater Permanent Control Measures, and emergency access points, where maintenance is not otherwise to be provided by the City or another entity such as a title 32 special district, a business improvement district, an urban renewal authority, or a downtown development authority.[91]

E. Amenities in Phased Projects

Open space, recreational facilities, or other amenities to be provided shall require financial assurance. Suitable assurances may be in the form of a letter of credit, escrow or recorded agreements by the mortgage holder or owner guaranteeing the development of the collective facilities. Except for Permanent Control Measures, which shall always require financial assurance, financial securities for amenities shall not be required if acceptable provisions are included within a development agreement that guarantees the provision of these amenities in a timely manner, and amenities are included in each construction phase of the project adequate to serve the residents and/or users within the phase.[92]

F. Subdivision and Public Improvements

1. No subdivision of the FBZ district shall be approved nor any building permits issued until a Development Plan is approved for the entire area of land proposed to be included within the subdivision plat. This does not preclude the platting of the entire FBZ district as one lot prior to the approval of a Development Plan. The FBZ Development Plan may be used in lieu of a Preliminary Plat.

2. Requirements for public improvements within a FBZ district, including off-site public improvements, shall be established and obligated in conjunction with the subdivision platting and/or Development Plan processes.

G. Development Agreements[93]

1. For the purposes of this Section 7.2.305 a "development agreement" is a negotiated contract between the City and a single developer or group of developers of property within an FBZ district for which an FBZ Development Plan has been approved. The Manager is authorized to negotiate the terms and conditions of a development agreement for the City in conformity with the general provisions and guidelines of this Section, subject to the recommendation of a City Council appointed review board or Planning Commission and the approval of City Council.

2. The owner or developer of FBZ zoned property may request a development agreement at the time of the initial Development Plan application or at any time thereafter. A development agreement application within any established FBZ district in an area without a Development Plan or with an expired Development Plan shall include a Development Plan with the application. Application shall be made on forms provided by the City and shall be accompanied by the specified application fees. The requirements, standards and procedures governing the application, contents, terms and conditions, approval, amendment, and assignment are the same as contained in Section <> (Development Agreements).

[91] Reference to stormwater control measures added to reflect current practice.
[92] Text revised to clarify current practice that financial security is not waived for required stormwater facilities.
[93] These current provisions may be grouped with other UDC content and/or provisions of Article 9, Part 2 of the existing City Code concerning the City's authority to enter into Development Agreements in the Administration and Enforcement chapter of the UDC.

H. Regulatory Incentives[94]

As part of the regulating plan approval process, regulatory incentives may be provided in the FBZ districts to encourage and facilitate creative form-based development.[95]

1. Inherent Flexibility

The FBZ regulating plan process allows significant inherent flexibility. Development standards, prohibited and allowed uses, and parking standards may be adopted to be permissive and not limiting, provided that this flexibility still results in implementation of the overall form-based objectives of the FBZ Regulating Plan.

2. Staff Authority

The ordinance creating an FBZ district may include broad staff authority to grant administrative relief from specified development and design standards, but shall not authorize administrative relief from the standards of Sections 7.4.6 (Grading and Erosion Control), 7.4.7 (Stormwater), or 7.4.8 (Floodplains).

3. Alternative Compliance

An FBZ regulating plan may include procedures and criteria that allow an applicant to propose alternative compliance to the strict application of design standards included in the Regulating Plan, provided that the alternative:

a. Achieves the intent of the subject design standard to the same or better degree than the subject standard;

b. Achieves the goals and policies in the Comprehensive Plan to the same or better degree than the subject standard; and

c. Results in equivalent or better benefits to the community as compliance with the subject design standard.

4. Longer Vesting

An FBZ regulating plan may provide for longer vesting of property rights to be allowed in conjunction with an approved Development Plan.

[94] These current provisions may be grouped with other forms of administrative relief, alternative compliance, and/or in the Administration and Enforcement chapter of the UDC to be drafted as part of Module 3.
[95] This carries forward Section 7.3.814 from the current zoning and subdivision ordinance, with wording slightly revised for clarity and to reflect current practice. The last sentence has not been carried forward as the statute does not include the suggested cross-references.

7.2.4 SPECIAL PURPOSE ZONE DISTRICTS

7.2.401 BP: Business Park (Planned District)[96]

A. Purpose[97]

The BP zone district accommodates a limited group of professional, administrative, research, manufacturing, and light industrial uses, as well as other land uses indicated in Table 7.3.2-A. Uses suitable for BP districts have operations that are quiet and clean to ensure the creation and maintenance of an environment that will protect the occupants of the business park from unintended adverse traffic, noise, or performance impacts. BP districts shall be located on lands that are suitable for industrial development, have adequate traffic capacity for the anticipated mix of uses as shown on the major thoroughfare plan and applicable Concepts Plans. Before proceeding with any development, an applicant rezoning land to the BP zone district must obtain approval of a Concept Plan[98] pursuant to Section <>.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-A
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[96] New district that combines the current PIP-1 and PIP-2 districts.
[97] Existing purpose statements carried forward with minor updates to merge into a single district.
[98] To be defined as part of Module 3.

C. Dimensional Standards[99]

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-D.[100]

Table 7.2.4-B BP: Lot and Building Standards[101]		
District Standards		
	District area (minimum)[102]	10 ac.
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	N/A
	Lot coverage (maximum)	N/A
Setbacks (minimum) [103]		
A	Front (minimum)	20 ft.
B	Side (minimum)	10 ft.
C	Rear (minimum)	25 ft.
	Adjacent to residential	100 ft.
Height (maximum)		
D	Building height	45 ft.
Other Standards		
	Front parking setback (minimum)	20 ft.

[99] Because this proposed zone district replaces PIP-1 and PIP-2, those dimensional standards have been reflected in the table; however, moving forward, existing dimensional standards [including the table notes] will be treated as approved site plans for the particular development where they apply, and this table will be simplified to delete the table notes and apply simple dimensional standards.
[100] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[101] Adjustments from current standards identified in Table 7.4.2-D.
[102] New standard.
[103] A reduction in setbacks for secondary frontages is under discussion.

D. Additional Standards[104]

1. This district may be established upon any tract of land held under single ownership or under unified control.

2. When land is zoned into this district after the Effective Date, approval of a Concept Plan pursuant to Section 7.5.515 is required prior to any development on the land. Lands zoned into the former PIP-1 or PIP-2 zone districts prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Concept Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Concept Plan approval.

3. Where Concept Plan approval pursuant to Section 7.5.515 is required, it shall be reviewed for compliance with the criteria in that section, as well as the need to minimize impacts of scale, shadowing, traffic, and parking on surrounding residential zone districts.[105]

[104] New standards. Procedures to be defined as part of Module 3.
[105] New standard. Procedures to be defined as part of Module 3.

7.2.402 LI: Light Industrial[106]

A. Purpose[107]

The LI zone district accommodates light industrial uses and commercial uses that are complementary or compatible to light industrial uses, as well as other land uses indicated in Table 7.3.2-A.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

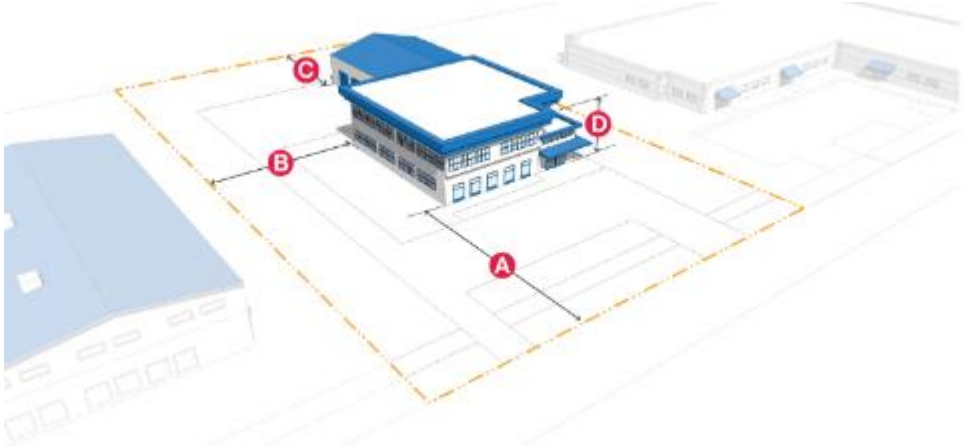
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-C
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[106] The LI district carries forward the existing M-1 district with a new name.
[107] Existing purpose statement.



C. Dimensional Standards[108]

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-D.[109]

Table 7.2.4-D LI: Lot and Building Standards[110]		
District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	N/A
	Lot width (minimum)	Subject to Concept Plan
	Lot coverage (maximum)	N/A
Setbacks (minimum) [111]		
A	Front (minimum)	20 ft.
B	Side (minimum)	See Table 7.4.2-D
C	Rear (minimum)	See Table 7.4.2-D
Height (maximum)		
D	Building height	60 ft.
Other Standards		
	Front parking setback (minimum)	See Table 7.4.2-D

[108] Existing M-1 standards carried forward with adjustments to notes for clarity.
[109] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[110] Adjustments from current standards identified in Table 7.4.2-D.
[111] A reduction in setbacks for secondary frontages is under discussion.

7.2.403 GI: General Industrial[112]

A. Purpose[113]

The GI zone district accommodates general industrial uses that may have significant traffic, noise, or operational impacts on the surrounding area. The GI district also allows other land uses indicated in Table 7.3.2-A. Before proceeding with any development, an applicant rezoning land to the GI district must obtain approval of a Concept Plan pursuant to Section 7.5.515. General industrial uses are subject to Section <> [currently 7.3.301] regarding, the provision of appropriate areas for industrial activities; the consolidation of industrial uses into comprehensively planned areas; the provision of adequate area to accommodate all activities; the minimization of traffic congestion and overloading of utilities; ensuring compatibility with adjacent land uses through the use of buffers or other mitigation measures; and the mitigation of excessive noise, illumination, unsightliness, odor, smoke, hazards and other objectionable influences.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-E
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[112] The GI district carries forward the existing M-2 district with a new name.
[113] Existing purpose statement carried forward with minor updates.

C. Dimensional Standards[114]

The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Section 7.4.2 (Dimensional Standards) and Table 7.4.2-D.[115]

Table 7.2.4-F GI: Lot and Building Standards[116]		
District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	Subject to Concept Plan
	Lot width (minimum)	Subject to ConceptPlan
	Lot coverage (maximum)	N/A
Setbacks (minimum) [117]		
A	Front (minimum)	20 ft.
B	Side (minimum)	See Table 7.4.2-D
C	Rear (minimum)	See Table 7.4.2-D
Height (maximum)		
D	Building height	80 ft.
Other Standards		
	Front parking setback (minimum)	20 ft. (See Table 7.4.2-D)

[114] Existing M-2 standards carried forward with adjustments to notes for clarity.
[115] Introductory text has been revised to clarify that these tables contain a subset of the dimensional standards that apply to the zone district, and that additional standards for accessory structures apply as well.
[116] Adjustments from current standards identified in Table 7.4.2-D.
[117] A reduction in setbacks for secondary frontages is under discussion.

7.2.404 APD: Airport Planned Development (Planned District)[118]

A. Purpose[119]

The purpose of the APD zone district is to enable development that includes a mix of airport compatible uses located and designed consistent with the Colorado Springs Municipal Airport Master Plan. Land uses may include high-quality corporate office and business parks, as well as complementary hotel and conference facilities, and limited supporting retail, commercial, and service uses. Other land uses permitted in this district are indicated in Table 7.3.2-A. Before proceeding with any development, an applicant rezoning land to the APD after the Effective Date must obtain approval of a Concept Plan pursuant to Section 7.5.515.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-G
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[118] Carries forward existing APD district. There are continuing discussions aligning terminology regarding uses that are restricted near airports with the defined UDC land uses as well as updating substantive land use regulations on compatibility with airport operations. These continuing discussions involve both the Colorado Springs Municipal Airport/Peterson Air Force Base and the United States Air Force Academy airport. As these issues are resolved between the City and the airport operators, those revised regulations will be incorporated into this UDC.
[119] New purpose statement. The Colorado Springs Municipal Airport Master Plan is currently being updated. This purpose statement will be refined based on direction that emerges from Airport Staff on that process.

C. Dimensional Standards

Development standards such as minimum lot size, setbacks, and maximum height are determined at the time of zoning and Development Plan review.

D. Additional Standards[120]

1. This district may be established upon any tract of land held under a single ownership or under unified control. Should ownership or control become diversified after the district is established, these regulations and the conditions approved at the time of the zoning shall continue to apply to the whole APD district as a unit.

2. When land is zoned into this district after the Effective Date, approval of a Concept Plan pursuant to Section 7.5.515 is required prior to any development on the land. Lands zoned into the former APD zone district prior to the Effective Date shall remain subject to any plans, conditions, or restrictions applicable under the pre-existing zoning or related zoning and land use approvals, but do not need to obtain approval of a Concept Plan unless the Manager determines that the proposed development is of a size or intensity that was not anticipated, or creates potential impacts on the surrounding areas that were not considered, at the time of prior zoning or Concept Plan approval.

3. Where Concept Plan approval pursuant to Section 7.5.515 is required, it shall be reviewed for compliance with the criteria in that section, as well as the need to minimize impacts of scale, shadowing, traffic, and parking on surrounding residential zone districts.[121]

4. The allowed uses on each Concept Plan must conform with the uses designated and set forth on the adopted Colorado Springs Municipal Airport Master Plan.

[120] Wording revised for consistency with other districts requiring an approval of a [Master] Plan prior to development.
[121] New standard.

7.2.405 PF: Public Facilities[122]

A. Purpose[123]

The PF zone district is provided for land that is used or being reserved for a governmental purpose by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, or a public utility. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. Uses allowed in the PF district generally include governmental functions or utility services provided by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government, or a public utility and to private facilities that perform traditional government functions such as jails and halfway houses, as well as other land uses indicated in Table 7.3.2-A.The PF district is not intended to include public park or major public institutional uses.

Image or graphics to be inserted

B. Cross-References to Other Applicable UDC Sections

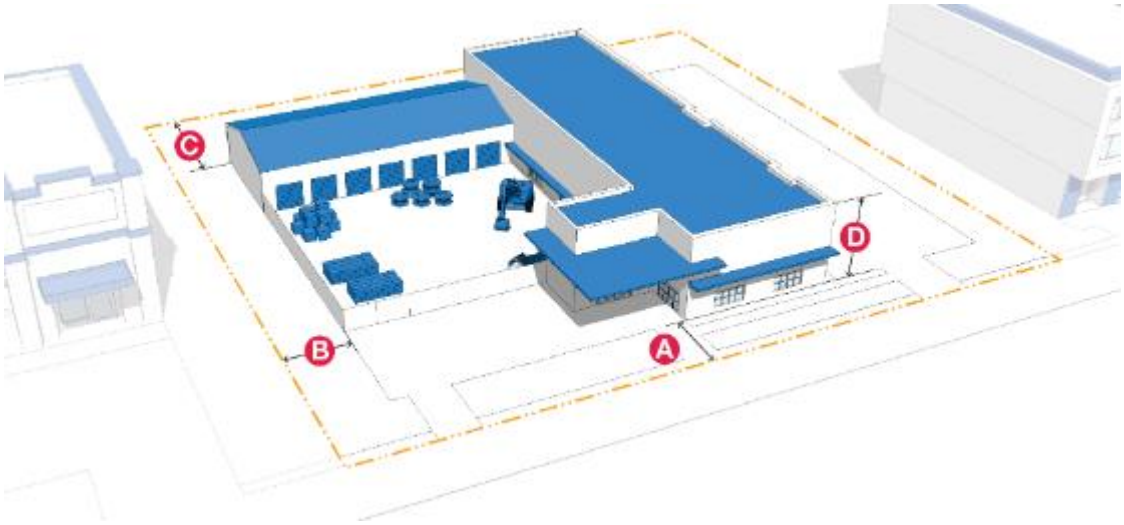
All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-H
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.

[122] Existing PF district has been carried forward.
[123] Existing purpose statement carried forward with updates for clarity.



C. Designation or Expansion of a PF District

Designation or expansion of a PF district requires a determination that a public need exists, and that the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of the zone district. A Development Plan shall be approved before any building permits may be issued or before construction of any public facility or utility may begin.[124]

D. Dimensional Standards

Development standards such as lot size, setbacks, and maximum height are determined at the time of Development Plan review.[125]

E. Review Standard[126]

Where Development Plan approval pursuant to Section 7.5.516 is required, it shall be reviewed for compliance with the criteria in that section, as well as the need to minimize impacts of scale, shadowing, traffic, and parking on surrounding residential zone districts.

[124] Contents of required plans will be determined as part of Module 3.
[125] Current district references standards in section 7.3.204, but no actual standards are provided for PF. Reference to establishing development standards at time of zoning (rather than Development Plan review) was deleted.
[126] This material may be moved to Module 3, since it concerns review procedures.

7.2.406 PK: Public Parks

A. Purpose

The PK zone district is intended for land set aside for use as public recreation and open space, and as well as other land uses indicated in Table 7.3.2-A. These parks may include playground equipment, athletic fields, sport courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation, or significant natural, cultural, or historic resources.

Image or graphics to be inserted

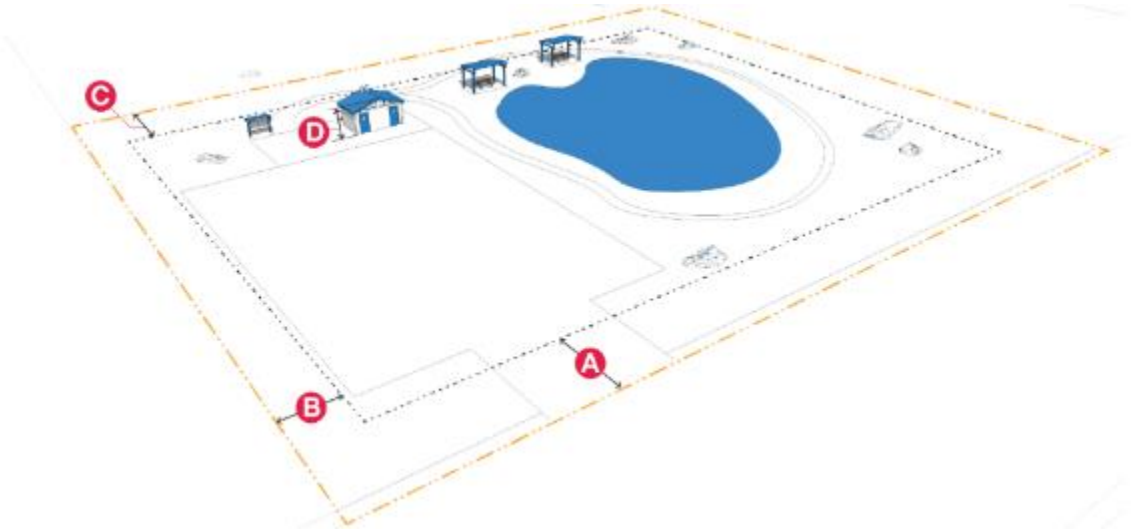
B. Cross-References to Other Applicable UDC Sections

All development must comply with all applicable sections of this UDC. Cross-references to some of the key sections are provided below.

Table 7.2.4-I
Cross References to Other Applicable UDC Sections

Use Regulations	Article 7.3
Dimensional Standards	Section 7.4.2
Access and Connectivity	Section 7.4.4
Geological Hazards	Section 7.4.5
Grading and Erosion Control	Section 7.4.6
Stormwater	Section 7.4.7
Floodplains	Section 7.4.8
Landscaping and Open Space	Section 7.4.9
Parking and Loading	Section 7.4.10
Building Design	Section 7.4.11
Exterior Lighting	Section 7.4.12
Signs	Section 7.4.13

Notes:
Properties located in Overlay Districts may be subject to additional standards.



C. Establishment and Development of a PK Zone[127]

The establishment of a PK Zone shall follow procedures outlined for a rezoning of land in Article 7.5. Subsequently, all development activities associated with a particular PK Zone shall comply with a parks master plan for that zone district that shall be reviewed and approved at a public hearing by the Parks and Recreation Advisory Board. The decision of the Board may be appealed to the appropriate governmental agency. The Board or the City Council may add protective restrictions regarding setbacks from adjacent uses or property lines or the location and amount of parking to the approval of the master plan. Amendments to the parks master plan shall follow the procedure required for the original plan. The Director of Parks, Recreation and Cultural Services shall prepare procedures and guidelines for the preparation and administrative processing of parks master plans. In addition, public parks not under the City Parks, Recreation and Cultural Services Department may use this zone as designated parks.

D. Dimensional Standards[128]

All development activities and standards shall be determined by a master plan that shall be reviewed by the Parks and Recreation Advisory Board.

E. Review Standard[129]

Where Concept Plan approval pursuant to Section 7.5.515 is required, it shall be reviewed for compliance with the criteria in that section, as well as the need to minimize impacts of scale, shadowing, traffic, and parking on surrounding residential zone districts.

[127] Provisions for appeal and amendment of decisions will be consolidated with similar materials in Article 7.5: Administration and during Module 3..
[128] Contents of required plans to be determined as part of Module 3.
[129] This material may be moved to Module 3, since it concerns review procedures.

7.2.5 OVERLAY ZONE DISTRICTS[130]

7.2.501 HP-O: Historic Preservation Overlay[131]

A. Purpose

The economic, cultural, and aesthetic standing of Colorado Springs cannot be maintained or enhanced by disregarding the historical and architectural heritage of the City and by ignoring the destruction or defacement of cultural assets. The protection, enhancement, perpetuation, and use of structures and areas of a historical or architectural significance located within the City is a public necessity and is required in the interest of the prosperity, civic pride, and general welfare of the people. The purpose of the HP-O overlay district is to:

1. Designate, preserve, protect, enhance, and perpetuate those structures and areas that reflect outstanding elements of the City's cultural, artistic, environmental, social, economic, political, architectural, historic, or other heritage;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize or improve the aesthetic and economic vitality and values of such structures and areas;
4. Protect and enhance the City's attraction to tourists and visitors;
5. Promote the use of outstanding historical or architectural structures or districts for the education, enjoyment, and welfare of the people of the City;
6. Foster the economic and heritage tourism benefits associated with the City's cultural assets;
7. Promote good urban and architectural design in new infill buildings and rehabilitation of existing buildings including the preservation of related private and public open spaces; and
8. Promote and encourage continued private ownership and use of buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

Image or graphics to be inserted

B. Standards for Designation of Areas for Zoning Overlay[132]

A structure may be designated by Council for historic preservation overlay zoning if it meets one or more of the following criteria as set forth in the following two categories:

[130] The following overlay districts have not been carried forward: DFOZ – Design Flexibility Overlay, HR - High Rise Overlay, and P – Planned Provisional Overlay/Conditions of Record. The flexibility provided by the DFOZ overlay has been incorporated into updated or new base districts, and maximum building heights are now reflected in updated height provisions in base districts or development incentives. For example, the height limits in the MX-L district have been increased from 55 to 90 feet to meet PlanCOS guidance. In addition, much of the land included in current DFOZ is included within the FBZ district, which supersedes much of its' impact. Approved conditions of record will be carried forward, probably as conditions on specific site approvals, and the ability to attach new conditions of record will appear as a procedure (not a zone district) in Article 7.5: Administration and Enforcement, subject to additional discussions with staff and City Council.

[131] From current Sec, 7.3.505. Minor updates were made to this section to remove vague language, and align the content with other base and overlay district content. Procedures and related findings and criteria will be relocated to Article 7.5: Administration and Enforcement, and refined as part of Module 3.

[132] Material from current zoning and subdivision ordinance reorganized and reworded for internal consistency.

1. **Historical Importance**

   The structure or area:

   a. Has significant character, interest, or value, as part of the development, heritage or cultural characteristics of the city, state, or nation;

   b. Is the site of a historic event with significant effect upon society;

   c. Is identified with a person or group of persons who had significant influence on society; or

   d. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

2. **Architectural Importance**

   The structure or area:

   a. Portrays the environment of a group of people in an era of history characterized by a historically important and distinctive architectural style;

   b. Embodies architecturally distinguishing characteristics;

   c. Is the work of an architect or builder whose individual work has influenced the development of the City;

   d. Contains elements of architectural design, detail, materials, or craftsmanship that represent a significant innovation; or

   e. Contains buildings that, although individually lacking distinction, collectively display distinguishing characteristics.

C. Surveys and Inventories[133]

1. Surveys and inventories of historic properties that have been prepared by the City are on file at the Planning Department. These surveys and inventories already completed, and any completed in the future, shall be a part of the City's Comprehensive Plan.

2. The City survey and inventory system shall be compatible with federal and state criteria and consistent with statewide comprehensive historic preservation planning.'

D. Procedures

All procedures related to the administration of this Section 7.2.501 and the designation and regulation of historic structures are in Article 7.5 (Administration and).

[133] Staff advises that Regional Building Department and fire department do not review existing historic structures for fire and life safety, so a provision stating that requirement has been removed.

7.2.502 HS-O: Hillside Area Overlay[134]

A. Purpose

The purpose of the HS-O overlay district is to ensure that hillside areas retain their unique character, to safeguard the natural heritage of the City, and to protect the public health, welfare, and safety. Review of development proposals for property within the overlay should recognize the various City Code requirements and the need to balance their application with the physical attributes of the property. The HS-O district may be used with any zone district in the City to meet the following objectives:[135]

1. To conserve the unique natural features and aesthetic qualities of the hillside areas;
2. To provide safe and convenient access to hillside areas;
3. To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet development needs;
4. To ensure that new development is compatible with the natural systems, the terrain, and the geologic character of hillside areas;
5. To encourage innovative design solutions that meet the purpose of the HS overlay zone district; and
6. To preserve wildlife habitat and wetland areas that provide wildlife migration corridors.

Image or graphics to be inserted

B. Applicability

1. General

a. The standards in the HS-O district apply on a lot-by-lot basis to single-family residential dwellings, and on a development-wide basis to other types of development applications.

b. No building or structure may be erected, reconstructed, or structurally altered on land in the HS-O district, and land in this overlay district may not be subdivided, graded, or otherwise disturbed for development, subdivision, or any other purpose, unless such construction, subdivision, disturbance, or development complies with the provisions of this Section 7.2.502.

c. In the HS-O district, no building permits shall be issued and no grading, land disturbance, removal of vegetation, or construction activity may occur on any lot or parcel until:[136]

[134] From current Sec, 7.3.504. This section was significantly simplified to streamline administration, remove vague language, and align the content with other base and overlay district content. The preference for PUD zoning in this area has not been carried forward. Materials on violations and enforcement of penalties on illegal land disturbance will appear in the Enforcement section of the UDC. Materials on review and approval processes and appeals from decisions on these standards will appear in the Administration and Enforcement section of the UDC. Supplemental material in the Hillside Design Manual will continue to apply. Lists of submittal materials will appear on the City's website along with similar materials on other topics.
[135] Statement to avoid burdensome costs of hillside development were not carried forward.
[136] Requirement for financial security was removed because that is addressed more generally elsewhere in the UDC. Applicability text simplified at staff's direction.

(1) A Development Plan for the site is approved;

(2) A Hillside Site Plan/Lot Grading Plan for the site is approved; and

(3) The Final Plat is recorded.

d. In case of a conflict between the provisions of the HS-O district and the WP-O district, the provisions of the WP-O shall apply.[137]

2. Exemption[138]

The provisions of this Section 7.2.502 shall not apply to:

a. Land that is removed from the HS-O district through rezoning pursuant to the procedure in Section 7.5.702.

b. Property that is the subject of an application for a building permit, Development Plan, or Subdivision Plat and that the Manager, upon consultation with the City Engineer, the Stormwater Enterprise, Fire Department, Traffic Engineering, and Utilities, determines is not characteristic of the hillside area landscape features this Section 7.2.502 is intended to protect and that the exemption will not compromise the ability of the HS-O district to achieve its intended purposes.

c. Lots created prior to the original adoption of these hillside regulations on June 6, 1996, and the Manager determines cannot reasonably comply with some of the standards in this Section 7.2.502, in which case the Manager may adjust or exempt the lot from the requirement of compliance with that standard at the time of building permit issuance.

C. Land Suitability Analysis[139]

Each new Concept Plan, major amendment to a Concept Plan, and Hillside Development Plan for any proposed development other than one single-family dwelling shall include a land suitability analysis. Each land suitability analysis generally includes analyses of slopes, vegetation, wildlife analysis, geology, soils, and natural features as illustrated on topographic and composite maps, with accompanying text, all of which shall comply with the submittal and technical requirements located on the City's website at <insert URL>. If the applicant submits a written request for waiver or of exceptions to elements of required land suitability analysis, the Manager may waive certain elements or approve exceptions that are not necessary to achieve the purposes of the HS-O district. The manager may also require additional analysis based on unique location, character, or potential impacts of development on the property.

D. Hillside Development Plan[140]

In addition to the normal Development Plan submittal requirements, applications for Development Plans in the HS-O district shall also include a Hillside Development Plan showing the following information and any other information required by submittal and technical requirements located on the City's website at <insert URL>.

1. Building Lots

The location of building lots and building envelopes on each lot designed to:

a. Avoid slopes greater than 25 percent;

[137] New provision to reflect current practice.
[138] Exemptions were reworded for simplicity, and application materials removed for location on the City's website. Reference to Stormwater Enterprise was added.
[139] There are continuing discussion regarding whether a single set of Land Suitability Analysis requirements can apply to both the HS-O and SS-O districts.
[140] Some requirements for the hillside Development Plan have been relocated for placement on the City's website, while others have been reworded for simplicity and to avoid repetition of vague terminology.

b. Preserve significant vegetation and features in preservation easements or common open space;

c. Allow significant variation in front and side yard setbacks to avoid a repetitious appearance along the street frontage;

2. Street Type and Placement

Streets and driveways that provide adequate vehicular access to each individual building lot. Adequate access will be evaluated based upon compliance with the following standards to the maximum extent practicable:

a. Driveways should follow the natural contour of the land, and should generally minimize the need for cut and/or fill for driveway construction. Cut and fill slopes should be limited to four feet in height and no more than two four-foot tiers in total.

b. Where retaining walls are used, there should be a minimum horizontal separation of four feet between each tier and the face of the retaining wall shall be screened by vegetation; however, a taller single wall of up to seven feet may be approved when necessary to reduce vegetation removal.[141]

c. Individual driveways should have a maximum slope of 20 percent and shared driveways should have a maximum slope of 15 percent. When the driveway serves a required Fire Department access, the width shall be a minimum of 12 feet and the maximum grade shall be 12 percent grade;

d. The amount of significant vegetation proposed to be removed should be minimized;

e. Driveway locations shall facilitate emergency service response. On streets with less than 28 foot mat widths, driveways should be offset to facilitate emergency response; and

f. The inclusion of shared driveways where possible to reduce grading, paving, and site disturbance.

3. Individual Utility Service Lines

Service lines should be located to minimize the need for grading and for disturbance of significant vegetation and natural features. The retention of the significant vegetation will be the main factor in the evaluation of the utility service line location. A proposed lot may not be approved if a satisfactory utility service line location cannot be agreed upon.

4. Retention of The Significant Vegetation on Individual Building Lots

On lots with significant existing vegetation the placement of the home should use existing vegetation, particularly in the front yard and streetscape areas, to soften structural mass and maintain vegetation.

5. Hillside Development Plan Review Criteria[142]

Hillside Development Plans shall be reviewed pursuant to Section 7.5.516 (Development Plan).

E. Hillside Site Plan/Lot Grading Plan[143]

1. No construction activity, including grading or removal of vegetation, shall occur on lots or parcels within the HS-O district until a Hillside Site Plan/Lot Grading Plan has been approved by the Manager The requirement for a Hillside Site Plan/Lot Grading Plan may be waived by the

[141] Throughout the UDC, references to six foot maximum fall and fence heights were changed to seven feet to align with building code.
[142] Hillside Development Plan review procedures and approval criteria will appear in the Article 7.5: Administration and Enforcement. Tailored height measurements have been removed. A consistent method of measuring height will be applied for all development.
[143] From Section 7.3.504H of the existing zoning and subdivision ordinance with revisions by staff; added for Revised Public Draft.

Manager if the change is determined to be a minor disturbance with no grading or removal of vegetation.

2. The Hillside Site Plan/Lot Grading Plan shall contain the content required by the Hillside Design Manual.[144]

F. Wildfire Risk Mitigation[145]

1. Requirement

a. Within the HS-O districts, development shall comply with the following provisions for reduction of wildfire risks.

b. Wildfire risk reduction techniques may include measures such as monitored smoke alarm systems, sprinkler systems, fire resistant roofing materials that are class A (excluding solid wood roofing products) for all residential occupancies, a minimum class B on all other occupancies, and fuels management measures within the safety zone of applicable new building construction.

2. Disclosure Statements

a. All Development Plans and subdivision plats within the HS-O zone district approved on or after April 1, 1993, and Hillside Site Plan/Lot Grading Plans shall contain the following disclosure statements:

"Residing in or near wildland interface or intermix areas involves increased fire risks that may not apply in urban or more urbanized types of developed communities."

b. All Development Plans and subdivision plats within the HS-O zone district approved on or after April 1, 1993, and Hillside Site Plan/Lot Grading Plans shall contain the following statement:

"All lots within this development, are subject to fuels management requirements. It is the responsibility of the builder to implement the fuels management procedures as defined in Chapter 8 of the City Code for each lot. Approval inspection must be obtained from the Department of Planning and Development prior to Final inspection by the Building Department and/or allowing occupancy of the residence. The initial fuels management inspection must be requested from the Department of Planning and Development prior to framing inspection with subsequent approval obtained prior to building final."

3. Fuels Management

All lots within the HS-O zone district illustrated on Development Plans approved on or after April 1, 1993, shall comply with the following fuels management requirements:

a. Brush patches or clusters may be left in the safety zone, but shall be separated by clear areas of 10 feet or more of noncombustible materials or grass mowed to not more than four inches in height.

b. No brush shall be allowed within 10 feet of the main structure, except that, when approved by the Fire Marshal, small brush patches, not exceeding 100 square feet in size and no more than 15 linear feet in any direction, may be allowed to encroach into this zone, provided that the structure is protected with fire-resistant siding and small brush patches are not located within 10 feet of combustible decks, overhangs, or building openings.

[144] Requirement that this plan be signed and bear the sea of a professional engineer licensed by the state will appear on the City's website or an administrative manual.

[145] This section contains standards similar to those that apply in the WP-O zone district (see Section 7.2.505). Discussions with the Fire Department are underway to determine whether these standards should remain, be modified, or replaced with a cross-reference to the standards in the WP-O district.

c. Large trees shall not have overlapping limbs and shall be pruned of dead limbs to a height of 10 feet above the ground. Tree clusters may be allowed if sufficient clear area is provided.

d. Tree branches shall not exceed over or under the roof eaves and shall not be within 15 feet of a wood burning appliance chimney.

4. Fire Alarms and Sprinklers

Homes upon lots within the HS-O zone district illustrated on Development Plans approved on or after April 1, 1993, shall be required to install a monitored fire alarm system or a fire sprinkler system when the lot lies beyond 1,000 feet along a cul-de-sac or the primary vehicle access to a lot involves grates steeper than 10 percent. Development plans that contain streets or lots that meet the criteria shall contain the following statement:

"A monitored fire alarm system or a fire sprinkler system is required for residences built upon the following lot(s): _____. The Colorado Springs Fire Department shall review all building plans, determine system requirements, and issue appropriate permits. A visual piping inspection must be secured through the Fire Department prior to requesting the framing inspection. Final inspection and approval of the system must be secured through the Fire Department prior to final inspection by the Building Department and/or occupancy of the residence."

5. Roof Materials

After January 1, 2003, a class A roof covering (excluding solid wood roofing products) shall be installed on all residential occupancies and a minimum class B roof covering shall be installed on all remaining occupancies (not to replace class A where already required by the Regional Building Code) at the time a permitted roofing or reroofing application is completed.

G. Hillside Building Height[146]

Within the HS-O zone district permitted heights are as follows:

1. For single-family uses, the maximum height is 35 feet for a sloping roof and 30 feet for a flat roof. Maximum building height shall be determined at the time of zoning and Development Plan review and may be reduced based upon consideration of site factors including, but not limited to, visual analysis, topography, and proposed height relative to existing vegetation.

2. For multi-family uses, height shall be determined at the time of zoning and Development Plan review. Maximum building height will be based upon consideration of site factors including, but not limited to, visual analysis, topography, and proposed height relative to existing vegetation.

3. For nonresidential uses, maximum structure height is as permitted in the underlying zone, subject to final determination at the time of zoning and Development Plan review. Maximum building height may be reduced based upon consideration of site factors including, but not limited to, visual analysis, topography, and proposed height relative to existing vegetation.

4. Existing single-family zoned lots with approved, unexpired Development Plans or subdivision plats approved prior to the original adoption of these building height regulations on June 6, 1996, shall have a maximum permitted height of 35 feet. In the event an approved Development Plan restricts building height to less than 30 feet, the maximum height required by the Development Plan shall apply.

[146] Throughout this section, statements that the height of sloped roofs will be measured to the highest point on the roof have been deleted. For internal consistency and simplicity, the City's standard rule that the height of a sloped roof is measured to a point halfway between the eave and the ridge will apply.

7.2.503 AP-O: Airport Overlay[147]

A. Findings and Purpose[148]

City Council finds and determines that:

1. Certain land uses that are determined by the Federal Aviation Administration (FAA), pursuant to 14 CFR part 77, to create, establish, enhance, or maintain hazards to air navigation are a public nuisance and an injury to the communities served by the airports.
2. In the interest of the public health, public safety and welfare, no creation, enhancement, establishment, and/or maintenance of hazards to air navigation shall be granted unless a variance, waiver of standard(s) or other development approval is granted pursuant to this UDC.
3. The free and unobstructed passage of all aircraft, regardless of its owner or operator, in, through and across all of the airspace above the communities served by airports is a defined right set forth in title 49 United States Code ("USC") sections 40102(a)(30) and 40103(a)(2), title 14 CFR, chapter I, parts 91, 101, and 103, as amended, including, but not limited to, 14 CFR part 91.119, or any similar statute or regulation that may later be enacted or amended in total or in part; and including, but not limited to, C.R.S. §§ 41-4-101, 41-4-106 and 41-4-107, as amended, or any similar regulation or statute that may later be enacted or amended in total or in part.
4. Nonconforming uses may be created that are subject to the nonconforming use rights and restrictions as established by this UDC.
5. A person seeking a variance, waiver of standard(s) or other development approval shall, upon receipt of a reasonable request, grant, and record an avigation easement as a condition of approval of a variance, waiver of standard(s), or other development approval sought as a standard condition of development.
6. The City intends to exercise the full extent of its authority under C.R.S. title 41 to establish a method for the acquisition of airport protection privileges for public purposes as a matter of public necessity.
7. These regulations are appropriate and necessary to implement the Colorado Springs Comprehensive Plan.

Image or graphics to be inserted

B. Airport Overlay District and Subzone Map[149]

This AP-O shall be shown on an approved AP-O map, which is part of the official zoning map, and which may be amended from time to time.

[147] From current Sec, 7.3.506. Minor updates were made to this section to remove vague language, and align the content with other base and overlay district content. There are continuing discussions regarding how to terminology regarding uses that are restricted near airports as well as updating substantive land use regulations on compatibility with airport operations. These continuing discussions involve both the Colorado Springs Municipal Airport/Peterson Air Force Base and the United States Air Force Academy airport. As these issues are resolved between the City and the airport operators, those revised regulations will be incorporated into this UDC.

[148] The City's authority to adopt these regulations pursuant to CRS title 41 will appear in the authority section of Article 7.1,

[149] There are continuing discussions regarding airport overlay districts and their boundaries that will be incorporated into future drafts of this UDC.

C. Development Requirements

The following requirements are cumulative:

1. Requirements Prior to Building Permit Issuance

Within the Airport Navigation (ANAV) subzone the following requirements apply and must be met prior to building permit issuance:

a. Unless previously granted for the property, an avigation easement must be granted and recorded.

b. Referral to Airport Advisory Commission or its designee for review and comment to ensure that any proposed structure does not penetrate the elevations shown on the Colorado Springs Airport Map.

c. Referral to Airport Advisory Commission or its designee for review and comment is required if the land use or permit request is for a communication facility, wastewater treatment facility, lift station or other use that uses electronic communications or emitting electromagnetic radiation that may create electrical interference with radio communication and navigational aids.

2. Requirements for New Development, Rezoning or Subdivision

Within the ANAV subzone the following requirements apply for new development, rezoning, or subdivision plat:

a. Airport Advisory Commission or its designee shall review and comment on all applications.

b. As a condition of approval, the applicant shall grant and record an avigation easement for the benefit of the Colorado Springs Airport.

c. For subdivision plats or replats, the avigation easement recording information shall be referenced in the notes section of the plat.

3. Additional Requirements Within Airport Noise Subzone (ADNL)

The following are necessary prior to the issuance of a building permit for any development within the 65 DNL airport noise zone (ADNL), if not previously completed as a part of new development:

a. Airport Advisory Commission or its designee shall review and comment upon all applications.

b. For proposed development within an existing residential zone, a noise level reduction of 30 dBA shall be achieved, and evidence of a noise reduction certificate provided.

c. Any rezoning of residentially zoned property to another residential or multi-family zone district shall not increase density beyond that permitted by the current zoning of the property.

d. Nonresidential land uses as identified in Table 7.3.2-B are considered a conditional use unless a 30 dBA noise reduction is achieved, and evidence of a noise reduction certificate provided.

4. Construction or Alteration Requiring FAA Notice

a. Notice to FAA shall be provided as required by 14 CFR part 77, as amended, or any similar regulation or statute that may later be enacted in total or in part for:

(1) Any person proposing construction or alteration of an improvement; and

(2) Any proposed construction of greater height than an imaginary surface extending outward and upward at a slope of 100:1 (i.e., one foot of height for each 100 feet of distance) from the nearest point of the nearest runway through the length of the RPZ.

b. Any notice required by this Section 7.2.503 shall be on FAA form 7460-1, "Notice of Proposed Construction or Alteration." Notice required under this part shall be completed and a determination from the FAA be made as an attachment to title 30 applications, where required.

5. Installation and Maintenance of Marking or Lighting on Improvements Requiring FAA Notice

In granting any approval or permission under this UDC, the City Council may, if it deems an action advisable to carry out the purposes of this Section 7.2.503 and reasonable in the circumstances, condition any development approval to require the owner of the improvement conditioned by the FAA at the time these regulations are adopted, to install, operate, and maintain at the person's expense, markers and lights as may be necessary to indicate to aviators the presence of an obstruction to flight. The City may, with the permission of the person and at the person's expense, own, install, and operate upon improvements so conditioned by the FAA at the time these regulations are adopted, markers or lights as may be necessary. After initial installation, the City may, upon written notice to the person, require the person to maintain those markers or lights in conformance with the standards of the FAA. Any person who fails to install, operate, or maintain a marker or light or pay the required expenses shall be charged with a misdemeanor for creating a hazard.

6. Prohibited Improvements

No improvement shall be erected, altered, or allowed to grow, or shall be maintained in any portion of the AP-O that is in excess of any of the airport imaginary surfaces described in this Section 7.2.503. For purposes of computation, the base level of the site shall be the highest point on which a structure is proposed as shown on USGS 1: 24,000 quad. In cases where conflicts exist, the USGS datum shall apply, except in cases in which the developer submits detailed engineering data that would result in alteration of the USGS datum.

7. Electrical Interference

Notwithstanding any other provisions of this Section 7.2.503, no use may be made of land within any zone established by this Section in a manner that creates electrical interference with radio communication or navigational aids between the airport and aircraft, makes it difficult for flyers to distinguish between airport lights and others, results in glare in the eyes of flyers using the airport, impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.

8. Conflicts

In cases in which the provisions of the AP-O zone and the underlying zone conflict, the more restrictive provisions shall apply.

7.2.504 SS-O: Streamside Overlay[150]

A. Purpose and Objectives

1. Certain areas of the City are characterized by intermittent and perennial streams that provide significant wildlife habitat, riparian vegetation, water quality protection, flood protection, open space, and multiuse trail opportunities that add to the character, attractiveness, and quality of life of the community. The purpose of the SS-O district to guide the development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints, and character of these areas.

2. It is the objective of this Section 7.2.504 to protect and enhance streamside areas by promoting planned development within the SS-O zone district to the extent that those developments comply with the Streamside Development Plan review criteria and the streamside protection standards found in this Section. The City may consider variance requests that help projects meet the SS-O district requirements and review criteria.

3. To minimize the negative impacts that certain uses have on streams and streamside areas, some land uses are limited or prohibited in the SS-O district, even if they are allowed in the base zone district. See Table 7.3.2-B (Additional Overlay District Use Table) in Section 7.3.202 for a full list of limited or prohibited uses.[151]

Image or graphics to be inserted

B. Applicability

The SS-O zone district encompasses all land within the stream channel, including stream adjacent wetlands, and within a specified distance from the toe of the channel bank of specific intermittent and perennial streams within the City, as represented by the SS-O district boundaries as shown on the official zoning map. SS-O district requirements are not applicable to those wetland areas that extend beyond the mapped SS-O district boundary. However, wetlands that are wholly or partially outside of the mapped SS-O district shall be analyzed and protected as indicated or recommended by a land suitability analysis, when required.

C. Amendment of the Streamside Overlay Zone Boundary:

1. Establishment by Annexation

The boundary of the SS-O zone district may be established in conjunction with the determination of zone district classification of newly annexed areas for stream corridors that exhibit a continuation of the relevant stream characteristics and/or an established SS-O district.

2. Refinement

Refinements of the SS-O district that occur during the development review application process shall not require an ordinance to amend the overlay boundary if those refinements are otherwise

[150] This section carries forward the content of Section 7.3.508 of the current zoning and subdivision ordinance, with significant rewording and revisions by the Stormwater Enterprise to bring the regulations into alignment with current SWENT practice. Existing SS-O review and approval procedures will be carried forward as part of Module 3. Supplemental material in the Drainage Control Manual will continue to apply. The preference for PUD zoning in areas of overlap has not been carried forward.
[151] New provision added for Revised Public Draft that references overlay district use table to make clear that use restrictions apply in SS-O district.

consistent with this Section 7.2.504. Typical refinement includes the definition of the edge of the channel and the toe of the channel bank. The location of the stream channel and toe of the channel bank as illustrated on the official zoning map will be refined with the review and approval of every Streamside Development Plan and/or Streamside Site Plan. Proposed changes should be supported by a professional survey of the stream channel location, and approved changes shall be recorded on any plans submitted for the project site and may be reflected on the official zoning map from time to time without an additional amending ordinance being required.[152] Once established by an approved Development Plan, the overlay boundary shall remain fixed without regard to changes in the associated stream cross section unless a subsequent change in the streamside overlay boundary is specifically requested by the applicant and mutually agreed to by the applicant and the Manager.

3. Stream Realignment

Major channel realignment or the elimination of existing stream channels that are identified on the SS-O district in the official zoning map require completion of the formal zone change procedures described in Article 7.5 and must be in conformance with the applicable Drainage Basin Planning Study described in Section 7.4.7 (Stormwater). The proposed realignment must include significant mitigation activities that replace and/or improve upon existing flood control, wildlife habitat, water quality, and aesthetic values.[153]

D. Development Standards

This Subsection D describes the requirements for submittals, approvals, and administration of development review applications and identifies the streamside protection standards for development within the SS-O zone district.

1. Administration

a. Streamside Concept Plan Applications

Applications for Concept Plans affected by the SS-O zone district shall be reviewed for consistency with this Section 7.2.504. These plans may be used to identify streamside overlay areas, establish buffer and impervious surface averaging determinations, and to average any other of the streamside standards across the entire respective plan area.

b. Streamside Development Plan Approval Required

For any property that is designated on the official zoning map as being within the SS-O district, no grading, filling, dumping, property disturbance or removal of trees or other significant vegetation shall occur, nor shall any building or structure be erected, nor shall any subdivision plat be approved until a Streamside Development Plan has been approved, pursuant to this Section 7.2.504 and Article 7.5.

c. Hillside Overlay Conflicts

Where the SS-O district overlaps a HS-O district, the requirements of the SS-O district shall supersede the requirements of the HS-O district within the overlap area.

d. Land Suitability Analysis[154]

(1) Purpose[155]

The purpose of a land suitability analysis is to provide the basic information about a site's physical characteristics and features. This analysis is used to assess the impact of proposed development across the entire project both on and off the site.

[152] Sentence revised for clarity and reference to zoning map updates added.
[153] Requirement for consistency with DBPS was added in Revised Public Draft.
[154] Technical standards for what must be included in a land suitability analysis will appear on the City's website along with other application material lists and technical requirements of required documents. There are continuing discussion regarding whether a single set of Land Suitability Analysis requirements can apply to both the HS-O and SS-O districts.
[155] Substantive requirements moved out of purpose section to other sections below.

(2) Requirement

(a) A land suitability analysis shall be required in conjunction with the City's review of the following:

(i) New Concept Plans that include property within a SS-O district.

(ii) Major amendment to a Streamside Master Plan.

(iii) Streamside Concept Plan.

(iv) Streamside Development Plan.

(b) The analysis shall consist of both a written and graphic description and evaluation of the physical and environmental factors that affect the site.

(c) The Manager may waive certain elements of the land suitability analysis or require additional analyses for sites that do not contain all of the elements listed, or sites that have unique considerations. The landowner or the authorized representative shall submit in writing a letter stating the reason for any requested waiver and list all exceptions being sought.

(d) The required content of the land suitability analysis is found on the City's website at <insert URL>.

e. Financial Assurances May Be Required[156]

Where deemed necessary by the Manager, financial assurances may be required prior to or after approval of a grading plan or building permit as an offset to the potential cost of reparations to sensitive streamside areas where development is approved to take place adjacent to and/or within the SS-O district.

f. Streamside Site Plan Required

For those developments noted in Subsection 2.f(1) below, a Streamside Site Plan (SSP) may be submitted in place of a Streamside Development Plan. The SSP submittal shall not require a land suitability analysis unless otherwise required but shall be subject to all other requirements of this Section 7.2.504. Review of the SSP shall occur at the time of the building permit application and shall be subject to the normal procedural and administrative requirements for these applications.[157]

2. Streamside Protection Standards

The purpose of this Subsection 2 is to prescribe streamside protection standards that apply to development projects located within the SS-O zone district. Approval of a Streamside Development Plan will demonstrate that the development project meets or exceeds the Streamside Development Plan review criteria and satisfies all of the following streamside protection standards. This Subsection will identify the purpose and characteristics of the three stream types and the three regulatory zones of each stream type, and will prescribe for each stream type and/or buffer zone: a) the recommended acceptable streamside improvements and protective measures, b) the permitted, prohibited, and/or conditional land uses, c) the allowable site impervious area permitted, and d) specific provisions regarding grading, landscaping, and wall and fence construction.

[156] Revised to provide that assurances may be required after (as well as before) issuance of these approvals to match current practice.
[157] Revised to remove text that SSP shall not require an approved grading plan.

a. Stream Types and Streamside Buffer Zones[158]

(1) Stream Types Defined

Three stream types are identified and are represented on the SS-O zone district as shown on the official zoning map. The typical characteristics of the stream types are as follows:

(a) Type 1

(i) Typical channel width less than 25 feet.

(ii) Buffers measure 70 feet wide on both sides of channel.

(b) Type 2

(i) Typical channel width 25 feet to 75 feet.

(ii) Buffers measure 90 feet wide on both sides of channel.

(c) Type 3

(i) Typical channel width greater than 75 feet.

(ii) Buffers measure 120 feet wide on both sides of channel.

(2) Streamside Buffer Zones[159]

Streamside buffer zones are established within a specified distance of the edge of the stream channel (toe of the channel bank) for each of the specific stream. Specific buffer zones have been identified as significant based upon their typical size, natural and vegetative characteristics, wildlife habitat suitability, open space, recreational opportunities, and permitted and/or prohibited land use potential. All streamside zoned land falls within one of three regulatory categories: a) stream channel, b) inner buffer zone, or c) outer buffer zone. Uses, landscaping standards, grading, and impervious surface limitations vary depending on buffer zone.

(a) Stream Channel

The protection of the stream channel is critical for flood mitigation, water quality, and wildlife habitat. It is identified as the area between the toe of both channel banks. All proposed uses for the stream channel are subject to the review and approval of the Stormwater Enterprise Manager.[160] Wetland areas that are between defined channel banks and are contiguous to the stream itself are to be considered as part of the stream channel regulatory category. Stream bank stabilization, restoration activities, trail crossings, and flood control activities are typically the only permitted activities within the stream channel.

(b) Inner Buffer Zone

The inner buffer zone is measured outward from the toe of the channel bank. It is considered a preservation area where uses are restricted to flood control, Permanent Control Measures, landscaping, utility corridors, and recreational trails. Impervious surfaces are not permitted within the inner buffer zone. Specific permitted, prohibited and/or conditional uses, impervious surface limitations, grading limitations, and landscaping standards apply within the inner buffer zone.

[158] Current section on grading was not carried forward to avoid inconsistencies with grading requirements in Section 7.4.6 that apply throughout the city (including the SS-O district).
[159] In this and other sections, several references to Best Management Practices have been change to Stormwater Control Measures.
[160] Revised from City Engineer in Revised Public Draft.

(c) Outer Buffer Zone

The outer buffer zone extends from the outward edge of the inner zone to the outer extent of the overlay area. The full range of uses that are permitted in the base zone (unless listed as prohibited in Table 7.3.2-B in Section 7.3.202 (Additional Overlay District Use Table)) are permitted in the outer buffer zone. The outer buffer zone may often be an area of increased activity to improve the human relationship with adjacent stream areas. Specific permitted, prohibited and/or conditional uses, impervious surface limitations, grading limitations, and landscaping standards apply within the outer buffer zone. The following table indicates the streamside types, their associated streamside buffer zone widths, and a general vegetative and land use characteristic description:

Table 7.2.5-A
Streamside Buffers

Type	Width (feet)			Vegetation			Uses		
	Channel	Inner	Outer	Channel	Inner	Outer	Channel	Inner	Outer
1	Less than 25	20	50	Little to no vegetation; riparian where present	Riparian vegetation corresponding to appendix B of the Landscape Policy Manual; 1 tree per 20 ft. of stream frontage	Riparian or upland vegetation; 1 tree per 30 ft. of stream frontage	Stabilization, restoration, and flood control only	Riparian area; flood control, Permanent Control Measures, landscaping, and recreational uses; no impervious surfaces	Upland area; all uses permitted within the underlying zoning and complying with this Subsection 7.2.504D.2.a
2	25 to 75	30	60						
3	More than 75	40	80						

b. Site Imperviousness Standards[161]

Those portions of the subject parcel or project that fall within the inner or outer buffer zone of the SS-O zone district shall be used to calculate a 10 percent limit on impervious surface. A Streamside Development Plan shall demonstrate that the 10 percent impervious surface limitation standard is met.[162]

(1) For purposes of determining percentage of impervious surface, the impervious surface calculation shall be based upon the area of the lot or project that is located within the inner and outer buffer zone of the SS-O district boundary.

(2) No impervious surface is permitted within the stream channel or inner buffer zone; it may only be located within the outer buffer zone area. Recreational trails within the overlay zone are exempt from impervious surface calculations and restrictions. Impervious surface outside the overlay zone is not regulated by this Section 7.2.504 and is only subject to coverage limitations imposed by the base zone, as applicable.

c. Landscaping Requirements

In addition to the landscaping requirements in Section 7.4.9, any development project within the SS-O zone district is required to meet the following landscaping standards specific to the inner and outer buffer zones. Alternatives or adjustments as described by Section 7.4.913 and the Landscape Policy Manual shall apply to the following requirements:

[161] Definition of impervious surface was moved to the definitions chapter.
[162] Provisions generally allowing 2.5 times general 10% imperviousness standard under certain conditions was deleted by staff as outdated.

(1) Inner Buffer Zone

The inner buffer zone shall be vegetated with at least one tree for every 20 feet of stream frontage. Shrubs may be substituted for required trees at the rate of 10 shrubs for every tree, with no maximum percentage of shrub substitute. If the inner buffer zone corresponds with the 100-year floodplain, vegetation should be selected to both stabilize the channel bank and protect the stream's flood capacity. Existing appropriate riparian or upland vegetation within the inner buffer may count toward fulfilling this requirement.

(2) Outer Buffer Zone

The outer buffer zone should be vegetated with at least one tree for every 30 feet of stream frontage. Shrubs may be substituted for required trees at the rate of 10 shrubs for every tree, with a maximum of 50 percent shrub substitute. If the outer buffer zone corresponds with the 100-year floodplain, vegetation should be selected to both stabilize the channel bank and protect the stream's flood capacity. Existing appropriate riparian or upland vegetation within the outer buffer may count toward fulfilling this requirement.

d. Fences and Walls[163]

(1) Fences constructed within the SS-O zone district must be of an open design allowing the stream to be visible from the subject property. Metal (chain-link or wire) may be added for security, but only as an attachment to an acceptable fence as described in this Section 7.2.504. Opaque fencing shall only be installed if open-style fencing is impracticable given the site function and design. No fencing shall extend into the 100-year floodplain area. The Manager may waive this requirement for projects where screening of the streamside use is needed for other streamside adjacent properties.

(2) Walls of up to seven feet in maximum height may be permitted within the SS-O district. The walls will require appropriate landscape screening, and the linear extent of any one section of wall may not exceed two-thirds (2/3) of the length of the stream frontage or 300 feet, whichever is less. Breaks in wall sections required by this Section 7.2.504 shall be no less than 30 feet in width.

e. Drainage Requirements[164]

Within the SS-O zone district, all stormwater facilities and improvements to channels shall be designed to comply with the standards of the Drainage Criteria Manual.

f. Exemptions[165]

The purpose of this Subsection f is to identify specific properties, projects, and/or development activities that may be exempted from all or a portion of the SS-O zone district regulations. A note shall be included on the Streamside Development Plan, Development Plan, or Streamside Site Plan identifying exemptions approved for the project. The only acceptable exemptions are as follows:

(1) Single Dwelling Residential Developments

(a) New Residential Development

A single lot for a new single-family or two-family dwelling that is at least partially within the SS-O district may be reviewed as a Streamside Site Plan. Streamside Site Plans shall not require the submittal of a Streamside Development Plan or land suitability analysis, but shall otherwise be reviewed for compliance with the requirements of this Section 7.2.504.

[163] Contour interval requirements were removed but will appear in submittal materials on the City's website.
[164] New section to reflect current practice.
[165] Current text regarding Prudent Line Setbacks deleted to match current practice; that tool is not currently used.

(b) Residential Additions

Single residential dwellings located at least partially within the SS-O district that existed as of November 12, 2002, are exempt unless a building permit is requested and/or additional impervious surface is proposed that would increase the gross footprint and impervious surface area of the development on the lot by 50 percent or more than that which existed as of November 12, 2002, in which case the Streamside Site Plan requirements apply.

(2) Expansion of Existing Nonresidential and Multi-Family Uses

Proposals to expand building footprints or accessory impervious areas of existing commercial, office, industrial, multi-family, mixed-use, and institutional uses by up to 30 percent of the approved area as of November 12, 2002, are exempt from the SS-O district requirements as long as the following conditions exist:[166]

(a) The land use is permitted within the base zone district.

(b) The land use is not a prohibited land use type within the streamside overlay zone as set forth in Table 7.3.2-B in Section 7.3.202 (Additional Overlay District Use Table).

(c) The expansion project does not include any additional fill material within the overlay portion of the site.

(d) No new impervious surfaces are proposed within the inner buffer zone as described in Subsection 7.2.504D.2.a(2)(b) above.

(3) Separated Development

(a) Street Separated167

Properties that are totally or partially contained within the SS-O district but are completely separated from the identified stream by a public or private street are not subject to the regulations of the SS-O district.

(b) Functionally Separated

Properties that are adjacent to open stormwater drainage channels that are completely lined with concrete may be exempted from the requirements of the SS-O district. A project may be exempted if the reviewing planner, the reviewing engineer, and public comments taken during the pre-application stage of development review mutually and/or generally support that the portion of the property that is contained within the SS-O district does not:

(i) Exhibit any of the important riparian characteristics or recreational opportunities that are intended to be enhanced through the application of the SS-O district; and

(ii) The proposed development activities will not adversely impact on site or downstream riparian values. If exempted, the project shall be pursuant to the standard Development Plan and grading procedures applicable to the base zone.

(4) Public Facilities

(a) Work to install, replace, repair, rehabilitate, or maintain public facilities, including, but not limited to, utilities, stormwater facilities[168], trails, and parks may be exempted from all or part of the SS-O district regulations if the

[166] Reference to mixed-use development added.
[167] Unnecessary statement of required compliance with all other standards in the UDC was not carried over.
[168] Reference to drainage facilities deleted per staff direction in the Revised Public Draft.

Stormwater Enterprise Manager determines that application of those regulations are not necessary to address potential impacts of the activity on City services or facilities or on surrounding areas.[169]

(b) Grading for the purpose of installing new public utilities, public stormwater[170] improvements, trails, or park amenities, or for the purpose of constructing stream stabilization measures, as required by Section 7.4.6 (Grading and Erosion Control) may be exempted from all or part of the SS-O district regulations if the Stormwater Enterprise Manager determines that application of those regulations are not necessary to address potential impacts of the activity on City services or facilities or on surrounding areas.[171]

(5) Exempted Uses

The following uses within the SS-O district shall be exempt from the requirements of this Section 7.2.504. However, development incidental to the following uses shall still meet the grading and impervious surface standards of this Section:

(a) Agricultural uses such as general farming, ranching, nurseries, and forestry operations.

(b) Private recreational uses such as golf courses, archery ranges, and ballparks.

(c) Residential uses such as lawns, gardens, and play areas.

(d) Any other woodland, grassland, wetland, agricultural, horticultural, or recreational uses of land or water not contrary to requirements of this Section.

7.2.505 WP-O: Wildfire Protection Overlay[172]

Image or graphics to be inserted

A. General

1. Applicability[173]

The following wildfire risk reduction standards shall be required for all new building construction or reconstruction in the WP-O, regardless of Development Plan approval date or initial construction plan approval, and pursuant to Section <> [7.4.502, HS-O zone district].

[169] Revised by staff to allow full exemption.
[170] Reference to drainage replaced by stormwater in Revised Public Draft.
[171] Revised by staff in Revised Public Draft to allow full exemption. Requirement for approval by Planning Department was deleted by staff. Current provisions addressing emergency repairs and for the routine replacement of public facilities was deleted by staff as unnecessary.
[172] Unless otherwise noted, this section has been carried forward as is Chapter 8, Article 4, Part 1 of the City Code (Appendix K). A decision as to whether to keep this content here or simply cross-reference Chapter 8 will be determined based on further discussions with the Fire Department. If carried forward here, a purpose statement and applicability section will be added, and all definitions will be moved to Article 7.6. Applicability section should cross reference Hillside Area Overlay and indicate which overlay shall prevail if provisions conflict, as well as a reference to existing HOAs and covenants, as called out in the accompanying design manual. Supplemental material relating to the WP-O district will continue to apply. Cross-reference requiring compliance with all other UDC standards was not carried forward as unnecessary if these regulations are part of the UDC. Minor wording changes for clarity throughout.
[173] Map references to be clarified for consistency.

2. Wildfire Risk Mitigation Techniques to be Applied

Within the WP-O, required wildfire risk reduction techniques may include measures such as monitored smoke alarm systems, sprinkler systems, fire resistant roofing materials that are class A (excluding solid wood roofing products) for all residential occupancies, a minimum class B on all other occupancies, ignition-resistant construction materials, and vegetation (fuels) management measures. Within the WP-O, fuels management measures shall be used within the safety zone of applicable new building construction. 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 30 feet of the main structure or significant accessory structures, up to but not 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 pursuant to Section <> [7.4.502, HS-O zone district].

3. Wildland Urban Interface[174]

Notwithstanding the standards set forth in this UDC for each zone district, properties located in the WP-O shall comply with the standards of this Section 7.2.505. The requirements of this Section shall be applied in conjunction with the design guidelines contained in the Ignition Resistant Construction Design Manual maintained by the Fire Department. The map and design manual shall be kept on file with the Department of Planning and Development and on the City's website at <insert URL> are available on the City's website at <insert URL>.

4. Development Plans and Subdivision Plats

All Development Plans and subdivision plats within the Wildland Urban Interface approved on or after April 1, 1993, and Wildland Urban Interface site plan/Lot Grading Plans[175] shall contain the following disclosure statements:

a. "Residing in or near Wildland Urban Interface or intermix areas involves increased wildfire risks that may not apply in urban or more urbanized types of developed communities."

b. "All lots within this development are subject to fuels management requirements. It is the responsibility of the builder to implement the fuels management procedures as defined in this Section 7.2.504 and Title 8 of the City Code for each lot. Approval inspection must be obtained from the Fire Department prior to final inspection by the Building Department and/or allowing occupancy of the residence. The initial fuels management inspection must be requested from the Fire Department prior to framing inspection with subsequent approval obtained prior to building final."

B. Fuels Management Requirements

1. Fuels Management

All lots with homes constructed or reconstructed after May 18, 2018, within the WP-O, regardless of Development Plan approval date, shall be subject to the following fuels management requirements:

a. Safety zone

Brush patches or clusters may be left in the safety zone, but shall be separated by clear areas of at least 10 feet or more of noncombustible materials and/or grass mowed to not more than four inches in height.

[174] New Subsection to reference WUI map and design manual.
[175] Specific requirements to be reviewed and potentially updated as part of Module 3 for consistency.

b. Clearance to main structure

(1) No hazardous brush or trees (i.e. junipers and conifers) shall be allowed within 15 feet of the main structure or significant accessory structure. Conifers or other similarly combustible plants shall not be planted under soffit vents.

(2) As an exception to Subsection (1) above, when approved by the fire code official, small brush patches or trees, not exceeding 100 square feet in size and no more than 15 linear feet in any direction, may be allowed to encroach into this zone. Vegetation must be maintained in compliance with the applicable Colorado Springs Community Wildfire Protection Plan. Plants with fire resistant characteristics found on the Colorado State Forest Service list of Firewise Plants are allowed within 15 feet of the main structure or significant accessory structure.

c. Pruning of dead limbs

Large trees shall not be allowed to have limbs overlap another tree and shall be pruned of dead limbs to a height of up to 10 feet above the ground. Tree clusters may be allowed if sufficient clear area is provided and approved.

2. Clearance of tree branches to structures or appurtenances

Tree branches shall not extend over or under the roof or eaves, and shall not be within 15 feet of a deck or similar combustible projection, wood burning appliance, or chimney.

C. Fire Resistant Roof Coverings

After January 1, 2003, a class A roof covering (excluding solid wood roofing products) shall be installed on all Residential Occupancies (as defined in the Regional Building Code) and a minimum class B roof covering shall be installed on all remaining occupancies (not to replace Class A where already required by the Regional Building Code) at the time a permitted roofing or reroofing application is done within the City limits, unless specifically approved by the fire code official.

D. Hardened Structure

The following requirements shall be enforced for all homes constructed or reconstructed after May 24, 2018, within the WP-O for ignition-resistant construction and fuels management:

1. Exterior cladding, eaves, and soffits shall be constructed of ignition-resistant materials approved by the fire code official. Approved materials include, but are not limited to, fiber-cement board, stucco, masonry/brick, manufactured stone, and similar materials. Natural wood/cedar siding, hardboard, vinyl, and similar combustible materials are not allowed. As an exception to this requirement, natural wood or plastic products used for fascia, trim board materials and trim accents, such as corbels, false rafter tails, faux trusses, shutters, and decorative vents material are allowed when painted or as approved.

2. For any portion of the attached structure with projections or overhangs, the area below the structure shall have all horizontal under-floor areas enclosed with ignition resistive materials such as those allowed in Subsection 1 above. As an exception to this requirement, heavy timber or dimensional log construction is allowed.

3. Exterior doors shall be noncombustible or solid core not less than one and three quarters (1¾) inches thick. Windows within doors and glazed doors shall be tempered safety glass or multi-layered glazed panels. As an exception to this requirement, decorative single pane glazing in front entry doors is allowed.

4. Exterior windows shall be a minimum double pane. Tempered panes are preferable but not required.

5. All attic vents shall be screened with wire mesh or hardware cloth having openings no larger than 1/8-inch unless an alternative design or product is allowed by the fire code official. Soffit vents are allowed. Gable vents may be allowed but only as approved by the fire code official.

6. Gutters and downspouts that are of non-combustible construction shall be installed such that the leading edge of the roof is finished with a metal drip edge so that no wood sheathing is exposed. The drip edge shall extend into the gutter. Vinyl gutters may be allowed, but must have a non-combustible landing area below the roof line that is a minimum 5-foot distance from the side of the structure or foundation. Gutter caps are highly encouraged as a homeowner maintenance item to prevent combustible debris from collecting in the trough.

7. Decks and other habitable spaces shall be of ignition resistant or non-combustible decking materials, such as composite or metal decking. Wood is not permitted to be used for the decking surface, but can be used for all large structural components and railings.

8. The base of exterior walls, posts, or columns shall be protected on the bottom side with provisions such as fire-resistant foam or wire mesh having openings no larger than l /8-inch to protect them from ember intrusion and still allow for weeping and moisture control.

9. Chimneys serving fireplaces, as well as other heating appliances in which solid or liquid fuels are used, shall have an approved spark arrestor or cap.

E. Alternative Materials

Alternative materials or construction methods not specifically addressed in Subsection D above may be approved on a case-by-case basis if found to have comparable ignition-resistant properties and as approved by the fire code official.

F. Review Requirements[176]

1. Construction Permit Review Requirements

Compliance with all requirements of this Section 7.2.505 must be reviewed and approved by the fire code official prior to permit issuance and prior to final inspection. As part of the permit review process, the Colorado Springs Wildfire Mitigation Section will attach an assessment of wildfire hazard potential including a fire behavior index for the project as well as specific recommended wildfire mitigation measures. A final fire department inspection to verify compliance will be required prior to issuance of the certificate of occupancy.

2. Fire Protection Systems

a. Scope

Fire protection system requirements for homes in the HS-O zone district shall only apply to the conditions listed below as specifically addressed within Subsection 7.2.502F.4.

b. Fire Protection Systems

Homes upon lots within the WP-O illustrated on Development Plans approved on or after April 1, 1993, shall be required to install a monitored fire alarm system or a fire sprinkler system when the lot lies beyond 600[177] feet along a cul-de-sac or lies beyond roadways with grades in excess of 10 percent if roadways are the primary vehicular points of access to the home. Additionally, Development Plans that contain streets or lots that meet this criteria shall contain the following disclosure statement:

> "A monitored fire alarm system or a fire sprinkler system is required for residences built upon the following lot(s): The fire code official shall review all building plans, determine system requirements, and Issue appropriate permits. A visual piping inspection must be secured through the fire code official prior to requesting the framing inspection. Final inspection and approval of the system must be secured through the fire code official prior to final inspection by the Building Department and/or occupancy of the residence."

[176] Some of these materials may be relocated to Article 7.5: Administration and .
[177] Revised from 1,000 feet in the Revised Public Draft, at staff's request, for consistency with updated standards on cul-de-sac length.

7.2.506 NC-O: Neighborhood Character Overlay[178]

A. Purpose

The purpose of the Neighborhood Character Overlay (NC-O) zone district is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Preservation Overlay (HP-O) districts. These areas shall meet one or more of the following characteristics:

1. Have recognized neighborhood identity and character; and/or
2. Have high architectural value; and/or
3. Have a relationship with the unique places or cultural features identified in the adopted Comprehensive Plan, as amended.

Image or graphics to be inserted

B. NC-O/NNA: North Nevada Avenue Neighborhood Character Overlay[179]

1. Purpose

The purpose of the NC-O/NNA zone district is to implement the goals of the Master Plan adopted for the geographic area of North Nevada Avenue as illustrated in the map below. The goals include:

a. Creating a creative mix of business types and uses that support and employ our residents and serve as a regional economic magnet;

b. Strengthening connections within the area and to the community by improving roadways and expanding transit service;

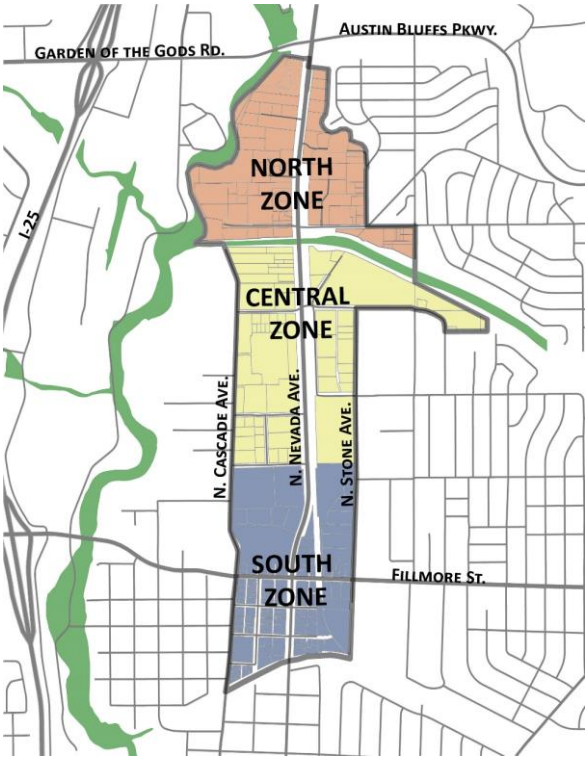
c. Strengthening housing option that serves the need of existing and new residents and offers options for all ages and levels of income; and

d. Integrating the corridor's streets, sidewalks, stormwater,[180] streetscape, and other City infrastructure.

2. Applicability

The NC-O/NNA district applies to the area generally described lying south of Garden of the Gods/Austin Bluffs, east of Monument Creek and Cascade Avenue, west of Weber Street and Stone Avenue, and north of the Old North End at the railroad right-of-way. The overlay is broken into three sectors, the north, central, and south.[181]

[178] New section creating a tool to preserve unique neighborhood or corridor characteristics as requests to do so arise in the future. The only Neighborhood Character Overlay implemented in this draft is the North Nevada Avenue Overlay, which is an overlay district carried forward from the existing zoning and subdivision ordinance.
[179] This carries forward Section 7.3.509 of the current zoning and subdivision ordinance, with minor edits as noted.
[180] Reference to drainage replaced by stormwater in Revised Public Draft.
[181] The map that follows this description will be revised for clarity and readability. Standards that are replicated by the map may be removed to avoid possible inconsistencies between the two.



3. Objectives

The NC-O/NNA district encourages new investment while ensuring that redevelopment balances private investment objectives with community sustainability. This is accomplished by:

a. Orienting buildings towards the street and/or City trails/waterways to encourage pedestrian accessibility and walkability;

b. Fostering the development of mixed uses;

c. Encouraging multi-story buildings;

d. Promoting aesthetically pleasing building design;

e. Encouraging the incorporation of community and sustainable places and landscaping, including public art, public spaces, green infrastructure measures,[182] and LEED certified building design, which in turn enhance the desirability of the corridor; and

f. Minimizing visibility and impact of parking lots and service areas by locating significant parking and service access away from primary streets.

4. Permitted and Conditional Uses

Permitted and conditional uses are shown in Table 7.3.2-A in Section 7.3.201 (Base and NC-O/NNA District Use Table).

5. Lot and Building Standards

Front yard setbacks are established as a build-within zone; buildings, or portions of it, must be located within the distances specified below within each of the sectors. Rear and side yard setbacks will use a standard minimum building setback as specified below within each of the sectors. All other dimensional standards from the underlying base zone district apply:

[182] Green infrastructure replaces text on low impact development.

Table 7.2.5-B
NC-O/NNA: Lot and Building Standards

Setbacks (minimum)		South sector	Central Sector	North Sector
	Front [1]	0 – 15 ft.	15 – 80 ft.	15 – 80 ft.
	Side [2]	5 ft.	15 ft.	15 ft.
	Rear [2]	5 ft.	5 ft.	5 ft.

Notes:
[1] Front-yard build-to zone.
[2] Zero (0) foot setback is permitted if part of overall Development Plan or Concept Plan.

6. Height Bonuses

Maximum building height may be increased up to a maximum of 60 feet if the development includes any three or more of the following:

a. Publicly accessible green spaces/plazas/detached sidewalks that either front a street or connect to sidewalks/trails;

b. Publicly displayed art that is minimum one percent overall project cost;

c. Adaptive reuse of historically significant buildings;

d. Use of aesthetically-pleasing green infrastructure measures that are accepted by the Stormwater Enterprise Manager; and

e. Shared parking between adjacent properties.

7. Design Guidelines

Development within the NC-O/NNA district shall follow the adopted design guidelines.

8. Nonconforming Uses

Nonconforming uses may be created that are subject to the nonconforming use rights and restrictions as established by this UDC.

7.2.507 ADU-O: Accessory Dwelling Unit Overlay[183]

A. Purpose[184]

The purpose of the ADU-O district is to allow flexible housing options in a neighborhood while ensuring the overall character of the development is consistent with the base zone. The ADU overlay may be used in conjunction with residential development approved on or after the Effective Date of the UDC.

Image or graphics to be inserted

B. District Requirements

1. The overlay district shall be made up of contiguous parcels of land that are undeveloped and under a single or common ownership.

2. The minimum size of the overlay district shall be 10 acres; provided, that an area no smaller than three acres may be considered for zoning to the overlay district if that area has identifiable boundaries. These boundaries may include roadways that are classified as collector or larger, open space and/or greenways, or adjacency to a multi-family or commercial zone district boundary.

C. Standards

1. **Permitted Use**

   An Accessory Dwelling Unit (ADU) is a permitted accessory use within the ADU-O district, regardless of whether the base zone district for the property permits an ADU.

2. **Development Standards[185]**

   All ADUs shall comply with the use-specific standards in Section 7.3.304F and shall comply with all other applicable provisions of this UDC, except that the owner-occupancy requirement in Section 7.3.304F.1.a shall not apply.

3. **Restriction on Subdivision[186]**

   The ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Section 7.4.3 (Subdivision Standards) or as outline in a PUD district. The following restrictions apply:

   a. Before a building permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

[183] This carries forward recently approved Ordinance No. 20-39.
[184] Revised to reflect City Council clarification that this overlay is intended for use in future development.
[185] Content regarding ADUs in PUDs was moved to PUD zone district.
[186] The restrictions in this Subsection duplicate the restrictions in the general ADU use-specific standards, Section 7.3.304F.1.c (Restriction on Subdivision), which imposes identical requirements on ADUs in certain base zone districts. These standards may be replaced with a cross-reference to Section 7.3.304F.1.c to avoid repetition and reduce the chance of future inconsistencies.

b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

c. The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

7.2.6 PLANNED DEVELOPMENT ZONE DISTRICT[187]

7.2.601 Purpose

The purpose of the Planned Development (PUD) district is to encourage high quality developments that could not otherwise be achieved through the application of the City's standard zone districts. The PUD district is intended to:

A. Provide a means of developing large, undeveloped tracts of land or other unique sites with a unified approach;

B. Facilitate creative, high-quality developments that offer an integrated mix of nonresidential uses and housing options, in conjunction with other community amenities or other benefits to the City or its citizens;[188]

C. Encourage flexibility in design to create a better living environment, to preserve the unique features of the site, and to provide public services in a more economic manner; and

D. To provide a clear and reasonable plan for the phased development and completion of proposed development, consistent with the adopted Comprehensive Plan.

7.2.602 Eligibility for Rezoning to a PUD District

An application for rezoning into a PUD district may only be accepted for review and consideration if the application meets the following criteria, as determined by the Manager:

A. The proposed PUD district could not be developed using conventional zone districts or UDC standards (including available tools allowing flexibility within those districts);

B. The proposed PUD district is an undeveloped parcel of land that includes more than 10 gross acres of land, or an infill or redevelopment site with existing development;[189] and

C. The proposed PUD zone district provides significant community amenities or other benefits, as determined by the Manager, that would not otherwise be required of the applicant under this UDC or other City or governmental regulations, in compliance with Section <> [Review Criteria, to be included as part of Module 3].

7.2.603 Establishment and Development of a PUD District

A. In order to establish specific uses and residential densities and/or residential densities and residential use types, areas rezoned to the PUD district shall comply with a Concept Plan, a [Concept] Plan, or a [Development] Plan, which must be approved by City Council at the same time as the rezoning.

B. A PUD district may be established upon any tract of land held under a single ownership or under unified control, provided the application for the establishment of the zone district is accompanied by a Concept Plan or Development Plan covering the entire zone district that conforms to the provisions of this part.

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[187] From Chapter 7 Part 6 Planned Unit Development Districts. This district has been substantially reworked to reinforce that use of the PUD district should be reserved for sites that could not reasonably developed using the standard zone districts, and that community amenities or other benefits must be provided. Sub-sections 7.3.605 (Review Criteria for PUD Concept Plans), 7.3.606 (Review Criteria for PUD Development Plans), 7.3.608 (PUD Concept Plan and PUD Development Plan Amendments), 7.3.610 (Subdivision), and 7.3.611 (Waiver or Modification of Subdivision Code Requirements) all concern the procedures for approval and administration of PUDs, and will appear in Article 7.5: Administration and Enforcement (to be drafted in Module 3). Section 7.3.607 (Maintenance of Common Areas) will be incorporated into a general UDC standard requiring maintenance of all areas and amenities required. Throughout this section of the Revised Public Draft, references to PUD Concept Plans, Master Plans, and Development Plans have been revised to delete the "PUD" prefix, because in practice the requirements for each type of plan are the same for PUD districts.

[188] Reference to nonresidential uses added in Revised Public Draft. The standards for review in the PUD approval procedures, to be drafted as part of Module 3, will identify the provision of a mix of residential and nonresidential uses as one of the criteria for approval.

[189] Revised in Revised Public Draft to reduce minimum size from 50 acres, and to delete minimum size of 10 acres and 50% adjacency to developed land requirement.

C. An approved Development Plan is required before any building permits may be issued within a PUD Zone District. The Development Plan may be for all or a portion of the entire district. The review criteria for approval of the PUD Concept Plan and approval of a PUD Development Plan are listed in Section <> and are intended to be flexible to allow for innovative, efficient, and compatible land uses.

7.2.604 Establishment of the Land Use Types, Mix, and Intensity of Land Uses

A. The land use types and mix, intensity, and density (maximum gross residential density and maximum square footage for nonresidential land uses and the maximum building heights) of the development are defined by and through the establishment of the PUD district. Specifically allowed residential and nonresidential land uses will be determined by the Concept Plan or Development Plan. Development standards including signage are determined by the Concept Plan or Development Plan.

B. Each PUD district shall state whether integrated ADUs, detached ADUs, or both are permitted, and shall include any development standards that vary from the standards in in Section 7.3.304F.[190]

C. Except where the PUD ordinance states otherwise:[191]

1. WCF (Wireless Community Facility) uses in residential PUDs shall be allowed as permitted or conditional uses consistent with the uses permitted in the R-1 6 zone district.

2. WCF uses in commercial or mixed-use PUDs shall be allowed as permitted or conditional uses consistent with the uses permitted in the MX-M zone district.

7.2.605 Community Amenities or Benefits Required[192]

PUD districts shall incorporate community amenities or benefits that support the implementation of the Comprehensive Plan, and that offer significant benefits to the City and to residents of Colorado Springs. PUD districts shall provide community amenities in at least two of the categories below, as determined by the Manager:

A. High Quality Design Features

High quality site and building design features are those that substantially exceed the minimum site and building design, landscaping, streetscape, and other requirements in Article 7.4: Development Standards and Incentives, and contribute to the overall character of the development.

B. Community Amenities

Community amenities may include the preservation of open space, sensitive natural areas, and other unique site features; the preservation or adaptive reuse of historic building; and the provision of active recreational facilities, such as parks, trails, recreation centers, community meeting rooms, and other gathering spaces that are accessible to residents of the development and the public.

C. Mix of Housing Types

The PUD shall provide a mix of housing types and/or lot types. Housing diversity requirements may be satisfied through significant variations in lot and unit size and configuration.[193]

D. Sustainable Development Practices

Sustainable development practices may include, but are not limited to, the use of Low Impact Development (LID) design features throughout the development, solar orientation of building forms and other passive energy-efficient design strategies throughout the development, green infrastructure measures, community-level renewable energy production, and district heating and cooling throughout the development.[194]

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[190] Provision moved from ADU-O overlay district text, since overlay districts are generally not used in conjunction with PUDs.
[191] This carries forward Ordinance No. 20-29 except that the names of the applicable zone districts have been updated.
[192] New standards. The new R-Flex Low, R-Flex Medium, and R-Flex High zone districts have been developed to accommodate additional forms of residential development and reduce the current high use of PUDs.
[193] Requirement for PUDs to include a mix of housing deleted in Revised Public Draft, but desire for housing mix will be reflected in PUD adoption criteria.
[194] Reference to green infrastructure measures added.

7.2.606 Amenities in Phased Projects

Open space, recreational facilities, or other community amenities to be provided shall require the applicant to provide financial assurance of completion. Suitable assurances may be in the form of a letter of credit, escrow or recorded agreements by the mortgage holder or owner guaranteeing the development of the required facilities. Financial securities shall not be required if:

A. Acceptable provisions are included within the development agreement that guarantee the provision of these amenities in a timely manner.

B. Amenities are included in each construction phase of the project adequate to serve the residents and/or users within that phase.

Article 7.3 Use Regulations

Note about Use Regulations: This draft of the UDC incorporates comments and suggested changes to use regulations received from City staff, RetoolCOS Advisory Committee members, and the public during reviews of both Module 1 and Module 2. Changes in this draft are identified in footnotes and include:

- Comments on the need to refine distinctions between two-, three-, and four-family homes in one structure on one lot and in one structure on multiple lots.
- Comments on permitted uses and related standards in the APD and AP-O districts from Colorado Springs Airport.
- Comments on airport compatibility issues received from USAFA.
- Recently adopted Wireless Telecommunication Facilities (WCF) that replace the current CMRS standards.
- Recently adopted Accessory Dwelling Unit regulations.
- Numerous additional comments on individual uses.

7.3.1 GENERAL

The permitted and conditional land uses in each base zone district are indicated in Table below. Additional uses of property or restrictions on the use of property may be contained in the description of the base zone district where the property is located (see Article 7.2) or in an overlay zone district that applies to the property (see Section 7.2.5). If the property is located in a Planned Development (PUD) zone district, the allowable uses are contained in the Concept Plan or Development Plan approved with the PUD zoning.

7.3.101 Types of Uses Allowed in Base Districts and NC-O/NNA[195]

The letter in each cell in Table 7.3.2-A (Base District Use Table) identifies whether and how a particular land use is permitted in a particular zone district. However, the availability of a particular land use shown in Table 7.3.2-A (Base District Use Table) may be modified by any overlay district that applies to the property, as shown in Table 7.3.2-B and Section 7.2.5 (Overlay Zone Districts). For the base zone districts and the Neighborhood Character Overlay for the North Nevada Avenue Neighborhood (NC-O/NNA), the following values apply:

1. A “P” indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A. Where a use is listed as a permitted use in a zone district, the that use is also available as an accessory use in the same zone district.
2. A “C” indicates that the use is permitted only after the applicant obtains conditional use approval pursuant to Section 7.5.601, and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A.
3. An “A” indicates that the use is permitted as an accessory use only in support of a permitted or approved conditional use on the site.
4. A “T” indicates that the use is permitted as a temporary use, subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of Table 7.3.2-A.
5. An “R” indicates that the use is Permitted, Conditional, or Prohibited as listed in the FBZ regulating plan applicable to the property.

[195] This new provision builds upon the introductions to Secs 7.3.103 and Section 7.3.203 of the existing zoning and subdivision ordinance, which describe the values used in the existing use tables. In the Revised Public Draft, the “V” value that allowed uses within structures left vacant for five or more years has been removed from this section and the use table at staff’s direction.

6. A blank cell indicates that the use is not permitted in that zone district.

7.3.102 Uses in PUD Districts[196]

Permitted, conditional, and accessory uses in the PUD zone district are those listed in the Master Plan, PUD Concept Plan or PUD Development Plan, as approved and amended by City Council.

7.3.103 Multiple Uses[197]

A development may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either a permitted use or a conditional use in that zone district, that a conditional use approval is obtained for any conditional use, all use-specific standards applicable to each use are met, the development complies with all applicable density, dimensional, impervious surface, development, and performance standards.

7.3.104 Unlisted Uses[198]

When a proposed primary or accessory land use is not specifically identified as allowed in a zone district in Table 7.3.2-A (Base District Use Table), the use is not permitted unless the Manager determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. In making this determination, the manager shall consider the scale, character, traffic impacts, stormwater impacts, utility demands, and potential impacts of the proposed use such as noise, vibration, glare, and dust on surrounding properties compared to similar uses allowed in Table 7.3.2-A. Uses may be allowed as principal permitted, conditional, and accessory uses. The Manager's interpretation shall be made available in writing in accordance with the provisions in Section 7.5.527.

7.3.105 Previously Permitted Uses[199]

A. Each use that exists on the Effective Date that is required by this UDC to obtain conditional use approval, but that was a permitted use before the Effective Date is deemed to have a conditional use approval to (a) continue operation in structures and on land areas where the operation was conducted on the Effective Date and (b) to expand operations without the need to obtain a conditional use approval, provided that the expansion complies with all Use-Specific Standards and other requirements of this UDC.

B. All single-family detached dwellings legally constructed prior to the Effective Date are conforming land uses regardless of whether they are listed as prohibited, conditional, or permitted uses in that zone district in Table 7.3.2-A.

7.3.106 Required Governmental Approvals, Licenses, Permits, and Operational Rules[200]

All uses required by any unit of local government, the State of Colorado, or the federal government to have an approval, license, or permit to operate are required to have that State approval, license, or permit in effect at all times.

7.3.107 Uses in Overlay Districts

Certain uses that are listed as permitted by-right or following conditional approval in a particular zone district may be restricted in certain overlay districts, as discussed in Section 7.3.202 below and as shown in Table 7.3.2-B.

[196] This carries forward Section 7.3.703A of the existing zoning and subdivision ordinance.
[197] This is a new provision. It also replaces the "Mixed Commercial-Residential" and "Mixed Office-Residential" use categories in the existing zoning and subdivision ordinance, which are not carried forward.
[198] This revises Section 7.2.108 of the existing zoning and subdivision ordinance, including the factors to be considered when evaluating the appropriateness of an unlisted use in a particular zone district.
[199] This provision is new. Further provisions regarding nonconformities will be addressed in Module 3.
[200] This provision is new.

7.3.2 ALLOWED USE TABLES[201]

7.3.201 Base and NC-O/NNA District Use Table[202]

Table 7.3.2-A below lists the land uses available in the base zone districts and the NC-O/NNA overlay district, subject to the use-specific standards cross-referenced in the right-hand column of the table.[203]

Table 7.3.2-A Base and NC-O/NNA District Use Table

P = Permitted
C = Conditional use
A = Accessory to primary use
T = Temporary use
R = Allowed pursuant to regulating plan

	Residential										Mixed-Use					Special Purpose						NC-O/NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
RESIDENTIAL USES																									
Household Living																									
Dwelling, Single-family Detached[206]	P	P	P	P	P	P	P	P	P	P	V											P			
Dwelling, Single-family Attached (townhouse)[207]						P	P	P	P	P	P	P	P	P	R							P	P	P	
Dwelling, Stacked Townhouse[208]						P	P	P	P	P	P	P	P	P	R							P	P	P	
Dwelling, Two-family (duplex)[209]					P	P	P	P	P	P	P	P	C	P	R							P			

[201] Footnotes are included for convenience in understanding proposed changes from the current zoning and subdivision ordinance,
[202] Since Module 1, R-4 and R-5 uses have been reinserted, with changes a noted.
[203] New table. The "V" uses category (for vacant land) has been removed from the Revised Public Draft. The use categories "Mixed Commercial-Residential Uses" and "Mixed Office-Residential Use" are not carried forward. Any changes to a use from the existing zoning and subdivision ordinance, including changes to permissions (allowed in a district where it was once prohibited, or changes from a conditional to a permitted use), consolidation of multiple uses, the development of a new use, change of name, or a change in use-specific standards are identified by footnotes. If a use and its applicability have not changed from the existing zoning and subdivision ordinance, it does not include a footnote. In addition, uses added to new districts (R-Flex Low, R-Flex Medium, R-Flex High, and MX-N) or changes to uses in the current, unused mixed-use districts (MU-NC, MU-CC, MU-R/EC) are not footnoted.
[204] Permitted uses in other overlay districts are included in Table 7.3.20B. The NC-O/NNA overlay district is included with the base zone districts because it operates differently than the other overlay districts. Most overlay districts impose limitations on certain uses otherwise allowed in the base zone district. For example, for a property in the SS-O overlay district, if self-storage is permitted by right or as a conditional use in the underlying zone district, then the use is permitted as a conditional use on that property. Conversely, if self-storage is not a permitted use in the underlying zone district, then the use is not permitted in land in the SS-O overlay district. By contrast, the NC-O/NNA use regulations supersede the list the uses allowed in the underlying zone with a different set of permitted uses. Using the same example, self-storage is a conditional use in NC-O/NNA. Therefore, on all land in the NC-O/NNA district, self-storage is a conditional use, regardless of whether self-storage is permitted, conditional, or prohibited in the base zone district.
[205] Current R-2 district has been added back into the lineup of zoning districts in the Revised Public Draft.
[206] This use is currently permitted in C-5 and PCR; conditional in PBC and M-1. Residential uses were removed from the LI and GI districts, as these are not mixed-use districts; however, the availability of caretaker/watchman quarters is addressed in the zone district chapters for those use. The availability of tiny houses in different zone districts is under continuing discussion with staff.
[207] This was formerly a subsidiary use of the Multi-Family Dwelling use and is currently conditional in PBC.
[208] New use added for the Revised Public Draft and permitted in the same districts as single-family attached dwellings.
[209] This use is currently conditional in PBC and M-1.

Table 7.3.2-A Base and NC-O/NNA District Use Table

P = Permitted
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T = Temporary use
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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Dwelling, Two-family on Two Lots[210]					P	P	P	P	P	P	P	P	C	P	R							P			
Dwelling, Three-family (triplex)[211]						P	P	P	P	P	P	P	C	P	R							P	P	P	
Dwelling, Four-family (fourplex)[212]						P	P	P	P	P	P	P	C	P	R							P	P	P	
Dwelling, Multi-family[213]						P	P		P	P	P	P	P	P	R							P	P	P	7.3.301A
Dwelling, Live/work[214]								P	P	P	P	P	C	P	R							P	P	P	
Manufactured Home[215]	P	P	P	P	P	P	P	P	P	P	P				R							P			
Manufactured Home Park	7.3.301B																								
Short-term Rental Unit[216]	P	A	A	A	P	P	P	P	P	P	P	P	P	P	R										7.3.301C
Tiny House Park[217]								C	C	C	C				R										7.3.301D
Group Living																									
Group Cooperative Living[218]						P	P	P	P	P	P	P	C	P	R							C		C	
Group Living Residence, Small[219]						P	P	C	P	P	P	P	P	P	R							P	C	C	7.3.301E
Group Living Residence, Medium						C	P		C	P	P	P	P	P	R							P	C	C	7.3.301E

[210] New use added in the Revised Public Draft for duplexes where the common wall is on a lot line and each dwelling is on its own lot, and allowed in the same zoning districts as duplexes on a single lot.
[211] This is a new use extracted from the former Multi-Family Dwelling use that included all buildings with three or more dwelling units. The Multi-Family Dwelling use is currently conditional in PBC. Changed from C use in Revised Public Draft.
[212] This is a new use extracted from the former Multi-Family Dwelling use that included all buildings with three or more dwelling units. The Multi-Family Dwelling use is currently conditional in PBC.
[213] This revises the current Multi-Family Dwelling use and is now defined to only apply to buildings with five or more dwelling units. The former Apartment and Condominium sub-uses have not been carried forward, because zoning rarely addresses ownership or tenancy status. This use is currently conditional in PBC and M-1.
[214] This use is only currently permitted in the MU-NC, MU-CC, and MU-R/EC districts.
[215] This use is currently conditional in PBC and M1.
[216] Listed as a permitted accessory use in the R, R-1 9, and R-1 6 districts in the Revised Public Draft to reflect that they are currently allowed in the current zoning and subdivision ordinance in these districts if the residences are owner-occupied.
[217] This is a new use.
[218] This is a renaming of the existing Dormitory, Fraternity, or Sorority House use. This use is currently conditional in PBC and M1 and prohibited in OR.
[219] The existing Human Services Establishment uses have been divided into two categories depending on whether their occupants' rights to live together are protected (or not) by the federal Fair Housing Act Amendments. This recategorization is intended to implement the City's goal that to ensure that zoning regulations are not used for exclusionary purposes and to increase locational opportunities for critically needed residential care facilities. Permissions for existing uses are as follows: Human Service Home, Human Service Residence, and Family Care Home (permitted in all residential zone districts, OR, OC, C-5, and SU; conditional in PBC, C-6 and M-1); Large Family Care Home (permitted in R-4, R-5, OC, C-5, and SU; conditional in A, R, R-1 9000, R-1 6000, R-2, OR, PBC, C-6, and M-1); Domestic Violence Safe House (permitted in all residential zone districts, OR, OC, PBC, C-5, C-6, and SU; conditional in M-1); Family Support Residence (permitted in all residential zone districts, OR, OC, C-5, and SU; conditional in PBC, C-6 and M-1); Human Service Facility (permitted in R-4, R-5, OR, OC, C-5, and SU; conditional in A, R, R-1 9000, R-1 6000, R-2, PBC, C-6, and M-1).

Table 7.3.2-A Base and NC-O/NNA District Use Table

P = Permitted
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T = Temporary use
R = Allowed pursuant to regulating plan

	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	Use-Specific Standards
Group Living Residence, Large							C			C	P	P	P	P	R							P	C	C	7.3.301E
Human Services Establishment, Small	P	P	P	P	P	P	P	P	P	P	V	P			R							P	C	C	7.3.301E
Human Services Establishment, Medium						P	P		P	P		P			R							P	C	C	7.3.301E
Human Services Establishment, Large							P		P	P		P			R							P	C	C	7.3.301E
Long-term Care Facility[220]						P	P		C	P	P	C	C	P	R							P	C	C	
CIVIC, PUBLIC, AND INSTITUTIONAL USES																									
Adult or Child Day Care Center, Large[221]	C					P	P			C	C	P	P	P	R							P	P	P	7.3.302A
Adult or Child Day Care Center, Small[222]	C					P	P	P		P	P	P	P	P	R							P	P	P	7.3.302A
Cemetery[223]	C	C									C	C	C		R		P	P		P					
Club, Lodge, and Service Organization[224]	P	C					C			C	P	P	P	C	R	P	C	C				P	P	P	
Correctional Facility/Juvenile Detention Facility[225]															R					P					
Detoxification Center[226]	C										P	C	C							P					
Funeral Services[227]												P	P	C	R	C	C	C		P		C	C	C	
Hospice[228]						P	P				P	P	P	P	R	C	C	C				P	C	C	
Hospital[229]							C				P	C	P	P	R							P	P	P	
Human Services Shelter[230]	C	C	C	C	C	C	C	C	C	C	P	P	P	P	R	C	C					P	C	C	

[220] This is a new use that incorporates the Retirement Home use, from which the allowable districts are largely carried forward, The Retirement Home use is currently conditional in PBC.
[221] This builds upon the Daycare Services use in two sizes; a small facility has six to 15 children or five to 15 elderly adults. a large facility has 16 or more children or elderly adults. The Daycare Services use is currently conditional in OC and PBC, and prohibited in R-4.
[222] The Daycare Services use is currently conditional in PBC, PIP-1, PIP-2, M-1, M-2, and APD, and prohibited in R-2.
[223] This use is currently conditional in M-1 and M-2.
[224] This consolidates the Recreational Clubs and Social Clubs uses. This use is currently conditional in APD and prohibited in OC.
[225] Renamed in Revised Public draft from current Detention Facility use.
[226] This use is currently in permitted in OC.
[227] This consolidates the Crematory Services (permitted in M-1 and M-2; conditional in C-5, C-6, NNA/C, and NNA/N, and prohibited in PBC and NNA/S), Funeral Services (permitted in OR, OC, PBC, C-5, C-6 and conditional in NNA; crematory accessory is conditional in PBC, C-5, and C-6), and Mausoleum/Columbarium uses.
[228] This carries forward the existing Hospice use of Human Services Establishments. This use is currently conditional in A, R, R-1 9000, R-1 6000, R-2, and PBC, and prohibited in PIP-1, PIP-2, and M-2.
[229] This use is currently prohibited in OC.
[230] This use is currently conditional in PBC and C-6.

Table 7.3.2-A Base and NC-O/NNA District Use Table

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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	Use-Specific Standards
Library, Museum, or Cultural Facility[231]											P	P	P	P	R		C	C	P	P	P	P	P	P	
Park[232]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R				P			P	P	p	
Public Safety Services[233]											P	P	P	P	R	P	P	P	P	P		P	P	P	
Religious Institution[234]	P	C	C	C	C	P	P	P	P	P	P	P	P	P	R	P	C	C	P			P	P	P	7.3.302B
School, Elementary or Secondary[235]	P	C	C	C	C	P	P	C	C	P	P	P	P	P	R	C	C	C				P	P	P	
School, Higher Education[236]	P										P	P	P	P	R	P	C	C	C			P	P	P	
COMMERCIAL AND INDUSTRIAL USES[237]																									
Agriculture and Animal-Related Services																									
Agricultural Production[238]	P														R										
Agricultural Sales and Service	C											P	P		R		C	C							
Animal Care Facility[239]	P														R		V	V							7.3.303A.1
Commercial Feedlot	C														R										
Greenhouse												P	P		R	P	P	P				C	P	C	
Small Animal Clinic[240]	P											P	P	P	R	V	C	C	C						
Stable[241]	P	A	A	A	A										R						P				7.3.303A.2
Urban Agriculture[242]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P		P	P	P	7.3.303A.3
Eating, Drinking, and Lodging																									

[231] This is a renaming of the Cultural Services use. This use is currently conditional in OR, OC, and PCR.
[232] This is a renaming of the Public Park and Recreation Services use. Added as a P use in MX-N in Revised Public Draft.
[233] This use separates the public-safety related services (police/fire/ems) that are included in the current Administrative and Safety Services use. Office-related uses have been consolidated with the general office use. This use is currently conditional in M1 and M2 and prohibited in OR, OC, PBC, C-5, C-6, PIP-1, PIP-2, M-1, M-2 and APD.
[234] This use is currently conditional in PIP-1 and PIP-2 and prohibited in M-2 and PCR.
[235] This consolidates the Charter School, Nonpublic School, and Public school uses. Charter School is also permitted in PF. These uses are currently conditional in OR and OC.
[236] This renames the College and university use. This use is currently conditional in OR and OC.
[237] The following uses have not been carried forward: Business Park and Commercial center.
[238] This consolidates the Animal Production (Grazing Pasture) and Crop Production uses (only permitted in A).
[239] This consolidates the following uses – current permissions are included in parentheses: Kennel (Indoor) (permitted in A, C-6, M-1, M-2, and NNA; conditional in PBC and C-5); Kennel (Indoor and Outdoor) (permitted in A, M-1, and M-2; conditional in C-5, C-6, and NNA); and Veterinary service (Large Animal Hospitals) (permitted in M-1 and M-2; conditional in A and NNA/C). Because the two kennel uses have been merged, limitations regarding outdoor facilities have been included in the use-specific standard.
[240] This use consolidates the Veterinary Service (Small Animal Clinics) (currently permitted in PBC, C-5, C-6, M-1, M-2, and NNA and conditional in A) and Animal shelter (currently permitted in PF, conditional in C-6 and NNA) uses. Changed to include as accessory use in A district in Revised Public Draft to correct error in prior draft.
[241] Combines listing of both primary and accessory uses. Deleted as an accessory use in R-4 and R-5 as not appropriate for those intensities of residential use.
[242] This is a new use that builds upon the Community Gardens use; the permissions are carried forward from that use.

Table 7.3.2-A Base and NC-O/NNA District Use Table

P = Permitted
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A = Accessory to primary use
T = Temporary use
R = Allowed pursuant to regulating plan

	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Adult Entertainment[243]												P	P		R			P							7.3.303B.1
Bar[244245]											P	P	P	P	R		C	C	P			P	P	P	
Bed and Breakfast[246]							P			P	P	P	P	P	R		C	C				C			
Campground or Recreational Vehicle Park[247]	C											P	P	P	R					P	P				
Hookah Bar[248]												C	P		R		C	C				P	P	P	
Hotel or Motel[249]											C	P	P	P	R		C	C	P			P	P	P	
Micro-brewery, Micro-winery, or Micro-distillery[250]											P	P	P	P	R	P	P					P	P	P	7.3.303B.2
Restaurant[251]											P	P	P	P	R	C	C	C	P		P	P	P	P	7.3.303B.3
Rooming or Boarding House[252]										P	C	P	P	P	R		C	C				C		C	
Entertainment and Recreation																									
Entertainment or Recreation, Indoor[253]												P	P	C	R	C	C	C	C			P	P	P	
Entertainment or Recreation, Outdoor[254]	C						C			C		C		C	R	C	C		P			P	P	P	7.3.303C.1
Semipublic Community Recreation[255]	P	P	P	P	P	P	P	P	P	P	C	C	C	P	R	C	C	C				P	P	P	
Stadium or Auditorium[256]												P	P	C	R	V	C	C		P		P	P	p	
Heavy Commercial, Storage, and Industry																									

[243] The Sexually-oriented business use has been split into two uses – Adult Entertainment and Adult Retail. The use is currently prohibited in OC and therefore has not been included in the new MX-N district.
[244] This use is currently prohibited in OR, OC and SU.
[245] Possible separation distances from residential districts are under discussion with staff.
[246] This use is currently conditional in . Changed from C use in R-4 (for R-Flex High) in Revised Public Draft.
[247] This is a renaming of the Campground use. This use is currently prohibited in SU.
[248] This use is currently prohibited in OR and OC.
[249] This use is currently prohibited in OR and SU.
[250] This is a new use. Added as P use in MX-N, and use-specific standards added, in Revised Public Draft.
[251] This consolidates existing Restaurant, Drive-Up/Fast-Food; Restaurant, Quick-Serve; and Restaurant, Sit-Down uses. All three uses are prohibited in OR. Drive-through is an accessory use permitted pursuant to the use-specific standards in Subsection 7.3.304E The Restaurant, Drive-Up/Fast-Food use is currently conditional in OC and PCR, and prohibited in PK. Use-specific standards added in Revised Public Draft.
[252] This use is currently conditional in PBC and prohibited in OR.
[253] This consolidates the Indoor Entertainment, Indoor Sports and Recreation, Teen Club, and Young Adult Club uses. The Teen Club and Young Adult Club uses are conditional in PBC, C-5, C-6, M-1, and M-2.
[254] This consolidates the Outdoor Entertainment and Outdoor Sports and Recreation uses. Outdoor entertainment is currently permitted in C-6, conditional in M-1, M-2, and PCR, and prohibited in PBC and C-5; Outdoor sports and recreation is permitted in C-6 and APD, and conditional in PBC, PIP-1, PIP-2, M-1, M-2, and PCR.
[255] This use is currently prohibited in SU and PIP-2.
[256] This is a renaming of the Public Assembly use.

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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Construction Sales and Services[257]												P	P		R		P	P				C	C	C	
Heavy Industry[258]															R			P							7.3.303D.1
Junkyard[259]															R		C	P							7.3.303D.2
Light Industry[260]															R	P	P	P	P			C	P	P	
Mining and Mineral Extraction[261]	C										C	C	C	C	R	C	C	C	C						7.3.303D.3
Self-storage[262]											C	P	P	C	R	P	P	P	V	P		C	C	C	7.3.303D.4
Special Industry[263]															R			C							
Stockyard															R			P							
Warehousing and Wholesaling												C			R	P	P	P	P			C	P	P	
Industrial Hemp[264]																									
Industrial Hemp Products Manufacturer – Nonhazardous												C	C		R	C	P	P							7.3.303E
Industrial Hemp Products Manufacturer – Hazardous															R		P	P					C		7.3.303E
Industrial Hemp Optional Premises Cultivation Operation												C	C		R	C	P	P							7.3.303E

[257] This use consolidates the current Maintenance and Service Facility (Public) use with the Construction Sales and Service use. Maintenance and Service Facility (Public) is currently permitted in APD, conditional in PIP-2, and prohibited in PBC, C-5, and C-6. Construction Sales and Service is currently prohibited in NNA.

[258] This consolidates the following uses – current permissions are included in parentheses: Construction Batch Plant (permitted in M-2), Construction/Contractor Yards (permitted in C-5, C-6, PIP-1, PIP-2, M-1, and M-2, conditional in NNA/C), Custom Manufacturing (permitted in C-5, C-6, PIP-2, M-1, M-2, and NNA), Garbage Service Companies (conditional in M-1 and M-2), Heavy Industry (permitted in PIP-2 and M-2), more intensive activities in Manufacturing (permitted in PIP-1, PIP-2, M-1, M-2, APD, and NNA), and Meatpacking (permitted in PIP-1, PIP-2, M-1, M-2, and APD,). In the initial draft of Module 1, this use was permitted in BP but has been removed because these uses are incompatible with the purpose statement for the BP district.

[259] This use includes the current Vehicle Dismantling Yard use.

[260] This consolidates the following uses – current permissions are included in parentheses: Industrial Laundry Services (permitted in PIP-2, M-1, and M-2; conditional in C-6, PIP-1, NNA/C and NNA/N), Light Industry (permitted in C-5, C-6, PIP-1, PIP-2, M-1, M-2, NNA/C and NNA/N, conditional in NNA/S), and less intensive activities in Manufacturing (permitted in PIP-1, PIP-2, M-1, M-2, APD, and NNA).

[261] This is a renaming of the Mining Operations use, including the different types of mining (Temporary Surface and Open Pit, Underground (activities above), and Underground (activities under)). Currently, Underground (activities under) mining is only allowed as a conditional use in the A district. All mining uses are currently prohibited in SU.

[262] This is a renaming of the Miniwarehouses use. This use is currently prohibited in OR and conditional in OC, C-5, and PIP-1.

[263] This is a new use including industrial activities that involve hazardous materials or procedures.

[264] The industrial hemp-related uses are new and are based on the 2019 similar use determination memorandum issued by the Planning Department. The three uses are derived from the similar marijuana-related manufacture and cultivation uses; the other two marijuana-related uses, Consumption Clubs and Centers, are not relevant to industrial hemp uses.

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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Marijuana-related Services[265]																									7.3.303F
Marijuana Consumption Club Facility															R										7.3.303F.3
Medical Marijuana Center[266]												P	P		R	A	A	A							7.3.303F.4
Medical Marijuana Infused Products Manufacturer – Nonhazardous[267]												C	C		R	C	P	P							
Medical Marijuana Infused Products Manufacturer – Hazardous															R		P	P					C		
Optional Premises Cultivation Operation[268]												C	C		R	C	P	P							
Office																									
Medical Office[269]											P	P	P	P	P	P	P	P	P			P	P	P	
Office[270]											P	P	P	P	R	P	P	P	P			P	P	P	
Vocational or Skills Education[271]											P	P	P	P	R	P	P	P	P			P	P	P	
Retail Sales and Services																									
Adult Retail[272]												P	P		R			P							7.3.303H.1
Liquor Sales[273]												P	P		R		C	C				P	P	P	
Personal or Business Service, Large[274]											C	P	P	P	R	P	P	P	P			P	P	P	

[265] The marijuana-related uses were carried forward without change. The current provision prohibiting enforcement actions against pre-existing marijuana facilities that are legally allowed in OC and OR will appear in Article 7.5: Administration and Enforcement. Where existing districts with different use permissions were consolidated, we carried forward the more permissive designation (i.e. if one was C and one as P, we made it P in the consolidated district).
[266] Deleted as P use in MX-N in Revised Public Draft.
[267] Deleted as C use in MX-N in Revised Public Draft.
[268] Deleted as P use in MX-N in Revised Public Draft.
[269] This is a renaming of the current Medical Offices, Labs and/or Clinics use.
[270] This consolidates the Call Center; Communication Services (excluding broadcasting equipment such as antennas), Data Center, Financial Services; General Offices; Off-campus College Administration Office, Research and Development (only those activities that do not include hazardous materials or processes), and Social Service Center uses. The Call Center use is conditional in NNA-N and NNA-S. The Communication Services use is currently conditional in APD. The Data Center use is prohibited in OR, OC, and NNA-S. The Financial Services use is prohibited in OR. The Research and Development use is only permitted in PIP-1, PIP-2, M-1, M-2, and APD. The Social Services Center use is only permitted in PBC and C-6 and conditional in M-1 and NNA.
[271] This is a renaming of the current Proprietary School use that currently is conditional in SU and prohibited in M-2.
[272] The Sexually-oriented business use has been split into two uses – Adult Entertainment and Adult Retail. The use is currently prohibited in OC and therefore has not been included in the new MX-N district.
[273]. A standard separation difference is currently under discussion with staff after consultation with current Clerk requirements.
[274] This consolidates the following uses – current permissions are included in parentheses: Building Maintenance Services (permitted in C-5, C-6, PIP-2, NNA/C, and NNA/N; conditional in M-1, M-2, and NNA/S; prohibited in OR and OC), Consumer

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New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Personal or Business Service, Small										A	P	P	P	P	R	P	P	P	P			P	P	P	
Retail Sales, Large[275]													P	C	R	C	C		P			P	P	P	
Retail Sales, Medium											C	P	P	P	R	P	C		P			P	P	P	
Retail Sales, Small										A	P	P	P	P	R	P	C		P			P	P	P	
Transportation																									
Airport[276]															R				P				C		
Light Vehicle Staging Area[277]											C	P	P	C	R										
Parking Lot[278]												P	P	P	R	P	P	P	P	P		C	C	C	
Parking Structure[279]												P	P	P	R	P	C	C	P	P		P	P	P	
Railroad Facility[280]															R			A		A					
Transit Station[281]												P	P	P	R	C						P	P	P	
Transportation Terminal													P		R	C	C	C	P			P	P	P	
Truck Terminal															R	P	P	P	P				C		
Utilities and Communication[282]																									
Broadcasting Tower[283]											C	C	C	C	R	C	C	C	C	C	C				
Utility, Major[284]															R					P		P	P	P	

Convenience Services (permitted in PBC, C-5, C-6, and NNA; conditional in M-1 and M-2); Consumer Repair Services (permitted in PBC, C-5, and C-6; conditional in M-1 and M-2; prohibited in OR and OC), Exterminating Services (permitted in C-6, PIP-1, PIP-2, M-1, M-2, NNA/C, and NNA/N; prohibited in OR, OC, and NNA/S); and Personal Consumer Services (permitted in PBC, C-5, C-6, APD, and NNA; conditional in M-1 and M-2; prohibited in OR).

[275] This consolidates the following uses – current permissions are included in parentheses: Convenience food sales (permitted in PBC, C-5, C-6, APD, and NNA; conditional in PIP-2 and M-1; prohibited in OR and OC); General Food Sales (permitted in PBC, C-5, C-6, and NNA; conditional in PIP-2 and M-1; prohibited in OR and OC); Specialty Food Sales (permitted in PBC, C-5, C-6, APD, and NNA; conditional in OC, PIP-2, and M-1; prohibited in OR); Pharmacy (permitted in OC, PBC, C-5, C-6, APD, and NNA; conditional in M-1 and M-2; allowed as an accessory use in OR); Large Retail Establishment (permitted in PBC, C-5, C-6, APD, and NNA; conditional in M-1, M-2, and PCR; prohibited in OR and OC); Neighborhood Serving Retail (permitted in PBC, C-5, C-6, PCR, APD, and NNA; conditional in OC; prohibited in OR); and Surplus Sales (permitted in C-6 and NNA; conditional in M-1 and M-2; prohibited in OR and OC).

[276] This is a renaming of the Aviation Facilities use.

[277] This is a new use.

[278] This consolidates the Parking Lot/Surface Parking, Private and Parking Lot/Surface Parking, Public uses.

[279] This consolidates the Parking Structure, Private and Parking Structure, Public uses. This use is currently conditional in PBC and prohibited in OC and PIP-1.

[280] This use is currently prohibited in M-2.

[281] Not listed as an allowable use in any non-MU district.

[282] The Broadcasting tower permissions are carried forward from the existing zoning and subdivision ordinance. WCF land uses are from recently adopted ordinance 20-29 and replace previous CMRS land uses and permissions.

[283] This use is currently prohibited in SU.

[284] This carries forward the larger uses included in the current Utility Facilities use; smaller utility facilities are included in the new Utility, minor use.

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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Utility, Minor[285]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	
WCF, Eligible Facility Request[286]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	7.3.303J.1
WCF, Nonstealth Freestanding Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	P	R	C	C	C	C	C	C	C	C	C	7.3.303J.1
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	7.3.303J.1
WCF, Roof/building mount on single- and two-family dwellings											C	C	C	C	R	C	C	C	C	C	C	C	C	C	7.3.303J.1
WCF, Small Cell Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	7.3.303J.1
WCF, Stealth Freestanding Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R	P	P	P	P	P	P	P	P	P	7.3.303J.1
Vehicle Related																									
Automobile and Light Vehicle Repair, Minor[287]												C	P		R	V	P	P	C			P	C	C	7.3.303K.1
Automobile and Light Vehicle Repair, Major[288]													P		R		P	P							7.3.303K.1
Automobile and Light Vehicle Sales and Rental[289]											P	C	P		R		C	C	P			C	C	C	7.3.303K.2
Automobile and Light Vehicle Storage[290]													P		R		P	P							
Automobile and Light Vehicle Wash												C	P		R		C	C				P	P	P	
Fuel Dispensing Station[291]												P	P		R	P	P	P				P	C	C	
Heavy Vehicle and Equipment Sales and Rental[292]													C		R		P	P							

[285] This is a new use. The existing zoning and subdivision ordinance does not include a use that accommodates smaller utility facilities such as small electric transformer stations, telephone service boxes, and ground-level equipment ancillary to underground utilities.
[286] The WCF land uses are from recently adopted Ordinance No. 20-29 and revised to reflect the consolidation of zone districts.
[287] This is a renaming of the Automotive Repair Garage use.
[288] This is a renaming of Body and Fender Repair Services and an expansion of that use to include other major automotive repair work.
[289] This consolidates the Automotive Rentals and Automotive Sales uses. Automotive Rentals is currently permitted in OC and PBC; Automotive Sales is prohibited in OC and APD.
[290] This is a renaming of the Automotive Storage Yard use.
[291] This is a renaming of the Automotive Service use to include primarily fuel dispensing services. Light automotive services such as muffler repair or oil changes are in Automobile and Light Vehicle Repair, Light.
[292] This is a renaming of the Equipment Rental and Sales use. Added as P use to PIP-1 and PIP-2.

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	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
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Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Heavy Vehicle and Equipment Repair[293]															R		P	P							
Heavy Vehicle Storage[294]													C		R	C	C	P							7.3.303K.3
Waste and Recycling[295]																									
Landfill															R		C	P							7.3.303L.1
Recycling Collection Center, Large[296]															R	C	C	P							7.3.303L.2
Recycling Collection Center, Small[297]											A	A	A	A	R	P	P	P							7.3.303L.3
Recycling Processing Center															R		C	P							7.3.303L.4
Waste Transfer Station															R		C	P					C		7.3.303L.4
ACCESSORY AND TEMPORARY USES																									7.3.304A
Antenna or Satellite Dish, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	
Beehive, Accessory[298]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304B
Carport or Garage, Accessory[299]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304C
Construction Office or Yard, Temporary[300]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	R	T	T	T	T	T	T	T	T	T	7.3.304D
Drive-through, Accessory[301]											C	A	A	A	R	A	A					C	C	C	7.3.304E
Dwelling, Accessory, Detached[302]	A				A	A	A	A	A	A	A	A	C	A	R		C					A			7.3.304F

[293] This is a consolidation of the Equipment Repair Services and Construction Equipment Business uses.
[294] This is a renaming of the Equipment Storage Yard use.
[295] Except where noted below, the Waste and Recycling uses and permissions are the same as in the existing zoning and subdivision ordinance.
[296] This use is currently prohibited in PIP-1.
[297] Provisions for this use to be available in different zone districts are new because the current zoning and subdivision ordinance defines this use but does not list where it is permitted.
[298] This carries forward the current Beehive use and permissions.
[299] The location and size of detached garages and carports will be addressed in the Parking subsection of the Development Standards chapter of the UDC, along with all other limits on location and size of parking areas. The current provisions are very detailed and stakeholders have requested that they be reviewed and updated.
[300] This is derived from the *Contractors' Offices and Equipment Sheds, Accessory to a Construction Project* temporary use that currently is allowed in any zone district.
[301] This is a new use and supplants the existing drive-through standards assigned to specific uses (e.g. the Drive-up or fast food restaurant use).
[302] This is a renaming of the Accessory Dwelling Unit – Detached use included in recently adopted Ordinance No. 20-38. This use is currently permitted in A, R-2, R-4, R-5, SU, TND, OR, OC, and C-5, and conditional in PBC, C-6, and M-1. In the Revised Public Draft, this use is now allowed in R-Flex Low.

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Existing Zone District → / **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Dwelling, Accessory, Integrated[303]	A	C	C	C				A	A	A		C	C		R		C								7.3.304F
Electric Vehicle Charging[304]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304G
Family Suite, Accessory[305]	A	A	A	A	A	A	A	A	A	A	A	A	A				A								7.3.304H
Garage Sale, Temporary[306]	T	T	T	T	T	T	T	T	T	T					R							T	T	T	7.3.304I
Geothermal Energy Equipment, Accessory[307]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	
Greenhouse, Accessory[308]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	
Home Adult or Child Day Care, Large, Accessory[309]	C	C	C	C	C	C	C	C	C	A	A	A	A	A	R	A	A					A	A	A	7.3.304J
Home Adult or Child Day Care, Small, Accessory[310]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A					A	A	A	7.3.304J
Home Occupation, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R							A	A	A	7.3.304K
Marijuana, Home Cultivation, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R							A	A	A	7.3.304L
Mobile Vending Truck, Temporary[311]								T	T	T	T	T	T	T	R	T	T	T		T	T	T	T	T	7.3.304M
Office or Bank Facility, Temporary[312]											T	T	T	T	R	T	T	T				T	T	T	
Outdoor Display of Goods, Accessory												C	A	C	R	A	A	A				C	C	C	7.3.304N
Outdoor Display of Goods, Temporary[313]											T	T	T	T	T	T	T	T				T	T	T	7.3.304O
Outdoor Festival or Amusement, Temporary[314]	T									T	T	T	T	T	R	T						T	T	T	7.3.304P

[303] This is a renaming of the Accessory Dwelling Unit – Integrated use included in recently adopted Ordinance No. 20-38. This use is currently permitted in A and conditional in R, R-1 9000, R-1 6000, PBC, C-6 and M-1. In the Revised Public Draft, it is allowed in all three R-Flex districts.
[304] New use
[305] New use from recently adopted Ordinance No. 20-37.
[306] This carries forward the existing temporary use.
[307] This is a new use.
[308] New use added in in Revised Public Draft in response to a comment asking for clarification of commercial "Greenhouse" use.
[309] This is a renaming of the Daycare Home use. The use is currently prohibited in PIP-1, PIP-2, and M-1.
[310] This is a renaming of the Large Daycare Home use. The use is currently prohibited in PIP-1, PIP-2, and M-1.
[311] This is a new use. Possible allowance of this use on nonresidential properties in additional residential districts (for festivals and events) is still under discussion with staff. Added as P use in R-Flex Medium in the Revised Public Draft.
[312] This is a renaming of the Temporary Office and Bank Facility.
[313] This is a renaming of the Temporary Display of Merchandise use. The use is currently allowed for all retail businesses, regardless of zoning district.
[314] This is a renaming of the Amusement Enterprises temporary use. There are no zoning districts specified in the existing zoning and subdivision ordinance.

Table 7.3.2-A Base and NC-O/NNA District Use Table

P = Permitted
C = Conditional use
A = Accessory to primary use
T = Temporary use
R = Allowed pursuant to regulating plan

	Residential										Mixed-Use					Special Purpose						NC-O/ NNA[204]			
New Zone District →	A	R-E	R-1 9	R-1 6	R-2[205]	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Existing Zone District → **Land Use ↓**	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	--	--	--	OR/OC/ /MU-NC	C5/PBC/MU-CC	C-6/MU-R EC	SU/PCR	FBZ	PIP-1/PIP-2	M-1	M-2	APD	PF	PK	South	Central	North	**Use-Specific Standards**
Outdoor Seating or Dining, Accessory[315]											A	A	A	A	R	A						A	A	A	7.3.304Q
Outdoor Storage, Accessory															R	A	A	A							7.3.304R
Playhouse, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R							A	A	A	7.3.304S
Real Estate Sales or Business Office, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	R	T	T	T	T			T	T	T	7.3.304T
Seasonal Sales, Temporary[316]	T									T	T	T	T	T	R	T	T	T				T	T	T	7.3.304U
Solar Collector, Accessory[317]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304V
Swimming Pool, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R							A	A	A	
Transit Shelter, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304W
Vendor in Commercial Retail Center, Temporary[318]											T	T	T		R							T	T	T	7.3.304X
Wind Energy System, Accessory[319]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304Y

7.3.202 Additional Overlay District Use Table

Table 7.3.2-B below lists the land uses available in the Streamside Overlay (SS-O) and Airport Overlay (AP-O) overlay zone district districts. The uses in Table 7.3.2-B supplement and supersede, but do not replace, the use indications for each base zone district listed in Table 7.3.2-A. To determine whether a use is available in the SS-O and AP-O overlay districts, first refer to Table 7.3.2-A to see whether a listed use is available in the base zone district where the property is located, and if so, then refer to Table 7.3.2-B to determine whether the overlay district modifies the terms on which that use is available. In case of a conflict between Tables 7.3.2-A and7.3.2-B, the provisions of Table 7.3.2-B shall apply. (In the NC-O/NNA overlay district, permitted uses supersede the permissions in the base zone district and are listed in Table 7.3.2-A.)[320]

A. A blank cell indicates that the permission in the base zone district applies without modification. For example, if a use is permitted by-right in the base zone district, it continues to be permitted by-right in the overlay district. If a use is prohibited in the base zone district, it is prohibited in the overlay district.

[315] This is a new use.
[316] This consolidates and expands on the Christmas Tree Sales in Section 7.5.1403I.1 and the Seasonal Sale of Agricultural Products and/or Seafood temporary uses in Section 7.5.1403I.5 of the existing zoning and subdivision ordinance. Added as a T use to R-4, R-5, OR, and MX-1 to promote access to fresh foods.
[317] This is a new use.
[318] This use is currently not allowed in OC.
[319] This is a new use.
[320] New section.

The Use-Specific Standards cross-referenced in the right-hand column of the same use in Table 7.3.2-A continue to apply.

B. A "C" indicates that if permitted by-right (P) or permitted as a conditional use (C) in the base zone district, the use is permitted only after the applicant obtains conditional use approval pursuant to Section <7.5.601>, subject to the Use-Specific Standards cross-referenced in the right-hand column of the same use in Table 7.3.2-A.

C. An "X" indicates that the use is prohibited in the overlay district, regardless of the whether it is a permitted (P), conditional (C), accessory (A), or temporary (T) use in the base zone district.

Table 7.3.2-B[321] Additional Overlay District Use Table

C = Conditional use if permitted by-right in base district
X = Prohibited

Overlay Zone District → / Land Use ↓	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
RESIDENTIAL USES						
Household Living						
Dwelling, Single-family Detached		[2]	X	X	X	
Dwelling, Single-family Attached (townhouse)		[2]	X	X	X	
Dwelling, Stacked Townhouse		[2]	X	X	X	
Dwelling, Two-family (duplex)		[2]	X	X	X	
Dwelling, Two-family on Two Lots		[2]	X	X	X	
Dwelling, Three-family (triplex)		[2]	X	X	X	
Dwelling, Four-family (fourplex)		[2]	X	X	X	
Dwelling, Multi-family		[2]	X	X	X	
Dwelling, Live/work		[2]	X	X	X	
Manufactured Home		[2]	X	X	X	
Manufactured Home Park	Requires PUD Approval					
Short-term Rental Unit		[2]	X	X	X	
Tiny House Park		[2]	X	X	X	
Group Living						
Group Cooperative Living		C	X			
Group Living Residence, Small		C	X			
Group Living Residence, Medium		C	X			
Group Living Residence, Large		C	X			
Human Services Establishment, Small		C	X			
Human Services Establishment, Medium		C	X			
Human Services Establishment, Large		C	X			
Long-term Care Facility		C	X			
CIVIC, PUBLIC, AND INSTITUTIONAL USES						
Adult or Child Day Care Center, Large		C	X			
Adult or Child Day Care Center, Small		C	X			
Cemetery			X	C		
Club, Lodge, and Service Organization		C	X			
Correctional Facility/Juvenile Detention Facility	X	C	X			
Detoxification Center		C	X			
Funeral Services		C	X			

[321] New table that consolidates and updates the Airport Overlay (AO) use table in Section 7.3.506D of the existing zoning and subdivision ordinance, and the list of prohibited and conditional uses for the Streamside Overlay (SS) in Section 7.3.508E.2.d. All uses in those tables have been updated to conform the updated list of uses in this UDC. There are continuing discussions the airport overlay districts and their boundaries. These continuing discussions involve both the Colorado Springs Municipal Airport/Peterson Air Force Base and the United States Air Force Academy airport. As these issues are resolved between the City and the airport operators, those revised regulations will be incorporated into this UDC.

Table 7.3.2-B[321] Additional Overlay District Use Table

C = Conditional use if permitted by-right in base district
X = Prohibited

Land Use ↓ / Overlay Zone District →	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
Hospice		C	X			
Hospital		X	X	X	X	
Human Services Shelter		C	X			
Library, Museum, or Cultural Facility		C	X			
Park		[3]	X	C		
Public Safety Services		C	X			
Religious Institution		X	X	X	X	
School, Elementary or Secondary		X	X	X	X	
School, Higher Education		X	X	X	X	
COMMERCIAL AND INDUSTRIAL USES						
Agriculture and Animal-Related Services						
Agricultural Production		C	X			
Agricultural Sales and Service		C	X			
Animal Care Facility	X	C	X			
Commercial Feedlot	X	C	X			
Greenhouse		C	X			
Small Animal Clinic		C	X			
Stable			X	C		
Urban Agriculture		C	X			
Eating, Drinking, and Lodging						
Adult Entertainment		C	X			
Bar		C	X			
Bed and Breakfast		C	X			
Campground or Recreational Vehicle Park		C	X			
Hookah Bar		C	X			
Hotel or Motel		[4]	X	X	X	
Micro-brewery, Micro-winery, or Micro-distillery		C	X			
Restaurant		C	X			
Rooming or Boarding House		C	X			
Entertainment and Recreation						
Entertainment or Recreation, Indoor		C	X			
Entertainment or Recreation, Outdoor		[5]	X	[5]		
Semipublic Community Recreation		C	X			
Stadium or Auditorium		X	X	C		
Heavy Commercial, Storage, and Industry						
Construction Sales and Services	C	C	X			
Heavy Industry	X	C	X			
Junkyard	X	C	X			
Light Industry	C		[6]			
Mining and Mineral Extraction	X	C	X			
Self-storage	C	C	X			
Special Industry	X	C	X			
Stockyard	X	C	X			
Warehousing and Wholesaling	C		[6]			
Industrial Hemp						
Industrial Hemp Products Manufacturer – Nonhazardous		C	X			
Industrial Hemp Products Manufacturer – Hazardous		C	X			

Table 7.3.2-B[321] Additional Overlay District Use Table

C = Conditional use if permitted by-right in base district
X = Prohibited

Land Use ↓ / Overlay Zone District →	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
Industrial Hemp Optional Premises Cultivation Operation		C	X			
Marijuana-related Services						
Marijuana Consumption Club Facility		C	X			
Medical Marijuana Center		C	X			
Medical Marijuana Infused Products Manufacturer – Nonhazardous		C	X			
Medical Marijuana Infused Products Manufacturer – Hazardous		C	X			
Optional Premises Cultivation Operation		C	X			
Office						
Medical Office		[4]		[7]		
Office		C	X			
Vocational or Skills Education		C	X			
Retail Sales and Services						
Adult Retail		C	X			
Liquor Sales		C	X			
Personal or Business Service, Large		C	X			
Personal or Business Service, Small		C	X			
Retail Sales, Large			X	[7]		
Retail Sales, Medium			X	[7]		
Retail Sales, Small			X	[7]		
Transportation						
Airport		C	X			
Light Vehicle Staging Area		C	X			
Parking Lot	C	C	X			
Parking Structure	C	C	X			
Railroad Facility		C	X			
Transit Station		C	X			
Transportation Terminal		C	X			
Truck Terminal	X	C	X			
Utilities and Communication						
Broadcasting Tower		C	X			
Utility, Major		C	X			
Utility, Minor		C	X			
WCF, Eligible Facility Request		C	X			
WCF, Nonstealth Freestanding Facility		C	X			
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings		C	X			
WCF, Roof/building mount on single- and two-family dwellings		C	X			
WCF, Small Cell Facility		C	X			
WCF, Stealth Freestanding Facility		C	X			
Vehicle Related						
Automobile and Light Vehicle Repair, Minor	C	C	X			
Automobile and Light Vehicle Repair, Major	C	C	X			
Automobile and Light Vehicle Sales and Rental	C	C	X			
Automobile and Light Vehicle Storage	C	C	X			
Automobile and Light Vehicle Wash	C	C	X			
Fuel Dispensing Station	C	C	X			

Table 7.3.2-B[321] Additional Overlay District Use Table

C = Conditional use if permitted by-right in base district
X = Prohibited

Overlay Zone District → / Land Use ↓	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV
Heavy Vehicle and Equipment Sales and Rental	C	C	X			
Heavy Vehicle and Equipment Repair	C	C	X			
Heavy Vehicle Storage	C	C	X			
Waste and Recycling						
Landfill	X	C	X			
Recycling Collection Center, Large	X	C	X			
Recycling Collection Center, Small		C	X			
Recycling Processing Center	X	C	X			
Waste Transfer Station	X	C	X			
ACCESSORY AND TEMPORARY USES						
Accessory Family Suite		C	X			
Antenna or Satellite Dish, Accessory		C	X			
Beehive, Accessory		C	X			
Carport or Garage, Accessory		C	X			
Construction Office or Yard, Temporary		C	X			
Drive-through, Accessory		C	X			
Dwelling, Accessory, Detached		C	X			
Dwelling, Accessory, Integrated		C	X			
Electric Vehicle Charging		C	X			
Garage Sale, Temporary		C	X			
Geothermal Energy Equipment, Accessory		C	X			
Greenhouse, Accessory		C	X			
Home Adult or Child Day Care, Large, Accessory		C	X			
Home Adult or Child Day Care, Small, Accessory		C	X			
Home Occupation, Accessory		C	X			
Marijuana, Home Cultivation, Accessory		C	X			
Mobile Vending Truck, Temporary		C	X			
Office or Bank Facility, Temporary		C	X			
Outdoor Display of Goods, Accessory		C	X			
Outdoor Display of Goods, Temporary		C	X			
Outdoor Festival or Amusement, Temporary		C	X			
Outdoor Seating or Dining, Accessory		C	X			
Outdoor Storage, Accessory	C	C	X			
Playhouse, Accessory		C	X			
Real Estate Sales or Business Office, Temporary		C	X			
Seasonal Sales, Temporary		C	X			
Solar Collector, Accessory		C	X			
Swimming Pool, Accessory		C	X			
Transit Shelter, Accessory		C	X			
Vendor in Commercial Retail Center, Temporary		C	X			
Wind Energy System, Accessory		C	X			

Table 7.3.2-B[321] Additional Overlay District Use Table

C = Conditional use if permitted by-right in base district
X = Prohibited

Land Use ↓ / Overlay Zone District →	SS-O	AP-O [1]				
		ADNL	RPZ	APZ-1	APZ-2	ANAV

Notes

[1] Certain uses may be permitted in the ADNL subzone with proper building design and minimal outdoor uses (see page 14 of ACI50/5050-6).[322]

[2] Residential uses are prohibited within a noise subzone of 65 DNL or greater.

[3] Public Assembly areas, noise-sensitive cultural activities, and nature exhibits are not permitted.

[4] Conditional use review is required for proposed development in an area with greater than 65 DNL.

[5] A golf course is permitted by-right in ADNL and conditional in APZ-1; all other uses in this category are conditional in ADNL and permitted by-right in APZ-1.

[6] Warehousing and outdoor storage only, with no permanent occupancy.

[7] Retail and office square footage to be determined through Development Plan review.

7.3.3 USE-SPECIFIC STANDARDS

7.3.301 Residential Uses[323]

A. Dwelling, Multi-family[324]

In the MX-N district, this use is limited to no more than 10 dwelling units in a single structure.

B. Manufactured Home Park[325]

This use is only permitted when approved by City Council through the PUD process in Section <>.

C. Short-Term Rental Unit[326]

1. Purpose and Intent

The purpose and intent of the short-term rental unit permit system is to facilitate the permitting of short term rental units subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.

2. Permit Required[327]

a. A short-term rental unit use may not operate until the owner or applicant has received a short-term rental use permit from the City pursuant to Section 7.5.507.

b. It shall be unlawful for any person to operate any short-term rental unit use without a valid short-term rental unit permit, as approved by the Manager.

c. The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

[322] This cross-reference is being reviewed for clarity and accuracy.
[323] Use-specific standards that relate to eliminated zone districts have not been carried forward, but have in some cases been replaced or adjusted to apply to the new R-Flex districts.
[324] New standards
[325] New standard to reflect current practice.
[326] This carries forward the substantive standards relating to short-term rental units in Article 5, Part 17 of the existing zoning and subdivision ordinance. The procedural permit application requirements in Section 7.5.1703 and the enforcement/license revocation provisions in Section 7.5.1707 will be carried forward with no substantive change in Module 3.
[327] Some standards currently located in administrative documents were moved to the UDC to provide property owners a better idea of what is required to engage in short-term rentals.

d. The short-term rental unit permit is valid for one year from the date of issuance. The permit may be renewed for additional one-year periods.

3. General Standards

A short-term rental unit shall comply with the following standards, which must be met at the time of permit application and at all times thereafter:

a. The sleeping quarters for short-term rental tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.) that do not contain finished living space; in commercial or industrial spaces such as retail stores or warehouses; outdoors (e.g., tent, etc.); or in a recreational vehicle.

b. The maximum number of units that may be used as short-term rental units is as follows:

(1) For properties with up to four dwelling units, one unit within each lawful dwelling unit on a property, up to a maximum of four short-term rental units per property.

(2) For multi-family buildings held in common ownership, each owner shall be limited to two short-term rental units per property. Entities under common control shall be considered a single owner for the purpose of evaluating ownership of dwelling units.

c. The owner shall obtain a Sales Tax license from the City Sales Tax Office, and shall not be indebted or obligated in any manner to the City.

d. The owner shall maintain weekly residential trash collection services and comply with Section 6.4.104 of this Code.

e. The owner shall maintain and provide proof of property liability insurance in the amount of not less than $500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than $500,000 under terms acceptable to the Manager.

f. The owner shall not be classified as a repeat offender or a chronic repeat offender pursuant to Section 7.5.907 (Penalties), and shall not have had a short-term rental unit permit revoked within the preceding 24 months.

4. Location Requirements

a. Except as provided in Subsection c below, no non-owner occupied short-term rental unit shall be located within 500 feet of another non-owner occupied short-term rental unit. The 500 foot separation measurement shall be measured in accord with Section 7.6.205 (Separation Measurements).

b. Except as provided in Subsection c below, no non-owner occupied short term rental unit shall be located in the R-E, R-1 9, or R-1 6 zone districts or single-family PUD zone districts.[328]

c. Where an owner occupied short-term rental unit is owned by an active duty military service member whose permanent duty station is within El Paso County, the Manager shall waive the requirements in Subdivisions a and b above for the owner for up to one year if the service member receives orders to report to a temporary duty station outside of El Paso County.

[328] Because Council's recent amendments did not apply this standard to R-2 district, the standard has been excluded from the R-Flex Low district..

5. Operating Requirements

All short-term rental unit owners and tenants shall comply with the following rules and regulations:

a. All short-term tenants shall comply with all applicable noise, housing, public health, fire, and safety ordinances of the City.

b. Parking in private driveways shall be used first, with overflow parking on the street where permitted. Parking on-site in non-driveway areas (i.e., front yard areas, parkways, and rear yards) shall be prohibited.

c. No meals shall be prepared for or served to the short-term tenants by the owner or the owner's agents.

d. Use of the short-term rental unit for any commercial or large social events or gatherings, such as weddings, is prohibited.

e. The permit with all local contact information and emergency safety information shall be prominently displayed within the short-term rental unit.

f. The City issued short-term rental use permit number shall be used in all rental marketing materials.

g. During the term that a short-term rental unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available at all times for the purpose of responding within one hour to complaints regarding the condition or operation of the short term rental unit or the conduct of short term tenants. If the local contact person designated by the owner changes, the owner shall update the permit on file within three days.

h. Maximum overnight occupancy of a short-term rental unit shall be limited to two occupants per bedroom, plus an additional two occupants per dwelling unit. The maximum overnight occupancy per dwelling unit shall be 15 occupants.

D. Tiny House Park[329]

1. Project Size

a. The minimum size of a Tiny House Park is 20,000 square feet, and the maximum size is two acres.

b. Minimum Lot Area/Dwelling Unit

(1) Each Tiny House Park shall contain a defined area for the use of each dwelling unit.

(2) Each defined area for a Tiny House shall contain at least 1,000 square feet of land area or one-and-one half (1½) times the gross floor area of the Tiny House, whichever is larger.

c. No defined area for a Tiny House may contain any area within a 100-year floodplain, within a mapped geological hazard area where residential uses are restricted pursuant to Section 7.4.5 (Geological Hazards), where residential uses are restricted pursuant to Section 7.4.8 (Floodplains), or within a designated vehicle circulation route.

2. Density and Open Space

a. Maximum residential density is 25 Tiny Houses per acre.

[329] New standards for a new use.

b. A shared open space containing a minimum of 10 percent of the project area shall be provided.

3. Setbacks and Separation

a. No designated area for a Tiny House dwelling shall be located within 10 feet of an abutting Residential of Mixed-Use zone district or within 20 feet of any public right-of-way abutting the project site.

b. No Tiny House may be located within 10 feet of another Tiny House, measured by the shortest distance between the two Tiny Houses.

4. Maximum Building Height

The maximum height of a Tiny House and of any common area structure in a Tiny House Park is 20 feet.

5. Installation

Each Tiny House shall be installed on a permanent foundation and shall be connected to City water, sewer, and electric utilities before occupancy for any period of more than 30 consecutive days.

6. Landscaping, Buffering, and Screening

a. Any area between individual areas designated for Tiny Houses and the side and rear lot lines of the Tiny House Park shall comply with Section 7.4.9 (Landscaping and Open Space).

b. Laundry drying yards and outdoor storage yards shall be screened from view from any abutting public right-of-way in compliance with Section 7.4.9 (Landscaping and Open Space).

7. Stormwater

Each Tiny House Park shall comply with Sections 7.4.6 (Grading and Erosion Control) and 7.4.7 (Stormwater).

8. Parking

Each Tiny House Park site shall contain one parking space per designated Tiny House dwelling site, unless the Manager determines that some or all of such spaces are not necessary due to the intended use or operation of the Park or restrictions on resident automobile ownership contained in recorded covenants on the Park property.

9. Access and Circulation

a. A pedestrian path at least five feet wide shall be provided from at least one abutting public street to each designated Tiny House site. Required paths may be located in public access easements, and each path shall confirm to the City's adopted pathway standards unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.

b. Any public and private streets within the Tiny House Park shall be designed and constructed to the City's adopted street standards and specification, unless the City Engineer determines that due to low levels of expected use a different standard will provide equivalent or better safety and durability.

c. Each Tiny House Park shall comply with all adopted standards for fire access required to protect each Tiny House.

10. Utility Easements

Each Tiny House Park shall comply with all adopted City standards for the location and width of utility easements unless the Utilities Executive Director, Stormwater Enterprise Manager, or utility provider determines that due to anticipated low levels of utility use and/or the close proximity of designated Tiny House sites, utility easements of different sizes or in different locations will provide equivalent safety, durability, and opportunities for utility maintenance.

11. Personal Storage

Each designated Tiny House site may contain one accessory storage structure less than 100 square feet in gross floor area.

12. Management

Applicants proposing Tiny House dwellings shall enter into a development agreement with the City requiring the condominium or other property owner's association to maintain all streets, utilities, and infrastructure that are not dedicated to and accepted by the City.

E. Group Living Residence, Human Services Establishment, or Detoxification Center

1. Separation Requirement[330]

a. No Group Living Residence Use or Detoxification Center shall be located within 1,000 feet of another Group Living Residence or Detoxification Center.

b. This spacing requirement shall not apply between two establishments licensed by the State as assisted living.

c. The separation measurement shall be measured in accord with Section 7.6.205 (Separation Measurements).

2. District-Specific Use Limitations[331]

a. A Development Plan is required for a Human Services Establishment (Medium or Large only) use, including a Drug and Alcohol Treatment Facility, Family Care Home, Human Services Residence, Large Family Care Home, and a Residential Childcare Facility; or the following that house or are designed to accommodate more than eight residents: a Hospice, a Human Services Facility, a Domestic Violence Safe House, a Family Support Residence, a Human Service Shelter, or a Detoxification Center use.[332]

b. In the PUD zone district, after October 1, 2012, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of the establishment of the zone district.[333]

c. In the FBZ district, all Group Living Residence, Human Services Establishment, and Detoxification Center uses shall be determined at the time of regulating plan approval.[334]

[330] Spacing requirement related to Human Services Establishments was not carried forward because some courts have held that spacing requirements violate the federal Fair Housing Act. Non-applicability to spacing from state-licensed Long-term Care Facilities was dropped, since those establishments are no longer categorized as Human Services Establishments. Separation distance added for Detoxification Center, which is no longer categorized as a Human Services Establishment use. The City's goal to promote communication and interaction among neighbors and operators of Human Services Establishments will be addressed through notification procedures in the Administration and Enforcement chapter of the UDC.

[331] Current provision reading "Human Service Homes are permitted in the A, R, R-1 9000, R-1 6000, R-2, R-4, R-5, SU, TND, OR, OC, C-5, PUD, FBZ, MU-CC, MU-NC or MU-R/EC zone districts" was not carried forward, because the Human Services Home (which is currently treated as a "family" use) has been merged into the definition of Family. The requirement for a permit for residential-type Human Services uses is under continued discussion with staff.

[332] A development plan will no longer be required for establishments that house eight or fewer people.

[333] Exception for Human Services Home was not carried forward, because it would no longer be a defined land use.

[334] Exception for Human Services Home was not carried forward, because it would no longer be a defined land use.

3. Permit Requirements[335]

a. If an establishment requires an administrative permit prior to obtaining state licensing, and meets all of the requirements for the permit, the Manager shall issue a provisional permit that allows occupancy of the establishment for six months. The provisional permit shall become an administrative permit upon the award of the State license, or may be renewed one time for a subsequent period of six months.

b. If the use of an operation as authorized under the administrative permit is terminated, or if the operation is otherwise discontinued for a period of 12 months, the administrative permit shall expire.

4. Review Criteria

Where these uses require approval of a Development Plan pursuant to Section 7.5.516 or a Conditional Use Permit pursuant to Section 7.5.601, the criteria for approval shall include the following (in addition to the review criteria otherwise applicable to the type of approval being requested).

a. Does the proposed site provide adequate space for active outdoor recreation, if needed?

b. Does the proposed site provide adequate space for passive outdoor recreation?

c. Are recreation areas located to minimize noise impacts on adjacent properties?

d. Will landscaping, berms, fences, or walls be provided to buffer the site if needed?

e. Will physical alterations to the exterior of the existing structure and landscaping and any signs be in keeping with the character of the neighborhood and be kept to a minimum?

f. Has the establishment been designed and located to assure the security of the establishment itself, adjoining properties, and the neighborhood in general?

5. Domestic Violence Safe House Review Criteria and Requirements

An administrative permit shall be approved for a Domestic Violence Safe House if the following criteria are met:

a. An eligible operator of a Domestic Violence Safe House shall be an entity or corporation registered in the State of Colorado.

b. Upon receipt of the operator's mission statement and a request for an administrative permit, and any other information determined necessary by the Manager to ascertain the adequacy of a proposed location for a Domestic Violence Safe House, the Manager shall review the request pursuant to the applicable criteria in this Section 7.3.301E.5. There is no requirement for public notification or public hearing prior to the Manager's review or decision.

c. Within 30 days after receipt of the completed request, the Manager shall convey a recommendation to the Mayor. If the Mayor and Manager agree that the criteria are not met, the applicant shall be informed of the areas of noncompliance. If the Mayor and Manager agree that the criteria are met, the Manager shall issue an administrative permit.

d. The operator of a Domestic Violence Safe House that receives an administrative permit must pass a fire inspection prior to initiating operation of the safe house.

e. The Mayor, Manager, and any other municipal employee who may become aware of the location of a Domestic Violence Safe House shall hold confidential the location of the Domestic Violence Safe House.

[335] Existing provisions on required information on Administrative Permit applications and criteria for approval of these uses will appear with other application requirements on the City's website.

f. Information and documents pertaining to a Domestic Violence Safe House may only be released to the Mayor, the City Attorney, the Fire Chief, and the Police Chief. This information and documentation shall not be disseminated further to City personnel or other governmental personnel except by joint determination and concurrence of the Mayor, City Attorney, and Police Chief, or by court order. For purposes of this Section 7.3.301E.5, "court" means a Colorado state court or a federal court with jurisdiction over the City.

7.3.302 Civic, Public, and Institutional Uses

A. Adult or Child Day Care Center[336]

1. This use shall be located on a collector street with direct access to a minor or major arterial roadway, and shall meet all requisite state and City licensure requirements.

2. This use shall provide the minimum square footage of indoor and outdoor space pursuant to state requirements. No part of the required outdoor space shall be situated within any front building setback. The required outdoor space shall be screened from adjacent residential properties when necessary to reduce play area sounds.[337]

B. Club, Lodge, and Service Organization and Religious Institution[338]

1. The minimum lot area for a Club, Lodge, Service Organization, or Religious Institution shall be 2.5 acres if the principal auditorium in the use has a capacity of no more than 300 people, or four acres if the capacity is larger than 300 people.

2. All principal and accessory buildings shall be set back at least 50 feet from the property line.

7.3.303 Commercial and Industrial Uses

A. Agriculture and Animal-Related Services

1. Animal Care Facility and Small Animal Clinic[339]

a. Each building and any associated animal run shall be constructed at least 55 feet from any property line.

b. Except in the A zone district, all activities shall be conducted within a totally and permanently enclosed, soundproofed building.

c. In the A zone district, outdoor veterinary activities require conditional use approval pursuant to Section <7.5.601>.

2. Stable[340]

a. When the stable is a primary use of the land, all buildings and corrals shall be constructed at least 55 feet from any property line.

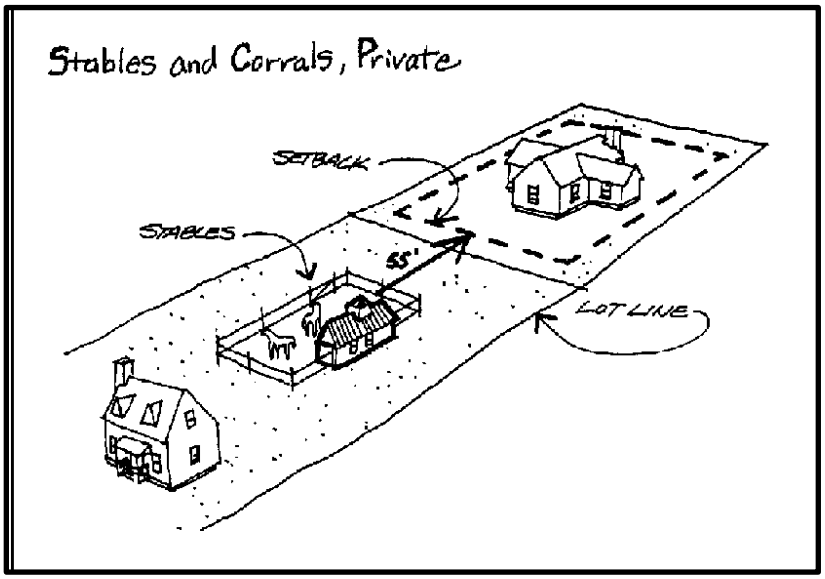
b. When the stable is an accessory structure to another primary use of the property:

(1) The stable is only permitted on a lot containing at least 37,000 square feet of gross area;

[336] This carries forward the standards from Section 7.3.105B.3 of the existing zoning and subdivision ordinance.
[337] Revised from "necessary and appropriate" because appropriate is subjective and difficult to enforce.
[338] Current limitations on size of Religious Institutions were extended to apply to Club, Lodge, and Service Organizations in order to comply with the Religious Land Use and Institutionalized Persons Act.
[339] This carries forward the standards from Section 7.3.105G of the existing zoning and subdivision ordinance relating to the existing kennel use, and Section 7.3.205T regarding the existing veterinary clinics and animal hospitals use.
[340] The principal use standard carries forward the standard from Section 7.3.105K of the existing zoning and subdivision ordinance. The accessory use standard carries forward the standards in Section 7.3.105.L of the existing zoning and subdivision ordinance.

(2) All buildings and corrals shall be constructed at least 55 feet from the building envelope of the adjoining lot, measured from the building to the building setback on the adjoining lot; and

(3) The use shall comply with the requirements of Sections 6.7.106 and 6.9.101 of the City Code.



3. Urban Agriculture[341]

a. Structures

(1) Cold frames are limited to a maximum height of two feet, and shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within a Residential zone district.

(2) Accessory greenhouse and hoop house structures are limited to a maximum height of 10 feet, shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within a Residential zone district, and may not cover more than 25 percent of the rear lot.

(3) Agricultural stands are limited to a maximum height of 10 feet and shall be located at least 10 feet from any lot line abutting a lot that has an occupied residential use or is within a Residential zone district.

b. Operational Standards

(1) Produce grown on the property may be sold only in accordance with the standards for cottage food sales in Section 7.3.304K.4.

(2) The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use, and shall comply with all City regulations regarding illicit discharges.

(3) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant, and compost piles shall not exceed four feet in height.

[341] New standards for a new use. Revised in Revised Public Draft to clarify that setback from lot line is required from property zoned for residential use as well as property currently with a residential use.

(4) No outdoor work activity that involves power equipment or generators may occur between 7:00 p.m. and 7:00 a.m. the next day.[342]

c. Soil Quality[343]

(1) Food products may be grown in soil native to the site if the applicant can provide documentation to the El Paso County Public Health Department that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Colorado; and either:

(a) Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or

(b) Documentation that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Colorado. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.

(2) As an alternative to meeting the standards in Subsection (1) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

B. Eating, Drinking, and Lodging Establishments[344]

1. Adult Entertainment

No Adult Entertainment Use shall be located within 1,000 feet of another Adult Entertainment use, an Adult Retail use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City). The 1,000 foot separation measurement shall be measured in accord with Section 7.6.205 (Separation Measurements).

2. Micro-brewery, Micro-winery, or Micro-distillery[345]

In the MX-N district, the following standards apply:

a. The gross floor area of the use shall not exceed 5,000 feet.

b. An outdoor seating area shall not be located within 10 feet of any property line of a lot containing a primary residential use or that is within a Residential zone district.

3. Restaurant[346]

In the MX-N district, the following standards apply:

a. The gross floor area of the use shall not exceed 5,000 feet.

[342] In Revised Public Draft, changed to 7 pm to be consistent with City's noise ordinance.
[343] The logistics of soil testing are under discussion with staff.
[344] We have not carried forward the distance-related standards for on-premises liquor sales establishments (which would apply to bar, restaurant, and micro-brewery uses) from Section 7.3.205J of the existing zoning and subdivision ordinance due to the difficulty in determining which part of the establishment comprises the "bar" area.
[345] New standards in Revised Public Draft to accommodate micro-brewery, micro-winery, and micro-distillery use in neighborhood-adjacent MX-N district.
[346] New standards in Revised Public Draft to accommodate to minimize impact of restaurant uses in MX-N.

b. An outdoor seating area shall not be located within 10 feet of any property line of a lot containing a primary residential use or that is within a Residential zone district.

C. Entertainment and Recreation

1. Entertainment or Recreation, Outdoor[347]

In the R-5 and R-Flex High districts, only golf courses and related facilities are allowed and require conditional use approval pursuant to Section <7.5.601>.

D. Heavy Commercial, Storage, and Industry[348]

1. Heavy Industry

A garbage service company use shall be entirely contained within a building or yard enclosed on all sides by a wall or solid fence at least seven feet in height and kept in good repair at all times.[349]

2. Junkyard[350]

The yard shall be kept in good repair and be maintained to prevent nuisances and avoidable adverse impacts on abutting properties at all times.[351]

3. Mining and Mineral Extraction[352]

a. Open-pit mining, surface mining, and underground mining with activities above ground is allowed as a conditional use only in the A zone district.

b. Temporary surface, open pit mining, and underground mining with activities underground are allowed with conditional use approval pursuant to Section 7.5.601 in all other districts where mining and mineral extraction is allowed.

c. This use will be allowed only if the applicant can demonstrate at the time of applying for a conditional use permit pursuant to Section 7.5.601 that, in addition to other criteria that would otherwise apply to approval of a conditional use permit:

(1) The property values of the land surrounding the conditional use will not be substantially reduced;

(2) The mode and quality of life in any area of the City will not be adversely affected by the proposed mining operation;

(3) The noise attributable to the mining operation will be in conformance with Section 9.8.104 of this Code;

(4) The dust attributable to the mining operation will be within state and federal standards;

(5) The road and highway traffic attributable to the mining operation will not adversely affect the City traffic system by causing unreasonable congestion or excessive deterioration of such system;

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[347] From Section 7.3.103 of the existing zoning and subdivision ordinance. Since Module 1, reference to R-5 reinserted.
[348] Required screening and wall materials still under discussion with staff.
[349] This carries forward the standards from Section 7.3.205G of the existing zoning and subdivision ordinance, which applied to the Garbage Service Company use that has been consolidated to the Heavy Industry use. Minimum fence height was raised from six to seven feet.
[350] This carries forward the standards from Section 7.3.205H of the existing zoning and subdivision ordinance. Required screening is now addressed in development standards (see Section 7.4.909 (Screening)) and has been removed from this section of this Revised Public Draft.
[351] Reworded to replace the vague “appropriate” standard with more objective standard for maintenance.
[352] This carries forward the standards from Section 7.3.205N of the existing zoning and subdivision ordinance.

(6) The mining operations will not cause or create adverse drainage and sewage problems;

(7) An underground mining operation will not unreasonably interfere with the present or anticipated surface used by causing subsidence, vibrations, or dust;

(8) The mining operation is in conformance with the Comprehensive Plan and the Master Plan for Extraction of Commercial Mineral Deposits that was adopted July 1, 1975; and

(9) The mining reclamation plan and time schedule are acceptable to the City.

d. Following conditional approval of this use, the mining operator is required to post a bond with the City in an amount set by the City that is sufficient to ensure that the mining reclamation plan is carried out.

e. For use, storage, and handling of explosives, contact the Colorado Springs Fire Department. All dynamite shot plans must be reviewed by the Colorado Springs Fire Department.

4. Self-Storage[353]

a. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles which shall be stored only in exterior areas screened from view from any street frontage.

b. Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.

c. The storage of hazardous materials is prohibited.

d. Loading docks may not be located on a side of the facility abutting a Residential zone district.

e. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 7.4.9.

f. If the facility is located in an MX-N district, all storage shall be contained within a fully enclosed structure that:

(1) Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways. and

(2) Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

E. Industrial Hemp[354]

An Industrial Hemp use:

1. Shall be prohibited within a Residential zone district or dwelling unit,

2. Shall hold valid licenses from the United States Department of Agriculture (USDA), as applicable.

3. Shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

[353] New standards.
[354] New standards based on the 2019 similar use determination memorandum issued by the Planning Department. The three uses are derived from the similar marijuana-related manufacture and cultivation uses;

4. Shall not include an outdoor grow facility.

F. Marijuana-Related Services[355]

1. Prohibition of Other Marijuana Uses[356]

a. Except as expressly permitted in this UDC, the following uses are prohibited on all property within the City:

(1) To operate a retail marijuana establishment.

(2) To transfer or permit the transfer of marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product.

(3) To grow, cultivate, or process marijuana or medical marijuana except in compliance with the requirements of this UDC.

b. In addition to any other competent evidence identifying a substance as marijuana, or marijuana concentrate, results of the field test known as the "Duquenois-Levine Reagent System" shall be admissible in evidence and shall be prima facie evidence of whether or not the substance tested was marijuana or marijuana concentrate.

2. General Standards

a. An MMJ Facility is prohibited within a Residential zone district or dwelling unit except as allowed by Section 7.3.304L (Marijuana, Home Cultivation, Accessory),

b. An MMJ Facility shall hold valid local and state medical marijuana business licenses and local and state Sales Tax licenses, as applicable.

c. On-premises use, consumption, ingestion, or inhalation within an MMJ Facility is prohibited.

d. An MMJ Facility shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

e. Special Provisions[357]

(1) City Council specifically finds and determines that it is in the best interests of the public health, safety, and welfare to forego zoning enforcement action against those MMJ Facilities located within the MX-N[358] district that otherwise complied with the City's application procedure found in Chapter 2, Article 2, Part 1 of this Code, and are subsequently granted state and local medical marijuana business licenses. So long as these qualified MMJ Facilities obtain and maintain state and local medical marijuana business licenses at the locations identified in the application, the City will forgo any adverse zoning enforcement action related to that MMJ Facility use in the MX-N district.

(2) This zoning enforcement forbearance only applies to the identified and qualified MMJ Facilities owned or operated by the person or entity identified in the preapplication and shall not run with the land. Should these identified MMJ Facilities cease operations for any period of time in the facilities' current MX-N district, the City shall enforce zoning restrictions against the reestablishment of, or any expansion of any

[355] This carries forward the standards from Section 7.3.205M of the existing zoning and subdivision ordinance.
[356] This carries forward the standards from Section 7.3.205L of the existing zoning and subdivision ordinance, except the reference to the definitions of the terms "marijuana" and "marijuana concentrate" have been relocated to Section 7.6.3 (Definitions). Text reorganized for clarity.
[357] These provisions may be relocated to the Administration and Enforcement chapter of the UDC to appear with other enforcement provisions.
[358] This non-enforcement provisions would now extend to facilities on PBC properties.

existing MMJ Facility, or any proposed new MMJ Facility seeking to locate in any MX-N district. No MMJ Facility located in a MX-N district shall be declared a legal nonconforming use or be granted any "grandfathered" land use rights.

3. Marijuana Consumption Club Facility[359]

a. No new uses of the Marijuana Consumption Club (MCC) Facility type are allowed.

b. Existing uses of this type are allowed only if prior to September 22, 2015, an existing use was lawfully operating pursuant to the "similar use determination" of the Manager, dated May 28, 2014. Those MCC Facilities operating pursuant to the similar use determination shall be considered nonconforming uses under this UDC, shall be licensed by the City, and shall cease operations no later than March 22, 2024. Any MCC Facility operating after March 22, 2024, shall be considered an unlawful use under this UDC.

c. No MCC Facility shall operate or permit any person upon the licensed premises without a ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

4. Medical Marijuana Center

This use shall be located at least 1,000 feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Medical Marijuana Center. This minimum distance shall be measured from the nearest portion of the building used for the Medical Marijuana Center to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Medical Marijuana Center using a route of direct pedestrian access.

G. Office

[Placeholder]

H. Retail Sales and Service[360]

1. Adult Retail

No Adult Retail Use shall be located within 1,000 feet of another Adult Retail use, an Adult Entertainment use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City). The 1,000 foot separation measurement shall be measured in accord with Section 7.6.205 (Separation Measurements).

I. Transportation

[Placeholder]

[359] This carries forward the standards from Section 7.3.205K of the existing zoning and subdivision ordinance.

[360] The following provisions were not carried forward: (a) Provision that pharmacies are only allowed in the OR district if accessory to a medical or dental facility (overly restrictive) (b) Any use accessory to a clinic or medical or dental office building or office complex, such as drug prescription and supply shop, office or shop for fabricating and fitting prosthetic or corrective devices or medical or dental laboratories, shall be permitted as an accessory use to the permitted use within any clinic, office building or office complex, provided such accessory use shall be intended for the use of the occupants and clientele of such office; however, this accessory use is only allowed in the Special Use (SU) Zone District (overly restrictive).

J. Utilities and Communication

1. Wireless Communication Facility[361]

a. Purpose

The purpose of these use-specific standards is to accommodate the communication needs of residents and businesses while protecting the public, health, safety, and welfare of the community. In particular, the purpose of these standards is to:

(1) Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;

(2) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to stealth design techniques and undergrounding of the equipment associated with WCFs where technologically feasible;

(3) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;

(4) Encourage the use of wall-mounted panel antennas;

(5) Encourage Roof Mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise technologically feasible;

(6) Encourage the location of Towers in non-residential areas in a manner that minimizes the total number of Towers needed throughout the community;

(7) Encourage, strongly, the Collocation of WCFs on new and existing sites;

(8) Encourage owners of Antennas and Towers to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;

(9) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently; and

(10) Effectively manage WCFs in the Right-of-Way.

b. Permit Required

No person shall construct, establish, or build a WCF without first having obtained a lease (as applicable), a pole attachment master license agreement (as applicable), a building permit, and a WCF Permit pursuant to Section 7.5.511.

c. Applicability

The requirements of this section apply to all WCF applications, non-eligible modifications, Small Cell Facilities, and Micro Cell Facilities. The requirements of this section do not apply to:

(1) Amateur radio antenna, Over-the-Air Receiving Device (OTARD), and residential television reception/antenna towers except as provided in Subsection d below

(2) Any WCF for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this section, other than the requirements of Subsection d below. Changes and additions to pre-existing

[361] These standards are carried forward from Ordinance No. 20-27 with slight wording changes to conform to the style and organization of this UDC. No substantive change is intended. Provisions relating to applications and processing procedures will be included in Module 3.

WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Subsection d below.

(3) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Manager.

(4) A temporary WCF installed for providing coverage of a special event such as news coverage or a sporting event, subject to a Temporary Use Permit.

d. Operational Standards

(1) Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.

(2) Permission to Use Right-of-Way

Only Small Cell Facilities (including Micro Cell Facilities) are permitted in the right-of-way. No other WCF sites are permitted in the right-of-way. For Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City. Attachment of Small Cell Facilities on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. Prior to, or concurrently with, seeking land use approval for Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City.

(3) Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in the Regional Building Code, other applicable codes such as safety codes, and any federal requirements in effect at the time of original installation or modification. If, upon inspection at any time, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Manager may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring the WCF into compliance within said time period, the City may remove it at the owner's expense.

(4) Abandonment and Removal

If a WCF has not been in use for a period of six months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing six months. Any WCF that has not operated for a continuous period of 12 months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 60 days of receipt of written notice from the City. If such WCF is not removed within said 60 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the City. The owner of the property and owner of the WCF shall be jointly responsible for the removal of a WCF that is abandoned or is unused for a period of 12 months.

(5) Hazardous Materials

No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.

(6) Collocation

No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Manager, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

e. Site Selection Considerations

(1) An applicant shall consider the following types of sites as locations for WCFs. This list is not in order of priority:

(a) On existing structures such as buildings, water tanks, existing towers, signs, or similar features;

(b) On City-owned or Colorado Springs Utilities sites which have been identified as appropriate locations for WCFs, provided:

(i) The proposed WCF will not have an adverse impact upon the operational or security requirements for the site; and

(ii) The site can accommodate a WCF in a manner which lessens the visual impact and increases the land-use compatibility over privately held sites within the same vicinity.

(c) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest screening potential.

(2) Applicants are discouraged from locating Small Cell Facilities within a right-of-way that is less than 50 feet wide or that is adjacent to residential structures or vacant land that is zoned or master planned for residential uses.

f. Design Standards

(1) General

The requirements set forth in this Subsection f shall apply to the location and design of all WCFs governed by this UDC. WCFs shall be designed and located to minimize impacts on surrounding neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of this UDC.

(2) Stealth Design Techniques and Concealment Elements

(a) All WCFs and any transmission equipment shall, to the extent technically feasible, use Stealth Design Techniques including, but not limited to, the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.

(b) Stealth Design Techniques may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views, and/or community features). Should the Manager determine that WCFs are located in areas of high visibility, they shall (where possible) be designed to minimize their profile (e.g., stealth design, camouflages, placed underground, depressed, or located behind earth berms).

(c) Stealth Design Techniques may include the use of Alternative Tower Structures if the Manager determines that such design meets the intent of this UDC and better serves the community.

(d) The visible exterior surfaces of all WCFs shall be constructed out of, or be finished with, non-reflective materials.

(3) Collocation

Except for Small Cell Facilities in the right-of-way, WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF, to the extent it is technologically feasible based upon construction, engineering, and design standards, and except where such collocation would materially compromise the design intent of the WCF, including stealth design. Collocation requirements for Small Cell Facilities may be addressed in a master license agreement or in regulations promulgated pursuant to these WCF standards (Section 7.3.303J.1).

(4) Lighting

WCFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, or if the WCF is mounted on a Support Structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties or environs. All lighting shall comply with the requirements of Section 7.4.12 and shall be shielded or directed to the maximum extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

(5) Noise

Noise generated on the site shall not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards during repairs for a reasonable period of time not to exceed two hours without prior authorization from the City.

(6) Landscaping and Fencing

(a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the property below the requirements of Section 7.4.9 or elsewhere in the UDC.

(b) Excluding Small Cell Facilities deployed in the right-of-way, WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from any adjacent residential properties. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived by the Manager. Where the City has requested landscaping, the City may require irrigation.

(c) Where fencing or screening is required by the Manager, the fencing or screening material shall meet the standard of the zone district in which the WCF will be located. In no case may fencing material be primarily wire or metal except as allowed by the applicable zone district.

(d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large lots with an abundance of vegetation, including trees, natural growth around the site perimeter may be sufficient to buffer.

(e) No trees larger than four inches in diameter measured at four-and-a-half (4½) feet high from the ground may be removed, unless authorized by the Manager. Authorization shall only be granted if the applicant demonstrates that tree removal is necessary, that the applicant's plan minimizes the number of trees to be removed, and that any trees removed are replaced at a ratio of two to one. The City shall designate a tree caliper requirement for all replacement trees. Additional landscaping required by the City will be maintained at the expense of the WCF owner.

(7) Adjacent to Residential Uses

Adjacent to residential uses, WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries. When placed adjacent to property in a Residential zone district, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. All applicable setback requirements shall be met.

(8) Specific Design Requirements

Additional design requirements shall be applicable to the various types of WCFs and related Accessory Equipment as specified below.

(a) Wall-Mounted WCFs[362]

(i) Wall-mounted WCFs shall be architecturally compatible with and textured and colored to match the wall or structure to which they are attached. The antennas and equipment shall blend in with the wall to the maximum extent practicable.

(ii) The antenna shall be mounted as flush to the wall as technically practicable. The maximum protrusion of such facilities from the wall or structure face to which they are attached shall be six feet.

(iii) Panel antennas shall not extend above the wall or parapet to which they are attached.

(iv) Wall-mounted antennas are not subject to a maximum mounting height above grade, provided they meet the standards above.

(v) Accessory Equipment for wall-mounted antennas may be located on the roof of a building.

(vi) Wall-mounted facilities and accessory equipment that meet the standards of this Subsection (a) are considered to use Stealth Design Techniques.

(b) Roof-Mounted WCFs

(i) All Roof Mounted WCFs and Accessory Equipment shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level.

(ii) Any screen walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the extent technologically feasible.

[362] In Subsections (a) and (b), "possible" changed to "practicable" for internal consistency.

(iii) A Roof Mounted WCF and Accessory Equipment shall not be permitted on a sloped roof, unless the applicant can demonstrate that the WCF or equipment is not visible from the street or adjacent residential areas.

(iv) Where permitted, Roof Mounted equipment that will be visible against the skyline shall be painted white, gray, or some similar light shade that blends with the sky background as viewed from adjoining streets and neighboring properties.

(v) Roof Mounted Antennas and equipment are not subject to a maximum height when proposed on an existing structure, provided that the applicant can demonstrate that all Roof Mounted Antennas and Accessory Equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antennas and Accessory Equipment. Expansions to existing screen walls may be authorized by the Manager, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards of this Subsection (b) or that the requested modification is an Eligible Facilities Request. Roof Mounted Antenna and Accessory Equipment not meeting the screening standard of this paragraph are subject to the lesser of the maximum building height for the zoning district or no more than ten feet above the roof parapet.

(c) Miscellaneous

If an Antenna is installed on a structure other than a Tower or Alternative Tower Structure (including, but not limited to the antennas and Accessory Equipment), it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the Supporting Structure, or uses other Stealth Design Techniques so as to make the Antenna and related facilities as visually unobtrusive as technologically feasible, including for example, without limitation, painting the Antennas and Accessory Equipment to match the structure.

(d) Alternative Tower Structures not in the Right-of-Way[363]

An Alternative Tower Structure not located in a right-of-way shall:

(i) Be designed and constructed to look like a building, facility, or structure typically found in the area;

(ii) Use camouflage and/or concealment to be consistent with other existing natural or manmade features near its location;

(iii) Be architecturally compatible with the surrounding area;

(iv) Be of a height and size that is minimized to the extent technologically feasible;

(v) Be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries for aesthetic purposes;

(vi) Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses for aesthetic purposes;

(vii) Be compatible with the surrounding topography;

(viii) Be compatible with the surrounding tree coverage and foliage;

[363] Reworded for clarity.

(ix) Be compatible with the context and design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

(x) Minimize impact on the surrounding area of the proposed ingress and egress, if any.

(e) Alternative Tower Structures for Small Cell Facilities in the Right-of-Way

Alternative Tower Structures and associated Small Cell Facilities (including Micro Cell Facilities) may be deployed in the right-of-way through the utilization of a street light pole, distribution lines, utility poles, traffic signal, or similar structure. Such facilities shall remain subject to the applicable Alternative Tower Structures standards of approval noted above. Small Cell Facilities in the right-of-way are exempt from setbacks, but are subject to the following additional design criteria below:

(i) To the extent that an Alternative Tower Structure is a stand-alone vertical structure located in the right-of-way (such as a street light pole), pole-mounted equipment should be mounted on or within the pole or in a flush-to-grade underground equipment vault;

(ii) To the extent reasonably feasible, the Alternative Tower Structure shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the Alternative Tower Structure;

(iii) The structure shall be sized to minimize the negative aesthetic impacts to the right-of-way;

(iv) The structure shall be designed such that Antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be materially altered;

(v) Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Manager such as being screened from view, and may, where appropriate and to the extent it is technologically feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault;

(vi) The Alternative Tower Structure shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way, and shall comply with the Americans with Disabilities Act and every other federal, state, and local law and regulation;

(vii) The Support Structure height (as measured from the ground to the top of the pole or structure) may not exceed the greater of 40 feet or five feet taller than any existing utility or traffic signal pole within 600 feet of the pole or structure;

(viii) Unless the WCF is deployed on an existing structure in the right-of-way, new WCFs placed on poles in the right-of-way shall be separated from any other pole, Accessory Equipment, or WCF in the right-of-way by at least 600 feet;

(ix) To the extent technically feasible, Collocations are strongly encouraged where other Support Structures are located in proximity;

(x) Equipment enclosures shall be located out of view as much as technically feasible and shall comply with the requirements of this Code (e.g. sight line criteria).

(f) Towers

(i) Towers shall either maintain a non-reflective galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;

(ii) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

(iii) Monopole support structures shall taper from the base to the tip;

(iv) All Towers, excluding Alternative Tower Structures in the right-of-way, shall be enclosed by security fencing or a wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device.

(g) Related Accessory Equipment

Accessory Equipment for all WCFs shall meet the following requirements:

(i) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

(ii) Except for Small Cell Facilities in the rights-of-way, the total footprint coverage area of the WCF's Accessory Equipment shall not exceed 350 square feet per carrier, unless otherwise approved by the Manager.

(9) Setbacks and Separation

All zone setbacks and separation requirements shall apply to WCFs except as specifically stated otherwise in these WCF standards (Section 7.3.303J.1). A Tower shall meet the greater of the following minimum setbacks from all property lines:

(a) The setback for a principal building within the applicable zoning district;

(b) Twenty-five (25) percent of the facility height, including WCFs and Related Accessory Equipment; or

(c) Five times the Tower height, including antennas, if the Tower is in, or adjacent to, a Residential zone district or school site, unless a conditional use is approved.

(10) Administrative Waiver[364]

(a) Any of the WCF design standards may be waived or reduced by the Manager upon a determination that the purpose and intent of this part is better served thereby and that the application in question involves circumstances that are not generally applicable to WCFs of the same type. The Manager shall identify the specific purpose or intent, as set forth above, that is better served by the waiver and the circumstances that warrant a waiver.

(b) If necessary to ensure that this Subsection f does not have the effect of prohibiting the provision of wireless service, any of the design standards may be waived or reduced by the Manager upon written request from the applicant that demonstrates the following waiver criteria:

[364] Due to the special nature and limited applicability of WCF regulations and their interaction with federal law, these administrative waiver provisions will not be included with the other administrative provisions in Article 7.5, but will remain in this location and will be cross-referenced in Article 7.5.

(i) The design standard prohibits or has the effect of prohibiting the provision of wireless service through the WCF at the location because the standard will not allow the technology to function at that location;

(ii) There is no existing nearby alternate structure for collocation or attachment that will provide the technological functionality and which otherwise meets the design standard sought to be waived;

(iii) The proposal for varying from the design standard represents a reasonable and best approximation of the specific standard sought to be waived; and

(iv) The proposed alternative does not and will not constitute or create any public safety, health, or welfare concern.

(c) All waiver requests made by applicants shall be in writing and supported by substantial evidence contained in a written record. Each of the criteria addressed above shall be addressed in the written request with references to supporting evidence. The Manager may require sworn affidavits be provided by qualified engineers to support any waiver requests based on technological requirements.

(d) All waiver decisions shall be made in writing. If any design standard is approved for waiver, the WCF proposed shall nevertheless meet all other applicable design standards not specifically waived in the Manager's decision. Each waiver shall be site specific, and shall not apply to any type or kind of WCF generally.

(e) If a waiver request is denied for failure to meet any of the criteria specified above and there is no alternative for installation of the WCF at the particular location in a manner that meets the applicable design standards, then such application for the WCF for such specific location shall be denied.

(11) Additional Design Standards

The Manager is authorized to promulgate, through administrative regulations, additional design standards for WCFs in the Manager's discretion.

K. Vehicle-Related

1. Automobile and Light Vehicle Repair, Minor and Major[365]

a. All work on vehicles shall be done entirely within an enclosed an enclosed building.

b. Automotive parts or junk vehicles may not be stored outside.

c. The nearest point of the building in which the repair activity occurs shall be more than 100 feet from the boundary of any Residential zone district measured in accordance with Section 7.6.2 (Rules of Measurement and Calculation).

2. Automobile and Light Vehicle Sales and Rental[366]

a. If vehicle repair services are provided, this use shall comply with the standards in Subsection 1 above for Automobile and Light Vehicle Repair, Minor and Major.

b. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on an approved Development Plan.

[365] This carries forward the standards from Section 7.3.205D of the existing zoning and subdivision ordinance, which applied to the "Automobile Repair Garage" use. Prohibition on body and fender work was moved to the use definition.
[366] This carries forward the standards from Section 7.3.205E of the existing zoning and subdivision ordinance.

c. Outdoor display areas for vehicles are allowed as an accessory use or conditional accessory use in those districts where Outdoor Display of Goods, Accessory is permitted in Table 7.3.2-A.[367]

d. Required maneuvering or access areas shall not be used for display or storage of automobiles. Display or storage areas shall be delineated on required plans.[368]

3. Heavy Vehicle and Equipment Storage[369]

This use shall be entirely contained within a building or within a yard enclosed on all sides by a wall or solid fence at least seven feet in height and kept in good repair at all times.

L. Waste and Recycling

1. Landfill[370]

a. Landfills are only permitted subject to the approval of a certificate of designation by the Health Department.[371]

b. A landfill used for medical or pharmaceutical waste shall be located at least one mile from any Residential zone district or residential use, and shall comply with all federal, state, and local laws and regulations regarding the disposal of medical and pharmaceutical waste.

2. Recycling Collection Center, Large[372]

a. If the property is within the LI or BP zone district, all recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.

b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.

c. The use of power-driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, is only permitted if shown on an approved Development Plan.

3. Recycling Collection Center, Small[373]

a. Recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.

b. The center shall use off-site and on-site management techniques used to protect against litter and debris.

c. The collection facilities shall not be located and collection activities shall not occur:

(1) On any portion of the site required or designated for landscaping or other purposes

[367] New standard.
[368] From Section7.4.206 (General Provisions, Restrictions, and Prohibitions) of the off-street parking standards in the existing zoning and subdivision ordinance.
[369] This carries forward the standards from Section 7.3.205F of the existing zoning and subdivision ordinance, which applied to the "Construction Equipment" use.
[370] This carries forward the standards from Section 7.3.205I of the existing zoning and subdivision ordinance.
[371] Revised to remove references to additional review by Planning and Engineering to match current practice.
[372] This carries forward the standards from the existing zoning and subdivision ordinance, except for required compliance with all other UDC provisions, which does not need to be restated because it applies to all uses, and except that minimum fence height was raised from six to seven feet.
[373] This carries forward the standards from Section 7.3.205R.1 of the existing zoning and subdivision ordinance with refinements. Subsection c. was reworded for clarity.

(2) In any area that reduces the available off-street parking on the site below the minimum parking required by Section 7.4.10; or

(3) In any area that interferes with vehicular circulation or required lines of sight for vehicles entering, leaving, or circulating on the property.

d. Power driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, shall be permitted when this use is accessory to a principal use.

e. In the Mixed-Use and Special Purpose zone districts, this use is permitted as an accessory use to any multi-family, office, commercial, industrial, institutional, or civic use.[374]

4. Recycling Processing Center or Waste Transfer Station[375]

a. The use shall be entirely enclosed within a building or yard enclosed on all sides by a wall or solid fence at least seven feet in height and kept in good repair at all times. No waste or recyclable materials shall be stored or kept at a level higher than the surrounding wall or fence.

b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.

c. The use shall comply with the laws, standards, rules, and regulations of the Air Quality Control Commission, the Water Quality Control Commission, and the Colorado Department of Public Health and Environment, where applicable.

d. The collection facilities shall not be located, and collection activities shall not occur, on any portion of the site required or designated for landscaping or other purposes.

7.3.304 Accessory and Temporary Uses

Accessory and temporary use regulations address not only the uses listed below but also the structures related to those uses.

A. General Standards[376]

1. Required Setbacks

Accessory structures or uses are permitted in setbacks only as follows:

a. Accessory structures or uses with 200 square feet or less in gross floor area are allowed in the required rear-yard setback, but the structure or use may not encroach into a recorded easements unless the City has granted an easement encroachment.

b. Accessory structures or uses with more than 200 square feet in gross floor area shall comply with the following setbacks:[377]

(1) In the A, R-E, and R-1 9 districts, 10 feet.

(2) In the M-2 district, 0 feet.

[374] This clause was embedded in the existing definition for this use, but would no longer be permitted in the Residential zone districts.
[375] This carries forward the standards from Sections 7.3.205R.3 (for the recycling processing center use) and 7.3.205S (for the transfer stations use) of the existing zoning and subdivision ordinance, which were identical in all relevant respects. Minimum fence height was raised from six to seven feet.
[376] This carries forward the standards from Section 7.3.105A.1 of the existing zoning and subdivision ordinance, except for provision relating to lot coverage, measurement of height, and district-specific exceptions. The exceptions that apply to structures or uses less than 200 feet in gross floor area has been increased from 120 feet in the existing zoning and subdivision ordinance to be consistent with Regional Building Department regulations. References to the R-4 and R-5 districts added in this draft are carried forward from the existing ordinance.
[377] Setbacks for accessory structures or uses from Section 7.3.105A.1 of the existing zoning and subdivision ordinance have been added to the Revised Public Draft.

(3) In all other districts, 5 feet unless otherwise specified in an approved Development Plan.

2. Height Restrictions[378]

Except within the R-4, R-5, R-Flex Medium, R-Flex High, MX-C, and MX-I zone districts, the maximum height of accessory structures or uses that is:

a. Located in a required setback is eight feet.

b. Not located in a required setback, is 16 feet with a roof pitch of less than 6:12, or 20 feet with a roof pitch of 6:12 or greater.

3. Dimensional Restrictions[379]

a. The following dimensional standards apply to all accessory structures except:

(1) Accessory structures used for agricultural purposes in the A zone district;

(2) Secondary industrial buildings in the A, LI, and GI districts; and

(3) Detached Accessory Dwellings, which are subject to Section 7.3.304F.2 (Standards for Detached ADUs).

b. The ground-floor footprint of the accessory structure may not exceed the ground-floor footprint of the primary structure.

c. The gross floor area of the accessory structure may not exceed the gross floor area of the primary structure.

4. Use Restrictions[380]

a. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

b. Vehicles may not be used as accessory structures.

B. Beehive, Accessory[381]

1. General Requirements

Beehives are permitted as an accessory use on any lot, with the number of beehives allowed and permitted location subject to the size of the lot as identified in Table 7.3.3-A.

Table 7.3.3-A
Number of Beehives Allowed and Location

Lot size		Number of Beehives Allowed	Minimum Rear or Side Yard Setback	Minimum Front-Yard Setback
Greater than or Equal to	Less Than			
0 s.f.	10,000 s.f.	2	5 ft	Must meet minimum front-yard setback of zone district
10,000 s.f.	1 acre	4	15 ft	
1 acre	2 acres	5		
2 acres	3 acres	6		
3 acres	4 acres	7		
4 acres	5 acres	8		
5 acres	--	unlimited	50 ft	50 ft

[378] Since Module 1, reference to R-4 and R-5 districts reinserted.
[379] Standards changed in the Revised Public Draft following discussion with staff.
[380] Section unintentionally omitted from Module 1.
[381] This carries forward the standards from Section 7.3.105A.2b of the existing zoning and subdivision ordinance with reorganization to improve clarity.

2. Flyway Barrier[382]

a. If the property is less than five acres in size, and the beehive is located within 50 feet of any property line, a flyway barrier located no more than five feet from the entrance of the beehive is required.

b. Each flyway barrier shall be at least six feet in height and constructed of an opaque fence or fast-growing, dense evergreen vegetative material capable of reaching six feet in height at maturity.

3. A fresh water supply shall be provided within five feet of each beehive.

C. Carport or Garage, Accessory[383]

1. Garages may be no larger than 1,200 square feet for a single-family (detached) dwelling, and 600 square feet for all other dwellings.

2. A detached garage shall have a maximum height of 16 feet if the roof pitch is less than 6 to 12, or 20 feet otherwise.

3. Carports are only permitted in the front yard setback if they are constructed in the same architectural style and use similar exterior materials as the predominant materials used on the front façade of the primary structure.

D. Construction Office or Yard, Temporary[384]

A permit may be issued for a period of time based on the estimated completion date of the construction project, with the option for a one-year extension.

E. Drive-through, Accessory[385]

1. In the MX-M zone district, to the maximum extent practicable, drive-through lanes shall not be located between the building façade and the primary street frontage of the lot.

2. Accessory drive-through windows shall be located a minimum of 150 feet from any abutting lot in a Residential zone district or lot designated for residential use in a PUD zone district that is developed or designated for a residential use.

3. No structures or equipment related to a drive-through facility (such as a speaker box, message board, or pick-up window) shall be located between the drive-through window and any abutting Residential zone district lot designated for residential use in a PUD zone district that is developed or designated for a residential use.

F. Dwelling, Accessory[386]

A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Section 7.4.2 (Dimensional Standards) and complies with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Section 7.3.2 (Allowed Use Tables).

1. General Standards

The following standards apply to detached and integrated ADUs.

[382] Wording revised for clarity.
[383] Garage size standards are carried forward from Section 7.3.105C of the existing zoning and subdivision ordinance. Carport design standards are new. Staff is continuing to discuss whether the carport standards should be applied only within required front setback areas or should be applied to all carports located between the front façade of the house and the street.
[384] This carries forward the standard from Section 7.5.1403I.2 of the existing zoning and subdivision ordinance.
[385] New standards.
[386] This replaces current standards from Section 7.3.105M of the existing zoning and subdivision ordinance with the content of the recent ADU ordinances adopted by City Council.

a. Owner-Occupancy

(1) Requirement

In the R-E, R-1 9, and R-1 6 districts, except as otherwise provided in this Section 7.3.304F, for an ADU to be occupied, the principal dwelling on the site or the ADU must be occupied by the owner of the lot.[387]

(2) Declaration of Restriction

The following restrictions apply to an ADU constructed in the R-E, R-1 9, and R 1-6 districts.

(a) Before a building permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(b) The declaration of restrictions shall require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two units.

(c) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

(3) Zoning Enforcement Limitation

No zoning enforcement action pursuant to Section <7.5.9> may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.

b. Waiver of Owner-Occupancy Requirement

(1) The Manager may waive the owner-occupancy requirement for temporary absences of up to two years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one-year extension to the original waiver upon the expiration of the original waiver.

(2) The Manager may determine failure to waive the occupancy requirement creates an unreasonable hardship if:

(a) Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two years;

(b) The property is listed and actively marketed for sale; or

(c) The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse, or similar circumstances.

c. Restriction on Subdivision

In the R, R-1 9, R-1 6, MX-M, MX-L, and LI zone districts, the ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Section 7.4.3 (Subdivision Standards). The following restrictions apply:

[387] Reworded for clarity.

(1) Before a building permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

(3) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

d. Off-Street Parking

One off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

e. Access

All ADUs shall have a 36-inch-wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated. An ADU may share a clear access path with the principal dwelling unit.

f. Prohibited

A mobile home, travel trailer, or recreational vehicle may not be used as an ADU.

g. Number

No more than one ADU shall be located on any lot.

h. Conflicts

If any provision of this Section 7.3.304F is found to be in conflict with any other provision of this UDC or Code, the provision that establishes the higher or more restrictive standard shall apply.

i. Covenants

The provisions of this Section 7.3.304F do not supersede private covenants regarding ADUs.

2. Standards for Detached ADUs

The following standards additionally apply to detached ADUs.

a. Maximum Floor Area

(1) The floor area of a detached ADU shall not exceed 50 percent of the floor area of the principal structure or 1,250 square feet, whichever is less; except that where the floor area of the principal structure is less than 1,500 square feet, the maximum size of the accessory dwelling unit shall be 750 square feet.

(2) As an exception to Subsection (1) above the floor area of a detached ADU that is located above a detached garage may exceed the footprint of the principal structure but may not exceed the gross floor area of the principal structure.

b. Maximum Height

The maximum height of a detached ADU, or other structure containing a detached ADU, is 25 feet with a flat roof or roof pitch of less than 6:12 (measured to top of roof line), or 28 feet with a roof pitch of 6:12 or greater (measured to roof peak).

c. Setbacks

(1) In the rear yard, the ADU shall be setback five feet, or ten feet if the dwelling unit is located above the garage and the overhead door faces an alley.

(2) The ADU shall comply with the front-yard and side-yard setbacks of the zone district.

d. Pre-Fabricated Homes

Pre-fabricated homes such as manufactured homes are permitted for use as an ADU if placed on a permanent foundation and connected to metered utility services.

e. Conversion of Existing Detached Garages

The detached garage shall meet the minimum setbacks for an accessory dwelling unit as required in this section.

3. Standards for Integrated ADUs

The following standards additionally apply to integrated ADUs.

a. Limited to Single-Family Detached Dwellings

An integrated ADU is only allowed within a single-family detached dwelling and is not permitted in any other structure, including single-family attached dwellings, two-family dwellings, triplexes, fourplexes, multi-family dwellings, or commercial buildings.

b. Maximum Floor Area

The floor area of an integrated ADU shall not exceed 50 percent of the floor area of the principal structure.

c. Maximum Height and Setbacks

The integrated ADU shall comply with the maximum height and setback requirements of the zone district.

d. Design Standards

(1) In the R-E, R-1 9, and R-1 6 districts, an integrated ADUs shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit.

(2) External stairs are not allowed to provide access to a second-story accessory dwelling unit unless access into the ADU is from a second-story deck.

e. Exterior Access

An integrated ADU may have a separate exterior access that shall be restricted to the side or rear of the principal structure.

G. Electric Vehicle Charging[388]

This use shall comply with the following standards:

1. The space must not interfere with vehicular, bicycle, or pedestrian circulation or with fire lanes and emergency access to the site and must not occupy or require vehicle occupancy of any area required for landscaping, buffering, or screening of the site.

2. When accessory to any residential development, this use is allowed only for the residents and their guests, and shall not be offered to the public at large.

3. When accessory to any nonresidential or mixed-use development, this use must be located in a parking structure or parking lot that serves a principal use.

[388] New standards for a new use.

H. Family Suite, Accessory[389]

An Accessory Family Suite is permitted as an accessory use to a principal single-family detached dwelling, subject to the following requirements:

1. General

a. An Accessory Family Suites is permitted only within a legally established single-family detached dwelling and is not permitted in any other structure, including single-family attached dwellings, two-family dwellings, triplexes, fourplexes, multi-family dwellings, or commercial buildings.[390]

b. An Accessory Family Suite cannot be located on the same lot as an Accessory Dwelling Unit.

c. The total number of individuals collectively occupying both the principal dwelling unit and the Accessory Family Suite can be no more than one family. The owner shall complete and record an affidavit assuring the property owner's acknowledgement of the occupancy limitations as listed above. No zoning enforcement action pursuant to Section <7.5.9> may be brought against a tenant by the City for a failure of the owner to meet the one family requirement.

2. Off-Street Parking

One off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

3. Exterior Access

An Accessory Family Suite may have a separate exterior access that shall be restricted to the side or rear of the principal structure. An Accessory Family Suite with an exterior access shall have a 36-inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated and may be shared with the principal dwelling unit.

4. Internal Connectivity

An Accessory Family Suite shall maintain interior access to the principal dwelling unit through either a common doorway or stairway. Interior accesses may be locked if an exterior access exists.

5. Maximum Floor Area

The floor area of an Accessory Family Suite shall not exceed 50 percent of the floor area of the principal structure.

6. Maximum Height and Setbacks

The Accessory Family Suite shall comply with the maximum height and setback requirements of the zone district.

7. Design Standards

An Accessory Family Suite shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story Accessory Family Suite unless access into the Accessory Family Suite is from a second-story deck.

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[389] Standards carried forward from Ordinance No. 20-37.

[390] Minor wording change to reflect elimination of some current zone districts listed in Ordinance No. 20-37 and to clarify that AFS are permitted wherever a detached single-family dwelling has been legally established (even if it is a legal nonconforming use).

8. Restriction on Subdivision

An Accessory Family Suite shall not be sold separately from the principal dwelling unit, nor shall the lot on which an Accessory Family Suite is situated be subdivided unless subdivision is permissible in accordance with all provisions of Section 7.4.3 (Subdivision Standards). The following restrictions apply:

a. Before a building permit may be issued for an Accessory Family Suite, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the Accessory Family Suite separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

c. The declaration of restrictions shall lapse upon removal of the Accessory Family Suite. Upon request of the owner and confirmation by the City that the Accessory Family Suite has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

9. PUD Districts

Accessory Family Suites shall be permitted in PUD districts unless expressly prohibited by the PUD ordinance. Accessory Family Suites shall not be included as separate from the single-family detached dwelling when calculating the density of a PUD district.

10. Covenants

The provisions of this Section 7.3.304H do not supersede private covenants regarding Accessory Family Suites.

I. Garage Sale, Temporary[391]

A garage sale is allowed in any residential zone district up to two times per calendar year and may not exceed two consecutive days.

J. Home Adult or Child Day Care, Accessory[392]

In-home daycare may be provided as an accessory use in dwellings provided all activities comply with the following standards:

1. The business shall have a valid operating permit from the Department of Planning and Development and meet all requisite state licensure requirements.

2. Attendance is limited as follows:

a. In a small home day care, up six children or adults receiving full-time care and two children receiving part-time care.

b. In a large day care, more than six and less than 12 children or adults receiving care (full-time or part-time).

3. No more than one part-time employee who does not reside in the home may work there.

4. One wall sign no more than two square feet in area is allowed.

5. A large home day care for children shall provide minimum square footage of indoor and outdoor space in compliance with Colorado state requirements.

[391] This carries forward the standards from Section 7.3.105A.2g of the existing zoning and subdivision ordinance.
[392] This carries forward the standards from Section 7.3.105B.1 and B.2 of the existing zoning and subdivision ordinances. Revised to allow the same number of adults as children in each size range.

6. No part of the required outdoor space shall be within any front building setback.

7. Required outdoor space shall be screened from adjacent residential properties when necessary to reduce play area sound.[393]

K. Home Occupation, Accessory[394]

1. Purpose and Intent

The purpose and intent of this Subsection K is to allow owners or occupants of residential dwelling units to operate home occupations in a manner that is compatible with the residential purposes of their neighborhoods and ensure there are no adverse impacts on the residential character of the residential area.

2. Permit Required

A home occupation permit pursuant to Section 7.5.506 is required before operation of a home occupation may begin.

3. General Standards

a. The home occupation shall be secondary to the residential use of the dwelling.

b. The total area used for a home occupation shall not exceed an area equivalent to 50 percent of the total first-floor area of the user's dwelling, excluding porches.

c. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problems, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.

d. The residents of the dwelling unit shall be the only people engaged in the activity.

e. A maximum of one non-illuminated sign no larger than two square feet in area may be attached to the dwelling to identify the home occupation.

f. The home occupation shall be conducted only within an enclosed accessory structure, attached or detached garage, or dwelling, excluding porches, and only as indicated on the home occupation permit, except that plants may be grown anywhere on the premises.

g. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation or tangible personal property manufactured, or plants grown as a result of the home occupation and removed from the soil, shall be allowed on porches or outside of the enclosed location designated on the home occupation application.

h. Use of the required off-street parking for the principal use shall not be impaired by the home occupation.

i. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States Postal Service, similar parcel delivery service, or private vehicles with a maximum gross vehicle weight rating of 10,000 pounds.

j. Interior alterations or additions to the dwelling to accommodate the home occupation are prohibited if they eliminate the kitchen, dining area, bathrooms, living room, or all of the bedrooms of the dwelling. Exterior alterations or additions to accommodate the home occupation are prohibited if they are commercial in appearance.

k. Sales on the premises shall be only by the residents of the dwelling, shall occur only in the location designated on the home occupation application, and shall be limited to tangible

[393] Vague "and appropriate" standard was deleted as difficult to enforce.
[394] This carries forward the substantive standards from Article 5 Part 15, Home Occupations, of the existing zoning and subdivision ordinance. Administrative provisions will be included in Article 7.5 and drafted as part of Module 3.

personal property manufactured in the location designated on the home occupation application or plants grown anywhere on the premises.

l. A home-based massage therapist must be licensed by the City Clerk's office, and all client visits shall be on an appointment basis with a minimum of 15 minutes between appointments in order to limit client vehicle traffic.[395]

4. Standards for Cottage Foods Sales

For the sale of cottage foods as authorized by the Colorado Cottage Foods Act, C.R.S. § 25-4.1614, a home occupation permit is required and the standards of this Subsection K apply except where modified as follows:

a. A home occupation may only sell cottage foods or raw, uncut fresh produce that is grown on the premises.

b. Production of cottage foods may only occur in the location designated on the home occupation permit.

c. Display and sales of raw, uncut fresh produce and cottage foods may only occur from April through November between 8 a.m. and dusk in the location designated on the home occupation permit from a temporary stand.

d. A temporary stand may not exceed 120 square feet in area, and any stand structure and inventory shall be removed and stored indoors during any period when goods are not being sold from the stand.

e. The cottage food temporary stand may include a nonilluminated sign no larger than two square feet in area at the point of sale.

f. The location of any temporary stand shall not pose a traffic sight visibility risk and it may not be located within any public right-of-way.

L. Marijuana, Home Cultivation, Accessory[396]

This use shall comply with the following standards:

1. No more than 12 marijuana plants, with half (1/2) or fewer being mature, flowering plants, may be grown in a single residential unit or an accessory structure to a single residential unit, regardless of the number of persons who reside in the unit.

2. No marijuana may be dispensed, except to registered patients in compliance with Article XVIII, Section 14 of the Colorado constitution.

3. All marijuana plants shall be grown in an enclosed and locked space that is limited in area to 150 square feet for a single-family detached dwelling or 75 square feet for all other dwelling units and accessory structures.

4. No marijuana plants may be cultivated outdoors.

5. No marijuana or medical marijuana-infused products may be manufactured or sold.

6. No signs regarding medical marijuana may be displayed.

7. No more than one caregiver cultivating medical marijuana may reside in the dwelling unit.

[395] Reworded to clarify intent of language.
[396] This carries forward the standards in Section 7.3.105P of the existing zoning and subdivision ordinance. Clause providing that "The residential unit or accessory structure shall be and remain at all times in compliance with all applicable City regulations including, but not limited to, Zoning, Building, Housing and Fire Codes" was not carried forward, because that applies to all structures and uses in the City.

8. The use or facility shall have a ventilation and filtration system that ensures odors from the cultivation activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

9. The person growing, cultivating, or processing marijuana within a residential or accessory structure owned by another person or entity shall be required to obtain the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the City may inform the property owner of the marijuana or medical marijuana related activities occurring on the property.

M. Mobile Vending Truck, Temporary[397]

This use is not allowed on any lot on which the primary land use is a single-family, two-family, triplex, or fourplex use.

N. Outdoor Display of Goods, Accessory

This use is allowed only after Development Plan review, and areas used for outdoor display of goods shall be clearly identified on an approved Development Plan and subject to the following standards:

1. The outdoor display may not be placed in required vehicular parking, maneuvering, or access areas, and its location must be in proximity to the main entrance of the primary structure.

2. The outdoor display area shall be delineated on required plans.[398]

3. The outdoor display shall be screened from public rights-of-way and from adjacent land uses that are in a different land use category (as shown on Table 7.3.2-A) than the subject property (for example, a Retail Sales, Large use in the Retail Sales and Services use category shall be screened from an Entertainment or Recreation, Outdoor use in the Entertainment and Recreation use category.) Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the display of vehicles for sale or rental if permitted by an approved Development Plan.[399]

4. The display of merchandise adjacent to the entrance of the principal building is allowed if:

a. It is adjacent to the main structure;

b. It provides a minimum of five feet of unimpaired sidewalk or pedestrian way width; and

c. It does not block fire access or impede the traffic flow in front of the building.

5. In the MX-N zone district, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.

O. Outdoor Display of Goods, Temporary[400]

1. A retail use may display merchandise that is for sale within the building in the area immediately adjacent to the building without a temporary use permit. If the sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum five feet of sidewalk width must remain available and unobstructed for pedestrian use.

[397] New standard.
[398] New provision, which may instead appear on the City's website with other application materials.
[399] Minimum fence height was raised from six to seven feet, but the amount and type of buffering or screening necessary continues to be under discussion with staff.
[400] This carries forward the standards of Section 7.5.1403I.8 of the existing zoning and subdivision ordinance with minor refinements. The minimum unobstructed sidewalk width has been increased to five feet to be consistent with the standards for Outdoor Display of Goods, Accessory and to comply with ADA requirements.

2. A temporary use permit is required for display of merchandise in areas not immediately adjacent to the building or within a parking lot or adjacent area.

P. Outdoor Festival or Amusement, Temporary[401]

This use may be permitted for up to 15 days.

Q. Outdoor Seating or Dining, Accessory[402]

1. A clear pedestrian passage at least five feet in width shall be maintained to allow pedestrians unobstructed passage around the Outdoor Seating or Dining area.

2. A permit is required for an Outdoor Seating or Dining area to be placed within public right-of-way.

3. An outdoor seating or dining area located within 200 feet of a Residential zone district shall require conditional use approval pursuant to Section 7.5.601, and may be required to install screening, buffering, or design or location features to mitigate noise or lighting impacts on the residential zone district.

R. Outdoor Storage, Accessory

Outdoor storage shall be allowed only following Development Plan review, and areas used for permanent storage shall be clearly identified on an approved Development Plan and subject to the following standards:

1. All outdoor storage shall be fully screened from adjacent properties and rights-of-way. Buffer screening is considered adequate regardless of topographic conditions if it includes a screening wall or an opaque fence that is at least seven feet in height, and materials and merchandise may not be stacked or stored higher than the wall or fence. Buffer screening is not required for the storage of vehicles for sale or rental if permitted by an approved Development Plan.[403]

2. In the MX-N zone district, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.

S. Playhouse, Accessory[404]

A child's playhouse that exceeds six feet in height must meet all of the development standards for the zone district.

T. Real Estate Sales or Business Office, Temporary[405]

This use may be provided in either a model home or a modular building/sales trailer, provided the facility complies with the following standards:

1. Model Home[406]

A permit for a temporary office in a model home may be approved subject to the following conditions:

a. The use shall be limited to two years, with an option for a two-year extension.

b. A building permit shall be obtained before the model home is built.

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[401] This carries forward the standards in Section 7.5.1403I.6 of the existing zoning and subdivision ordinance, except for the definitions that have been relocated to Section 7.6.3 (Definitions).
[402] New standards.
[403] Minimum required fence height was increased from six to seven feet to be consistent with Regional Building Department standards, but the change is under continuing discussion with staff.
[404] This carries forward the standard of Section 7.3.105A.2c of the existing zoning and subdivision ordinance.
[405] This carries forward the standards in Section 7.5.1403I.4 of the existing zoning and subdivision ordinance. Reference to the HS-O standards was deleted because all structures in that overlay district must comply with those standards. The provision that limited full-time employees on-site to a maximum of four at any one time have been removed due to difficulty of enforcement.
[406] Clause requiring standard notification to the surrounding area and consideration of their comments was deleted because those statements apply to all applications.

c. A gravel or paved parking area with at least one off-street parking space for each 400 square feet of office gross floor area shall be provided.

d. On-street parking shall be restricted to the frontage of the model home lot or adjacent lots owned by the builder.

2. Modular Structure, Short-Term Use

A permit may be approved for a modular building to be used as a temporary office for no more than six months if, prior to issuance of a temporary use permit, all required building permits have been obtained, and the applicant agrees to remove the modular building from the site when the permit expires.

3. Modular Structure, Long-Term Use[407]

A permit may be approved for a modular building to be used as a temporary office for long-term use if the subject to the following conditions:

a. The use shall be limited to two years, with an option for a two year extension.

b. A building permit and temporary use permit shall be obtained before the modular structure is installed.

c. The modular structure shall comply with the following appearance requirements:

(1) The tires and frame shall be entirely screened by skirting;

(2) Exterior materials and colors shall be similar to those used on facades of primary structures in the surrounding area and shall be maintained in good condition;[408] and

(3) Entry decking and access ramps shall be provided and meet all requirements of the Regional Building Code.

d. Landscaping such as planters, flower boxes, and/or potted plantings shall be installed pursuant to an approved landscape plan in order to soften the appearance of the modular structure, and water conserving landscaping is encouraged.

e. The modular structure shall be connected to water, wastewater, and electric utilities.

f. A gravel or paved parking area with at least one off-street parking space for each 400 square feet of office gross floor area shall be provided.

g. On-street parking shall be restricted to the frontage of the model home lot or adjacent lots owned by the builder.

h. The applicant shall remove the modular structure from the site when the temporary use permit expires.

i. The following signs are permitted, provided they are removed when the temporary use permit expires:[409]

(1) One freestanding sign, not to exceed 32 square feet in sign area, placed within the boundaries of the subdivision in which it is located upon private property or within public right-of-way if an approved revocable permit has been issued. If multiple model homes or sales facilities are operated out of the same subdivision, the use of a consolidated sign is encouraged.

[407] Clause requiring standard notification to the surrounding area and consideration of their comments was deleted because those statements apply to all applications.
[408] Current provisions on correction of deficiencies related to the appearance of the structure will appear in the Article 7.5 to be drafted during Module 3.
[409] References to directory and directional signs were deleted to comply with the Reed v. Gilbert decision.

(2) Two off-site traffic signs, not to exceed four square feet in sign area, placed upon private property or within public right-of-way if an approved revocable permit has been issued.

(3) One wall or low-profile sign, not to exceed six square feet in sign area, to be located on the lot with the modular building.

U. Seasonal Sales, Temporary[410]

1. Seasonal sales of agricultural or seafood products are allowed for up to four months per year.

2. Seasonal sales of Christmas trees and related holiday items are allowed for up to 60 days per year.

V. Solar Collector, Accessory[411]

1. A solar collector may be located on the roof of a principal or accessory structure, provided that if the solar collector is not flush with the roof, the applicant shall minimize the visibility of the collector from a public street, park, or open space in a manner that does not reduce the efficiency or effectiveness of the collector, to the maximum extent practicable.

2. In Residential zone districts (except the A district), ground-based solar collectors are only permitted in side and rear yards without street frontage unless the only location on the lot where the solar collectors can function efficiently is in a front yard or a street-facing side yard.

W. Transit Shelter, Accessory

1. Transit shelters within the public right-of-way are regulated by the City's public works standards, regulations, and procedures.

2. Transit shelters on private property that contain benches, shelters, or kiosks that have been place for the convenience of patrons or transit riders are exempt from requirements of this UDC related to placement and location, but must comply with the requirements of Section 7.4.13 (Signs) regarding permitted signs.[412]

X. Vendor in Commercial Retail Center, Temporary[413]

1. This use must comply with the following standards:

2. The owner of the retail establishment must consent to the temporary use.

3. The approved Development Plan for the property shall illustrate the location for temporary vendors. If the approved Development Plan does not reflect an area for temporary vendors then a minor amendment to the Development Plan shall be required prior to, or concurrently with, the review of the temporary use permit. The review of the minor amendment to the Development Plan shall confirm that the temporary vendor use complies with the Development Plan review criteria as set forth in Section 7.5.516. Special emphasis shall be placed on the impact the temporary vendor use will have on the ability of the site to continue to comply with the parking, fire lane, pedestrian, and vehicular circulation requirements.[414]

4. No commercial retail center shall be allowed to contain more than three temporary vendors, at the same time.

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[410] This carries forward and consolidates the standards in Section 7.5.1403I.5 (regarding seasonal sale of agricultural products or seafood) and Section 7.5.1403I.1 (regarding Christmas tree sales) of the existing zoning and subdivision ordinance.
[411] New standards for a new use.
[412] This carries forward the standards in Section 7.3.205U of the existing zoning and subdivision ordinance, reworded for clarity.
[413] This carries forward the standards in Section 7.5.1403I.9 of the existing zoning and subdivision ordinance. Provisions on public notification and provisions relating to revocation of the permit will appear in the Administration and Enforcement chapter of the UDC.
[414] Some of these administrative procedures and criteria may be relocated to the Administration and Enforcement chapter of the UDC.

5. Signage for temporary vendors shall comply with Section 7.4.1307E (Temporary Signage Criteria).
6. Any tents or temporary buildings shall be subject to the approval of the Fire Department and Regional Building Department for compliance with the Fire Code and Regional Building Code.
7. Temporary uses involving the sale of food products shall be subject to the approval of the El Paso County Department of Health.
8. Temporary use permits for this use shall expire within 12 months of the date of issuance but may be administratively renewed upon submittal of a new temporary use application and a finding that the application continues to comply with all relevant criteria.

Y. Wind Energy System, Accessory[415]

1. In all Residential zone districts (except the A district) and all mixed-use zone districts (except the MX-I district) ground mounted wind energy systems are permitted only in rear and side yards.
2. In the R-E, R-1 9, R -1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High zone districts, roof-mounted wind energy systems are subject to the maximum height limit for primary buildings in those districts.
3. In the LI, GI, PK, and PF zone districts, roof-mounted wind energy systems are not subject to the maximum height limit for primary buildings in that district.
4. In all other zone districts, roof mounted wind energy systems may extend up to 10 feet above the maximum height limit for primary buildings in those districts.

[415] New standards for a new use. Balancing protection of neighborhood character with the height needed to generate meaningful amounts of wind energy is under continued discussion with staff. Since Module 1, the reinserted R-4 and R-5 districts have been added to the height limit standards.

Article 7.4 Development Standards and Incentives[416]

Note: This Article brings together standards related to lot and building layout, design, size, scale, height, and the quality and mitigation of impacts of development in Colorado Springs. It consolidates all UDC content regarding what can be done in each zone district except content related to permitted uses, required approval procedures, and definitions.

7.4.1 APPLICABILITY

Note: The table below summarizes the major points in the development process when different development standards will be revised and approved. It is based on the major types of plats, plans, and development approvals currently used by Colorado Springs, but those procedures will be reviewed and may be changed when the Administration and Enforcement chapter is drafted as part of Module 3. In particular, there are likely to be changes in the current use of Concept Plans and Development Plans, which sometimes have overlapping and confusing requirements.

Each type of development standard described in this Article 7.4 shall generally be applied, and compliance with those standards will be reviewed at the points in the development process shown in Table 7.4.1-A, unless otherwise stated in this UDC.

Table 7.4.1-A
Development Standards Applicability

Standard	UDC Section	Major Subdivision Plat	Minor Subdivision Plat	Concept Plan or Master Plan	Development Plan	Site Plan Review (Residential)
Dimensional Standards	7.4.2	✓	✓	✓	✓	✓
Subdivision Standards	7.4.3	✓	✓			
Access and Connectivity	7.4.4	✓		✓	✓	✓
Geological Hazards[417]	7.4.5	✓	✓	✓	✓	
Grading and Erosion Control	7.4.6	✓	✓		✓	✓
Stormwater	7.4.7	✓	✓		✓	✓
Floodplains	7.4.8	✓	✓	✓	✓	✓
Landscaping and Open Space	7.4.9				✓	✓
Parking and Loading	7.4.10				✓	✓
Building Design and Site Features	7.4.11				✓	
Exterior Lighting	7.4.12				✓	
Signs	7.4.13				✓	

[416] This section consolidates and updates numerous sections of the current zoning and subdivision ordinance (as footnoted). related to development layout and quality and related to mitigating the impacts of new development on nearby areas. The provisions of Article 4 (Site Development Standards), Part 1 (General Standards) do not appear in this Chapter. Section 7.4.101 (Purpose) has been integrated into the overall UDC purpose statements; current 7.4.102.A (Fences or Walls) and 7.4.102.B (Screening and Fencing Materials) are integrated into new Section 7.4.9 (Landscaping and Open Space); current 7.4.102.C (Height Exceptions) and 7.4.102.F (Projections into Setbacks) are integrated into new Section 7.4.2 (Dimensional Standards); current 7.4.102.D (Lighting) appears in new UDC Section 7.4.12 (Exterior Lighting); current 7.4.102.E ([Amendments to] Prohibited Activities in Preservation Areas) will appear with other provisions for modifications to development approvals in the Administration and Enforcement chapter of the UDC; current 7.4.102.G (Traffic Standards; Corner Visibility) appears as a defined term that is now cross-referenced in several sections of the UDC; and current 7.4.102.H (ADA Site Accessibility) will be integrated into new UDC Section 7.4.4 (Access and Connectivity) and the related notice requirement will appear in the Administration and Enforcement chapter.

[417] Checkmark added to Development Plan column in Revised Public Draft.

7.4.2 DIMENSIONAL STANDARDS[418]

7.4.201 General Dimensional Standards

The following four tables, Tables 7.4.2-A through 7.4.2-D, establish the dimensional standards for the agricultural and residential, mixed-use, special purpose, and Neighborhood Conservation-Overlay/North Nevada Avenue (NC-O/NNA) zone districts established in Article 7.2: Zone Districts. In case of conflict between the dimensions shown in this Section 7.4.201 and the dimensions shown for individual zone districts in Article 7.2: Zone Districts, the dimensions in this Section shall control.

A. Single-Family and Two-Family Residential Zone Districts[419]

Dimensional standards for the A, R-E, R-1 9, R-1 6, and R-2 zone districts are shown in Table 7.4.2-A.

Table 7.4.2-A
Single-Family and Two-Family Residential District Dimensional Standards[420]
NOTE: Different standards in overlay districts supersede standards in this table.

DU = Dwelling Unit	SFD = Single-Family Detached SFA = Single-Family Attached	2F= Duplex 3F = Triplex	4F = Fourplex MF = Multi-family	DU = Dwelling Unit AC = Acre

Zone District	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5
Lot Standards							
Residential density (maximum)	n/a	n/a	n/a	n/a	n/a	8 du/ac	n/a
Lot area (minimum)	5 acres per SFD	20,000 s.f.	9,000 s.f.	6,000 s.f.	SFD: 5,000 s.f. 2F on 1 lot: 7,000 s.f. 2F on 2 lots: 3,500 s.f. each	[1]	[2]
Lot width (minimum)	200 ft.	100 ft.	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Lot coverage (maximum)[421]	15%	30%[422]	35%[423]	45%[424]	45%	45%[425]	50%[426]
Setbacks[427]							
Front (minimum)							

[418] Dimensional tables are based on permitted and conditional uses shown in Article 7.3 Use Regulations. If uses are added or deleted from zone districts, in the Consolidated Draft, references to those uses will be changed in these tables as well.
[419] Current R-2 district dimensional standards reinserted into this table in Revised Public Draft, with minor revisions as noted.
[420] The "Before" and "After" approach to dimensional standards included in an earlier draft has been dropped. In the R-E, R-1 9, and R-1 6 zone district, minimum lot size and lot width have remained the same, but some other dimensional standards have been revised to add more flexibility and avoid common requests for variances and to reduce the number of PUD applications filed simply to achieve minor changes to dimensional standards in these districts. Since Module 2, the R-2, R-4, and R-5 zone districts have been reinserted into this table with minor changes as noted.
[421] The sliding-scale lot coverage standard in R-1 6000 and R-2 have not been carried forward. These types of standards are unnecessarily complex and create barriers to the types of infill development called for by PlanCOS.
[422] Increased from 20%.
[423] Increased from 25%.
[424] Increased from 40% for lots between 6,500 and 7,500 s.f. and from 35% for lots more than 7,500.
[425] Increased from 35%.
[426] Increased from 40%.
[427] Deeper setbacks for lots fronting arterials suggested in earlier draft were deleted because very rarely applicable due to other subdivision layout standards. The need for a separate street-side setbacks (potentially larger than interior side setbacks but smaller than primary front setbacks) in these districts is still under discussion.

Zone District	A	R-E	R-1 9	R-1 6	R-2	R-4	R-5
House - General	25 ft.	15 ft.[428]	15 ft.[429]	10 ft. or average of abutting developed properties[430]	10 ft. or average of abutting developed properties[431]	20 ft.	20 ft.
Garage – General (from back of sidewalk) [432]	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
House and Garage abutting collector street[433]		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	20 ft.
Side (minimum) [4] [5]	10 ft.	10 ft.	5 ft.; 15 ft. combined both sides[434]	5 ft.	5 ft.[6][435]	5 ft.	5 ft.
Rear (minimum) [4] [7]							
House and Attached Garage or Carport, General	35 ft.	25 ft.[436]	20 ft.[437]	15 ft.[438]	15 ft.[439]	15 ft.[440]	15 ft. [441]
Detached Garage or Carport accessed from alley or rear access easement[442]			5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Height							
Building height (maximum) [4][443]	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	40 ft.	45 ft.

[428] House and garage setbacks reduced from current 25 ft. applicable to both.
[429] House and garage setbacks reduced from current 25 ft. applicable to both.
[430] House and garage setbacks reduced from current 25 ft. applicable to both. Contextual setback standard is new.
[431] House and garage setbacks reduced from current 25 ft. applicable to both. Contextual setback standard is new.
[432] Increased from 18 feet in the R districts in prior draft. Administrative adjustment procedure to be drafted as part of Module 3 will allow reduction to 18 feet.
[433] New provision.
[434] Reduced from 10 ft.
[435] Table note in current zoning and subdivision ordinance stating that R-2 setbacks "applies to the periphery of the development project and does not apply when platting around individual units or platting along a common wall" was interpreted to operate as a waiver of side setbacks along common walls, but not as a waiver for side and rear setbacks for single-family homes on individual lots or to other freestanding primary structures on individual lots.
[436] Reduced from 35 ft.
[437] Reduced from 30 ft.
[438] Reduced from 25 ft.
[439] Reduced from 25 ft.
[440] Reduced from 25 ft.
[441] Reduced from 25 ft.
[442] New standard to reflect current locations of rear garages closer to rear accessways.
[443] Raised from 30 ft. in all districts to reflect traditional height of a two-story dwelling unit with pitched roof.

NOTES:

[1] Minimum lot size in the R-4 district is as follows: SFD: 5,000 s.f.; SFA: 3,000 s.f.; 2F on 1 lot: 6,000 sf; 2F on 2 lots: 3,000 s.f. each; 3F, 4F, and MF = 2,500 s.f. of lot per DU for a one-story structure, 2,000 s.f. of lot per DU for a two-story structure, and 1,500 s.f. ft of lot per DU for a three-story structure.[444]

[2] Minimum lot size in the R-5 district is as follows: SFD: 4,000 s.f.; SFA: 2,200 s.f.; 2F on 1 lot: 6,000 s.f.; 2F on 2 lots; 3,000 s.f. each; 3F: [] s.f.; 4F: [] s.f.; 3F, 4F, and MF = 1,400 s.f. of lot per DU for a one-story structure; 1,100 s.f. of lot per DU for a two-story structure; 900 s.f. of lot per DU for a three-story structure; and 800 s.f. of lot per DU for a four-story structure.[445]

[3] If sidewalk is in public right-of-way, or 18 ft. from back of sidewalk if sidewalk is on private property.

[4] A school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.

[5] 5 ft. side setbacks may be reduced to 3 ft. if Colorado Springs Utilities and the Stormwater Enterprise Manager determine that adequate utilities and drainage can be provided.

[6] 5 ft. side setback does not apply where two permitted structures share a common wall.

[7] 5 ft. rear setback applies to SFD/SFA/2F/3F/4F dwellings where parking is accessed from an alley and no driveway parking is provided on the lot.[446]

B. Flex Residential Zone Districts

Dimensional standards for the R-Flex Low, R-Flex Medium, and R-Flex High zone districts are shown in Table 7.4.2-B.

Table 7.4.2-B
Flex Residential District Dimensional Standards
NOTE: Different standards in overlay districts supersede standards in this table

DU = Dwelling Unit	SFD = Single-Family Detached DU SFA = Single-Family Attached DU	2F= Duplex 3F = Triplex 4F = Fourplex	MF = Multi-family DU O = Other

Zone District	R-Flex Low[447] [1]		R-Flex Medium[448][1]	R-Flex High[449]
	2,000 – 3,999 s.f. lot	4,000 – 5,999 s.f. lot		
Lot Standards				
Maximum Residential Density of [Master] Plan Area[450]				
General	8 du/ac		12 du/ac	25 du/ac
With at least 20% of housing from two or more Types defined in referenced sections	11 du/ac (Section 7.2.208D.3)		16 du/ac (Section 7.2.209D.3)	35 du/ac (Section 7.2.210D.3)
Lot area (minimum)	SFD/2F/3F/4F: 2,000 s.f. SFA: 2,000 s.f. per unit O: 5,000 s.f.		SFD/2F/3F/4F: 1,800 s.f. SFA: 1,800 s.f. per unit O: 5,000 s.f.	SFD/2F/3F/4F 1,500 s.f.[451] SFA: 1,500 s.f. per unit O: 5,000 s.f.

[444] Since Module 1, text clarified to apply current multi-family lot sizes to new 3-family and 4-family uses, which are not listed separately from multi-family in the current ordinance.
[445] Since Module 1, text clarified to apply current multi-family lot sizes to new 3-family and 4-family uses, which are not listed separately from multi-family in the current ordinance.
[446] Since Module 2, clarified to apply to the new 3-family and 4-family uses.
[447] New district – all dimensions are new.
[448] New district – all dimensions are new.
[449] New district based on current R-4/R-5 standards, with upper end of density range extended.
[450] New for all R-Flex districts. Maximum block densities shown in previous draft have been deleted; only overall maximum density for an approved [Master] Plan applies.
[451] Compare to current R-4/R-5 standards of 5,000 s.f. (SFD); 6,000 s.f. (SFD & ADU, duplex, duplex & ADU); 3,000 s.f. (SFA); 2,500 s.f. (one-story MF); 2,000 s.f. (two-story MF); 1,500 s.f. (three-story MF).

Table 7.4.2-B
Flex Residential District Dimensional Standards
NOTE: Different standards in overlay districts supersede standards in this table

DU = Dwelling Unit	SFD = Single-Family Detached DU SFA = Single-Family Attached DU	2F= Duplex 3F = Triplex 4F = Fourplex	MF = Multi-family DU O = Other

Zone District	R-Flex Low[447] [1]		R-Flex Medium[448][1]	R-Flex High[449]
	2,000 – 3,999 s.f. lot	4,000 – 5,999 s.f. lot		
Lot width (minimum)[452]	SFD/2F/3F/4F: 20 ft. SFA: 20 ft. per unit O: 50 ft.	SFD/2F/3F/4F: 25 ft. SFA: 25 ft. per unit O: 50 ft.	SFD/2F/3F/4F: 20 ft. SFA per structure: 20 ft. MF/O: 40 ft.	SFD/2F/3F/4F: 18 ft.453 SFA per structure: 18 ft. MF/O: 40 ft.
Lot coverage (maximum – per lot and per SFA unit)	60%	50%	SFD/2F/3F/4F/SFA: 70% MF/O: 50%	SFD/2F/3F/4F/SFA: 70%[454] MF/O: 50%
Setbacks				
Front (minimum)				
Structure - General	All residential structures: 10 ft. O: 20 ft.	All residential structures: 15 ft. O: 20 ft.	All residential structures except MF: 10 ft. O/MF: 15 ft.	10 ft.[455]
Street Loaded Garage for SFD/2F/3F/4F/SFA[456]	20 ft. from back of sidewalk [2]		20 ft. from back of sidewalk [2]	Street Loaded Garage not permitted for SFD/2F/3F/4F/SFA
Side (minimum) [3][4][5][457]	Interior: 1 ft.; 6 ft. combined both sides; Street frontage: 5 ft.	Interior: 5 ft. Street frontage: 10 ft.	Interior: 1 ft.; 6 ft. combined both sides; Street frontage: 5 ft.	Interior: 1 ft.; 6 ft. combined both sides; Street frontage: 5 ft.[458]
Rear (minimum) [3][4][459]	SFD/2F/3F/4F /SFA: 10 ft. O: 15 ft.	SFD/2F/3F/4F /SFA: 10 ft. O: 15 ft.	Residential uses other than MF: 10 ft. MF: 20 ft. O: 15 ft.	Residential uses other than MF: 10 ft. MF: 20 ft. O: 15 ft.[460]
Structure – General				
Detached garage or carport	5 ft. from property line adjacent to the alley or from the edge of any access easement [6]			
Height				
Building height (maximum) [3]	35 ft.		45 ft. [7]	95 ft.[461] [7]

[452] Per structure note added for clarification.
[453] Reduced from 50 ft.
[454] Increased from 40%.
[455] Reduced from 20 ft.
[456] Increased from 18 feet in prior draft. Administrative adjustment procedure to be drafted as part of Module 3 will allow reduction to 18 feet.
[457] Street frontage side setbacks are new.
[458] New standard.
[459] References to Fire Code in previous draft replaced by dimension.
[460] Reduced from 25 ft.
[461] Revised from 55 ft. The amount of increase from current limit is under discussion, but will be lower than 95 ft.

Table 7.4.2-B
Flex Residential District Dimensional Standards
NOTE: Different standards in overlay districts supersede standards in this table

DU = Dwelling Unit	SFD = Single-Family Detached DU SFA = Single-Family Attached DU	2F= Duplex 3F = Triplex 4F = Fourplex	MF = Multi-family DU O = Other

Zone District	R-Flex Low[447] [1]		R-Flex Medium[448][1]	R-Flex High[449]
	2,000 – 3,999 s.f. lot	4,000 – 5,999 s.f. lot		

NOTES:

[1] For lots at least 6,000 s.f. and up to 9,000 s.f. in area, the dimensional standards of the R-1 6 district (see Table 7.4.2-A) apply. For lots larger than 9,000 s.f. in area the dimensional standards of the R-1 9 district (see Table 7.4.2-A) apply.

[2] Applies if sidewalk is on private property; if sidewalk is in public right-of-way, minimum garage setback is 20 ft.

[3] A hospital, school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.

[4] 5 ft. side setback does not apply where two permitted structures share a common wall.

[5] All side setbacks smaller than 5 feet require approval of Colorado Springs Utilities and the Stormwater Enterprise Manager to confirm adequate utilities and drainage can be provided within that reduced setback.

[6] In R-Flex High district, street-loaded garage not permitted for single-family detached, duplex, triplex, or fourplex uses.

[7] If the property abuts a lot in the R-E, R-1 9, R-1 6, or R-2 zone districts or a lot designated for single-family, two-family, three-family, or four-family residential dwellings in a PUD zone district, the maximum height of any portion of a building within 75 feet of the property line of the abutting lot is 35 feet.

C. Mixed-Use Zone Districts

Dimensional standards for the MX-N, MX-M, MX-L, and MX-I zone districts are shown in Table 7.4.2-C.

Table 7.4.2-C
Mixed-Use District Dimensional Standards[462]
NOTE: Different standards in overlay districts supersede standards in this table.

Zone District	MX-N[463]	MX-M[464]	MX-L[465]	MX-I[466] [1]
District Standards				
District area (minimum) [2]	N/A	2.5 ac	10 ac	N/A
Lot Standards				
Lot area (minimum)	N/A	N/A	N/A	N/A
Lot width (minimum)	N/A	N/A	N/A	N/A
Lot coverage (maximum – for residential uses)	60%	50%	50%	N/A
Setbacks				
Front and Side Street Frontages	[2]			
Minimum	5 ft.[467]	20 ft.	20 ft.	
Maximum [3][468]	20 ft.	N/A or as stated in [Development] Plan	N/A or as stated in [Development] Plan	N/A or as stated in [Development] Plan
Side (minimum) [4]	10 ft.	20 ft.	20 ft.	20 ft.
Rear (minimum) [4]	15 ft.	20 ft.	25 ft.	20 ft.
Height				
Building height (maximum) [4] [5]	45 ft.	50 ft.	90 ft.[469]	65 ft.

[462] The footnotes below identify changes from the dimensional standards in the existing zone districts that are consolidated into the new MX districts. Because none of the MU districts have ever been used, the MU dimensional standards are omitted.
[463] MX-N consolidates the current OR, OC, and MU-NC zone districts. Changes are as follows: District size min. (OR: none, OC: 10,000 s.f.); Lot area min. (OR: 5,000 s.f.; OC: none); Lot width min. (OR: 50 ft.; OC: none); Lot coverage max. for residential uses (OR: 50% for all uses; OC: 40% for all uses with additional permitted if all required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained lot); Front setback min. (OR and OC: 50 ft.); Side setback min. (OR: 5 ft., or required setback of residential zone that is adjacent to lot; OC: 20 ft. only on periphery of development, and subject to same exception as lot coverage max. for OC, and for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of Development Plan); Rear setback min. (OR: 20 ft.; OC: 20 ft. only on periphery of development, and subject to same exception as lot coverage max. for OC; for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of Development Plan); Building height max. (OR: 35 ft.; OC: 45 ft.).
[464] MX-M consolidates the current C-5, PBC, and MU-CC zone districts. Changes are as follows: District size min. (C-5: none; PBC: 1 acre); Lot area min. (C-5 and PBC: none); Lot width min. (C-5 and PBC: none); Lot coverage max. for residential uses (C-5 and PBC: none for all uses); Front setback min.(C-5: 20 ft.; PBC: 25 ft.; in both, front setbacks apply only to property lines adjacent to public streets; for lots contained within unified retail or office developments, front setbacks determined in conjunction with review of Development Plan); Side setback min. (C-5: None 5 ft., or required setback of residential zone that is adjacent to lot; PBC: 25 ft. only on periphery of development; for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of Development Plan); Rear setback min. (C-5: 20 ft.; PBC: 25 ft.; for each, setback requirement applies only on periphery of development; for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of Development Plan); Building height max. (C-5 & PBC: 45 ft.).
[465] MX-L consolidates the current C-6 and MU-R EC zone districts. Changes are as follows: District size min. (C-6: none); Lot area min. (C-6: none); Lot width min. (C-6: none); Lot coverage max. for residential uses (C-6: none for all uses); Front, side, and rear setback min.(C-6: Determined by compliance with landscape and parking requirements of the existing zoning and subdivision ordinance); Building height max. (C-6: 50 ft.).
[466] MX-I consolidates the current SU and PCR districts For the PCR district, the minimum district size is 35 acres; all other dimensional requirements are established by review of the Concept or Development Plan at the time the zone is established. For the SU district, changes are as follows: District size min.: none; Lot area min.: 5,000 s.f. for single-family detached dwelling unit, 6,000 s.f. for single-family and accessory dwelling unit, duplex, or duplex and ADU, 1,000 s.f. per unit for a one-story multi-family development, 800 s.f. per unit for a two-story multi-family development, 700 s.f. per unit for a three-story multi-family development, 600 s.f. per unit for a four-story multi-family development; Lot width min.: 50 ft.; Lot coverage max. for residential: 50% for all uses; Front setback min: 25 ft.; Side setback min.: 5 ft.; Rear setback min.: 25 ft.; Building height max.: 60 ft.
[467] Staff and CSU are still finalizing front and side setbacks.
[468] New standard.
[469] Increased from 55 ft. to better reflect PlanCOS land use patterns.

Table 7.4.2-C
Mixed-Use District Dimensional Standards[462]
NOTE: Different standards in overlay districts supersede standards in this table.

Zone District	MX-N[463]	MX-M[464]	MX-L[465]	MX-I[466] [1]
Other				
Front parking setback (minimum)	20 ft.	20 ft.	20 ft.	20 ft.

NOTES:

[1] For single-family detached dwellings, the dimensional standards of the R-1 6 district (see Table 7.4.2-A) apply. For two-family or two-family on two lots dwellings, the dimensional standards of the R-2 district apply (see Table 7.4.2-A) apply. For all other residential uses, the dimensional standards of the R-5 district (see Table 7.4.2-B) apply.[470]

[2] Applies to land zoned into district after the Effective Date. Does not apply to additional land added to adjacent land already in the district after the Effective Date.

[3] Where maximum setbacks apply, the front façade of the building shall be located so that it is no further from the front lot line than the maximum setback distance along 75 percent of the front lot line.

[4] A hospital, school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.

[] Height bonuses may be available in some zone districts pursuant to Section 7.4.202D.1 Building Height). Regardless of any height bonus earned, if the property abuts a lot in a Residential zone district or a PUD zone district designated for residential use, the maximum height of any portion of a building within 75 feet of the property line of the abutting lot is 35 feet.

D. Special Purpose and Overlay Zone Districts

1. Dimensional Standards for the BP, LI, GI, and NC-O/NNA zone districts are shown in Table 7.4.2-D.

2. In the PF district and the APD district, there is no lot width minimum; all other development standards are determined by the review of the [Master] Plan or Development Plan, as applicable, at the time the district is established based on anticipated impacts of the facility.

3. In the PK district, all development standards are determined by a master plan approved by the Parks Board.

[470] Since Module 1, reference changed from R-Flex High to reflect reinsertion of R-5 district into the UDO.

Table 7.4.2-D
Special Purpose and Overlay District Dimensional Standards[471]
NOTE: Different standards in overlay districts supersede standards in this table.

South: NC-O/NNA South sector	Central: NC-O/NNA Central sector	North: NC-O/NNA North sector

Zone District	BP[472]	LI[473]	GI[474]	NC-O/NNA		
				South	Central	North
District Standards						
District area (minimum) [1]	10 ac	N/A	N/A	Per base zone district		
Lot Standards						
Lot area (minimum) [2]	N/A	N/A	[3]	Per base zone district		
Lot width (minimum)	N/A	[3]	[3]			
Lot coverage (maximum)	N/A	N/A	N/A			
Setbacks[475]						
Front (minimum)	20 ft. [4]	20 ft.	20 ft.	0 – 15 ft. [5][476]	15 – 80 ft. [5]	15 – 60 ft. [5]
Side (minimum) [6]	10 ft. [4]	[7]	[7]	5 ft. [8]	15 ft. [8]	15 ft. [8]
Rear (minimum) [6]	25 ft. [4]	[7]	[7]	5 ft. [8]	5 ft. [8]	5 ft. [8]
Adjacent to residential	100 ft. [4]	[7]	[7]	N/A	N/A	N/A
Height						
Building height (maximum) [6]	45 ft. [9]	60 ft.[477] [9]	80 ft. [9]	Per base zone district		
Other						
Front parking setback (minimum)	20 ft.	[4]	[4]	Per base zone district		

[471] Table references to base district dimensional standards revised for clarity in Revised Public Draft.
[472] BP consolidates the current PIP-1 and PIP-2 zone districts. Changes are as follows: District size min. (PIP-1: 10 ac; PIP-2: 20 ac); Lot area min. (PIP-1: 1 ac; PIP-2: 0.5 ac); Lot width min. (PIP-1 and PIP-2: none); Lot coverage max. (PIP-1: 30%; PIP-2: 40%, in both PIP-1 and PIP-2, additional lot coverage is permitted if all required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained lot); Front setback min.(PIP-1: 50 ft., or 30 ft. if fully landscaped from property to building line; PIP-2; 25 ft.; in both PIP-1 and PIP-2, setback requirement applies only on periphery of development – for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of the development plan, and may be reduced if all required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained lot. Minimum 100 ft. setback adjacent to residential lot); Side setback min. (PIP-1: 30 ft.; PIP-2: 10 ft.; in both PIP-1 and PIP-2, setback requirement applies only on periphery of development – for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of the development plan, and may be reduced if all required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained lot. Minimum 100 ft. setback adjacent to residential lot); Rear setback min. (PIP-1: 50 ft.; PIP-2: 25 ft.; in both PIP-1 and PIP-2, setback requirement applies only on periphery of development – for lots contained within unified retail or office developments, required setbacks determined in conjunction with review of the development plan, and may be reduced if all required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained lot. Minimum 100 ft. setback adjacent to residential lot); Building height max. (PIP-1 and PIP-2: 45 ft.).
[473] LI renames the current M-1 zone district. Dimensional requirements are unchanged, except for the required minimum rear setback, which was 10 ft. in M-1.
[474] GI renames the current M-2 zone district. Dimensional requirements are unchanged, except for the required minimum front setback, which is a new standard.
[475] A reduction in setbacks for secondary frontages in the BP, LI, and GI zone districts is under discussion.
[476] Front and side setbacks for NC-O/NNA South are still under discussion with CSU.
[477] Revised from 40 ft. in Revised Public Draft.

Table 7.4.2-D
Special Purpose and Overlay District Dimensional Standards[471]
NOTE: Different standards in overlay districts supersede standards in this table.

South: NC-O/NNA South sector	Central: NC-O/NNA Central sector	North: NC-O/NNA North sector

Zone District	BP[472]	LI[473]	GI[474]	NC-O/NNA		
				South	Central	North

NOTES:

[1] Applies to land zoned into district after the Effective Date. Does not apply to additional land added to adjacent land already in the district after the Effective Date.

[2] Lot sizes may be established to accommodate only the proposed buildings if all of the required landscaping, parking, drive, and maneuvering areas are included in a commonly owned and maintained tract. In this case, the minimum lot area, minimum setbacks from the platted lot lines, and maximum lot coverage standards shall be determined in conjunction with the review of the Development Plan and all buildings must comply with the standard building setbacks measured from the periphery of the project boundaries.

[3] Development standards are determined by the review of the [Master] Plan or Development Plan, as applicable, at the time the district is established.

[4] Or as established in PIP-1, PIP-2, or approved [Master] Plan or Development Plan. Listed setbacks only apply to property lines adjacent to public streets and to side and rear lines abutting properties in a different zone district, unless otherwise established in a [Master] Plan or Development Plan.

[5] Front-yard build-to zone.

[6] A school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.

[7] Minimum building and parking lot setbacks shall be determined by compliance with the landscape and parking requirements in Article 7.4.

[8] Zero (0) foot setback is permitted if part of overall Development Plan or Concept Plan.

[9] Height bonuses may apply subject to Section 7.2.506B.6. Regardless of any height incentives earned, If the lot abuts a lot in a residential zone district or a lot designated for residential use in a PUD zone district, the maximum height of any portion of a building within 75 feet of the property line of abutting lot is 35 feet.

7.4.202 Incentives[478]

This Section 7.4.202 identifies three different types of incentives that can be earned when applications for development or redevelopment promote key planning goals from the Comprehensive Plan.

A. Housing Variety Incentive

1. Purpose

The purpose of this Subsection A is to encourage the inclusion of a variety of housing types in residential developments in the R-Flex Low, R-Flex Medium, and R-Flex High zone districts.

2. R-Flex Low

Developments in the R-Flex Low zone district that include a mix of housing types as defined in Section 7.2.208D shall earn the development density incentive shown in Table 7.4.2-B.

3. R-Flex Medium

Developments in the R-Flex Medium zone district that include a mix of housing types as defined in Section 7.2.209D shall earn the development density incentive shown in Table 7.4.2-B.

4. R-Flex High

Developments in the R-Flex High zone district that include a mix of housing types as defined in Section 7.2.210D shall earn the development density incentive shown in Table 7.4.2-B.

[478] New section. An additional incentive for including a mix of residential and non-residential uses in some of the Mixed-Use zone districts is still under discussion.

B. Sustainability and Resilient Development Incentive

1. Purpose

The purpose of this Subsection B is to implement PlanCOS guidance to encourage development that is sustainable and efficient.

2. Eligibility

A project seeking the sustainable development incentives established in this Subsection B shall be located in the MX-M, MX-L, or MX-I zone district and shall satisfy at least one of the following two options below:

a. Option 1

Demonstrate compliance with at least four of the following six criteria:

(1) Stormwater[479]

The development site shall provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., vegetated swale) or other green infrastructure that exceeds the requirements of Step 1 in the Development Criteria Manual that can retain 100 percent of the runoff from at minimum the 80th percentile of regional rainfall events.

(2) Light Colored Hardscaping

At least 80 percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of 29 or greater.

(3) Covered Parking

At least 65 percent of parking spaces shall be provided under a cover or roof that has a three-year aged SRI of at least 32 or is covered by energy generation systems, such as solar thermal collectors or photovoltaics. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project. Parking spaces within a parking structure shall count toward meeting this standard.

(4) Cool or Vegetated Roof

Provide a roof meeting the standards in Subsections (a), (b), or (c) below.

(a) Cool Roof

Install a cool roof on at least 65 percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 7.4.2-E. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 7.4.2-E.

Table 7.4.2-E
Minimum Solar Reflectance Index (SRI)

Roof Type	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	30	32

(b) Vegetated Roof

Install a vegetated roof on at least 65 percent of the total roof surface using native or adapted plant species.

[479] Text changed in Revised Public Draft after discussions with Stormwater staff.

(c) Combination Roof

Install a combination cool roof and vegetated roof with each portion meeting the applicable standards in Subsections (a) and (b) above and together covering at least 65 percent of the roof surface.

(5) Solar Energy

Install on-site solar panels covering an area anywhere on the building or lot equal to 50 percent of the total roof area of all primary buildings, or an area equal to an amount required to provide 100 percent of estimated annual average electricity used in all primary buildings, at the applicant's option. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

(6) Building Efficiency

Design the project to achieve improved building energy performance beyond the minimum required building code standards by demonstrating that the project qualifies for a minimum of 15 points from the LEED version 4.1 BD+C Optimize Energy Performance credit.

b. Option 2

Submit proof acceptable to the City that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

(1) Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;

(2) Another verified third-party sustainability program producing equal or greater sustainability benefits as LEED Silver Certification, as determined by the Manager.

C. Transit-Oriented Development Incentives

1. Purpose

The purpose of this Subsection C is to implement Comprehensive Plan guidance to encourage transit use and transit-oriented development in Colorado Springs.

2. Eligibility

a. The property shall be located in the MX-M, MX-L, or MX-I zone district and shall be located within 660 feet of an arterial-arterial street intersection, an arterial-collector street intersection, or a collector-collector intersection.

b. At least one of the intersecting arterial or collector streets must have bus service or bus rapid transit service with a peak service frequency of 20 minutes or less.

c. At least 25 percent of the gross floor area of the building or development (including bonus height area) shall contain residential primary uses, and at least 25 percent of the gross floor area of the building or development (including bonus height area) shall contain non-residential primary uses. If the development is to be built in phases, the Concept Plan or Development Plan shall include a commitment to build at least this minimum mix of uses.

d. At least 50 percent of the gross floor area in the development shall be located in primary structures on lots with frontage on the intersecting arterial or collector streets.

e. All primary structures on lots with frontage on the intersecting arterial or collector streets shall be built no further than 20 feet from the front property line along at least 75 percent of the lot frontage.

f. No surface parking lot may be located within 20 feet of the intersecting arterial or collector streets.

D. Additional Allowances for Incentive Developments

For projects that satisfy either the Sustainable and Resilient Development standards in Subsection B above or the Transit-oriented Development incentives in Subsection C above, the following incentives are available.

1. Building Height

a. The maximum height of the primary structure height shall be increased as follows.

(1) One additional floor of building height, not to exceed 12 feet, for projects in the MX-M zone district.

(2) Two additional floors of building height, not to exceed 24 feet, for projects in the MX-L or MX-I zone districts.

b. The two incentives may not be combined to earn more than 12 feet of additional height in the MX-M district or more than 24 feet of additional height in the MX-L or MX-I districts.

c. The height incentive may not be used on any portion of a building within 75 feet of the property line of an abutting property as follows:

(1) For a property with a multi-family or non-residential land use, the height incentive may not be used on any portion of a building located within 75 feet of any property line abutting a lot in the R-E, R-1 9, R-1 6, or R-2 zone districts or a lot designated for single-family, two-family, three-family, or four-family residential dwellings in a PUD zone district.[480]

(2) For a property in a Mixed-Use or Special Purpose zone district, the height incentive may not be used on any portion of a building located within 75 feet of any property line abutting a lot in a Residential zone district or a PUD zone district that is developed with, or designated for development with, a residential use.

2. Parking

The number of required off-street parking spaces required by Section 7.4.10 (Parking and Loading), may be reduced by an additional 10 percent.

3. Lot Coverage

The maximum lot coverage in the MX-M and MX-L zone districts shall be increased to 60 percent.

7.4.203 Exceptions and Encroachments

A. Setback Exceptions[481]

Every part of a required setback shall be unobstructed from ground level to the sky, except as shown in Table 7.4.2-E, but none of the listed exceptions shall authorize the encroachment of any development or structure across property lines or into a public right-of-way.

Table 7.4.2-E
Authorized Exceptions to Setback Requirements

Type of Exception	Extent of Exception
Accessory structures or uses that are 200 square feet or smaller[482]	Anywhere in rear yard but not into a recorded easement, unless the City has granted an easement encroachment

[480] These standards require building stepdowns for properties abutting the R-2 zone district reintroduced in the Revised Public Draft.
[481] This carries forward the standards in Section 7.4.102F of the existing zoning and subdivision ordinance, except as noted below.
[482] This carries forward Section 7.3.105A.1.c of the existing zoning and subdivision ordinance. Exemption increased from 120 feet in current code to conform with exemption for accessory structures in RBC105.2.1.1.

Table 7.4.2-E
Authorized Exceptions to Setback Requirements

Type of Exception	Extent of Exception
Accessory structures or uses that are larger than 200 square feet[483]	May not encroach into any setback required by Section 7.4.201 except as required by Section 7.3.304A.1[484]
Architectural features (cornice, eaves, belt course, sill canopy, or other similar features, not including a bay window or vertical projection)	Up to 30 inches but not closer than 3 feet to any property line[485]
Bay windows, window wells, and vertical projections from side wall plane[486]	Permitted, but not closer than 3 feet from any property line
Chimneys	Permitted up to 2 feet, but not closer than 3 feet from any property line[487]
Fences or walls	Permitted within a required setback if 6 feet or less in height rearward of front building façade, or 4 feet or less in height forward of front building façade, but not within a Corner Visibility Triangle, and does not block access to utility meter equipment[488]
Fire escape, stairway, and access ramp	Permitted, but not closer than 3 feet from any property line[489]
Flagpoles	Up to 3 permitted in front yard setback
Little libraries or mailboxes	Permitted in street facing front or side yard, provided the base area of structure does not exceed 2 square feet[490]
Motor vehicle parking or storage[491]	Permitted subject to all applicable requirements of this UDC, including without limitation restrictions on parking, circulation easements, landscaping, buffering, and screening
Parking lot light pole	Except where adjacent to R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts
Recreational vehicle parking or storage[492]	Must comply with Sec. 9.6.504 of the City Code
Stoops 20 square feet or less	Permitted in any front or side setback
Uncovered decks and patios, which do not exceed 18 inches in height measured from the finished floor to any adjacent point of the finished grade	Permitted, but limited to 50% of each required side yard or rear yard area[493]

B. Height Exceptions[494]

1. No building or structure or part of a building or structure shall exceed the maximum building height within any zone district as shown in Tables 7.4.2-A through D, unless authorized in Table 7.4.2-F below or elsewhere in this UDC.

2. Building features that extend beyond the maximum building height pursuant to Table 7.4.2-F shall be designed or screened to minimize visibility from the R-E, R-1 9, R-1 6, R-2, and R-Flex Low zone districts, and from any portion of a PUD zone district developed or designated for

[483] This carries forward Section 7.3.105A.1.c of the existing zoning and subdivision ordinance. Exempt area has been increased from 120 square feet to match Regional Building Code.
[484] Cross-reference to specific exceptions added in Revised Public Draft.
[485] Revised from complex current standard of up to 4 inches for each one foot of setback, up to a maximum exception of 30 inches.
[486] New.
[487] Text limiting this exception based on chimney width deleted as unnecessary.
[488] This carries forward the exception for fences and walls in Section 7.4.102A of the existing zoning and subdivision ordinance, revised to reflect recommended four foot maximum for fences forward of a front building façade. Reference to utility meter access added in Revised Public Draft.
[489] Reworded for internal consistency.
[490] New.
[491] Existing broad cross-refence to other portions of UDC added in Revised Public Draft.
[492] Cross-refence to existing standards added in Revised Public Draft.
[493] New.
[494] This carries forward the standards in Section 7.4.102C of the existing zoning and subdivision ordinance.

single-family, two-family, three-family, or four-family structures. Screening may not extend taller than the permitted exception to the maximum building height.

Table 7.4.2-F
Authorized Exceptions to Height Requirements

Structure, Feature, or Use	Maximum Height and Conditions
Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas	As determined by the Manager as necessary to comply with Federal Communications Commission regulations and guidance, provided that the height of the antenna structure may not exceed the distance of the antenna structure from the nearest property line to the base of the structure[495]
Chimneys, flues, vents, cupolas with a footprint of 36 square feet or less,[496] parapet walls, and other similar features	May exceed the maximum height of the applicable zone district by 5 feet
Flagpoles	Maximum height of 45 feet or the height allowed in the zone district, whichever is greater[497]
Mechanical equipment such as vents, cooling towers, elevators and mechanical penthouses, and accessory water tanks	May exceed the maximum height of the applicable zone district by 5 feet
Religious institution spires and towers and satellite dishes	May exceed the maximum height of the applicable zone district, provided the largest horizontal cross-section of the spire or tower does not exceed 5 percent of the footprint of the primary structure from which it rises[498]
Solar collector, accessory[499]	In all mixed-use and special purpose districts, may exceed the maximum height of the applicable zone district by 5 feet In all residential districts, may exceed the maximum height of the applicable zone district by 18 inches For one-family, two-family, three-family, and four-family dwellings: 18 inches For multifamily development, permitted nonresidential development in residential districts, and in all mixed-use and special purpose districts, 5 feet
Television or CB radio antennas and lightning protection systems	Excepted from all height limitations
Wireless Communication Facilities (WCF)	See Section 7.3.303J.1

[495] From recently adopted Wireless Communications Facility ordinance, reworded for internal consistency and clarity.
[496] Nine foot limit on side dimension of cupola was deleted as unnecessary.
[497] New provision.
[498] Revised to remove limit of 5 feet above maximum height in zone district but to limit the horizontal size of the spire or tower.
[499] Exceptions for residential uses and permitted nonresidential uses in residential districts are new.

7.4.3 SUBDIVISION STANDARDS[500]

7.4.301 General Provisions[501]

A. Purpose

The purpose of this Section 7.4.3 is to:

1. Promote the health, safety, convenience, and general welfare of the citizens of the City.

2. Set forth appropriate standards for subdivision design that will:

a. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Comprehensive Plan.

b. Provide for lots of adequate size, configuration, and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.

c. Promote design flexibility.

d. Provide for streets of adequate capacity and that with appropriate improvements will handle anticipated traffic flow.

e. Preserve the significant natural features and environmental quality of the City.

3. Set forth appropriate standards for utilities and services that will:

a. Provide an efficient, adequate, and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.

b. Ensure that adequate stormwater infrastructure and outfall, sewage disposal, and other utilities, services, and improvements needed to serve the subdivision of land are provided.[502]

c. Provide for the undergrounding of all public utility lines up to 35,000 volts except as otherwise provided in Section 7.4.303C.[503]

4. Assure the provision of adequate and safe circulation that will:

a. Minimize traffic hazards through appropriate street design and provide for safe and convenient vehicular, bicycle, and pedestrian traffic circulation.

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[500] From Article 7 (Subdivision Regulations), with rewordings for clarification and changes as noted. Text that is repetitive of general UDC provisions, such as the interpretation of conflicting provisions, duty of compliance, and severability, were not carried forward because those provisions will appear once in the General Provisions and will apply to the entire UDC. The following sections will be carried forward and updated as part of Module 3, Part 2 (Preliminary Platting Procedures, Part 3 (Final Platting Procedures), Part 4 (Vacation Plats, Platting Procedures), Part 13 (Subdivision Wavers), and Part 18 (Acquisition and Disposition of Real Property Interests). Part 7 (Streets in Subdivisions) has been relocated to 7.7.4 (Access and Connectivity). Part 9 (Subdivision Drainage Facilities) and Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) have been relocated to 7.4.6 (Stormwater, Erosion, and Drainage). The provisions of current Subdivision regulations part 17 (Commercial Mineral Deposits) no longer appear in this section. The content of 7-7-1701 (Statement of consideration) will appear as a general procedure in the Administration and Procedures chapter; 7-7-1702 (Mining Operations) are now covered by the use-specific standards for Mining and Mineral Extraction, 7-7-1703 and 1704 (Master Plan for Extraction) and (Plans and Maps adopted) are now covered in the description of the Comprehensive Plan.

[501] From Article 7, Part 1 (General Provisions). The following sections of Part 1 will be carried forward and updated as part of Module 3: 7.7.103 (General Responsibilities) and 7.7.110 (Amendments to the Text of the Subdivision Code). The following sections will be eliminated because they repeat language included in the introduction to the zoning regulations: 7.7.105 (Interpretation of Conflicting Regulations), 7.7.106 (Severability Clause), and 7.7.107 (Compliance Required). Section 7.7.109 (Antiquated Subdivision Plats) appears to be unnecessary and was not carried forward, since the designation of a plat as “antiquated” does not affect the applicability or enforcement of subdivision regulations to that land.

[502] Added clarification that stormwater infrastructure includes adequate stormwater outfall in Revised Public Draft.

[503] Increased from 30,000 volts at staff direction.

b. Provide for adequate vehicular access to abutting properties and the subdivider's remaining holdings.

c. Assure that street rights-of-way are provided for in accord with the major thoroughfare plan and the Engineering Criteria Manual.

d. Provide for safe and convenient pedestrian access throughout the community.

5. Assure adequate public facilities are provided that will:

a. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, trails, schools, utilities, and other types of community facilities.

b. Ensure that public facilities are provided in compliance with the City's Comprehensive Plan.

c. Provide for adequate law enforcement and fire protection facilities.

6. Ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan.

B. Territorial Limits of Regulations

1. Area Inside City Limits

This UDC shall apply to all land located within the City limits.

2. Area Outside City Limits

All layouts of proposed subdivisions outside the City but within the territorial limits of any written agreement between the City and El Paso County shall be submitted to the City for recommendations relating to subdivision design, traffic, circulation, and the City's Comprehensive Plan.[504]

C. Compliance Required

No person shall subdivide any tract of land that is located within the City except in conformity with the provisions of this UDC, and jurisdiction under this Section 7.4.3 and those parts of Article 7.5 (Administration and) addressing review and approval of proposed subdivisions shall also extend to and cover any major street plan adopted under the provisions of this UDC to the extent of the territorial limits established under the State statutes.

7.4.302 Design Standards[505]

A. Application

The design standards established in this Section 7.4.302 shall be applied by the Planning Commission and/or staff assigned to perform an administrative review in evaluating a proposed plat of subdivision.

B. Conformity with Comprehensive Plan

The plat shall be consistent with the City's Comprehensive Plan.

C. Remnants of Land

The plat shall not create parcels of land that do not meet the standards for a developable lot in the zone district where the property is located, unless those parcels are designated as "tracts" and adequate assurance is provided to incorporate the tracts into usable lots in future developments.

[504] Revised to refer to areas covered by an agreement with the County, rather than territorial limits in Colorado statutes.
[505] From Article 7, Part 6 (Design Standards). Several sections have been reworded for clarity, to clarify relationships to specific sections of the UDC, and to reflect PlanCOS guidance.

D. Block Standards

The layout of each block shall conform to sound subdivision design principles and the length, width, and shape shall comply with:

1. Requirements for lot size in the zone district where the property is located;
2. Any applicable overlay zone district requirements regarding avoidance of sensitive lands including but not limited to those standards related to land near streams, floodplains, hillsides, and wildfire hazard areas in Section 7.2.5;
3. Applicable standards related to the provision of utilities, grading, stormwater, and erosion control, including without limitation those standards in Sections 7.4.6 (Grading and Erosion Control) and 7.4.7 (Stormwater);[506]
4. Applicable standards for safe, convenient access and circulation for motor vehicles, bicycles, and pedestrians, including but not limited to the standards for access and connectivity in Section 7.4.4.

E. Lot Standards[507]

1. General

The size, shape, and orientation of lots shall be appropriate to the proposed subdivision location and to the type of development contemplated and shall conform to requirements of this Code, including without limitation the requirements for lots, access, and connectivity in the zone district in which the property is located.[508]

2. City Limits Line

No lot shall be divided by a City limit line.

3. Access

Each lot in a new or replatted subdivision shall be provided with satisfactory access to a dedicated public street pursuant to the Traffic Criteria Manual.

4. Double Frontage

Double frontage lots, other than corner lots, are not permitted unless approved by the Manager, Planning Commission, and/or City Council based on considerations of public safety, land use efficiency, or topographic constraints.[509]

5. Flag Lots

Flag lots may be allowed where warranted by physical conditions of landform, existing lot pattern, or unusual size or shape of parcel(s). The narrow strip of land connecting the main portion of a flag lot to the street shall be not less than 20 feet wide at any point and side lot utility easements not less than five feet wide shall be provided adjacent to the flag lot lines. If five-foot-wide public utility easements are not provided along side lot lines, the stem portion of the flag lot shall be not less than 25 feet wide. The stem portion of the flag lot shall also provide for practical vehicular and utility access and allow for adequate utility service line separations, and shall not be counted towards the minimum lot area requirement of the zone district.[510]

[506] Reference to utility provision standards and stormwater added in Revised Public Draft.
[507] Provisions requiring large lots to be laid out to allow division by future streets was not carried over because it has proven impracticable to apply.
[508] Last clause was added for clarification.
[509] Revised to add criteria to guide this decision.
[510] Reference to adequate utility separations added in Revised Public Draft.

F. Residential Lot Design Adjacent to Major Street

If a frontage road is not provided for a lot with a single-family, duplex, triplex, or fourplex use fronting onto a major street,[511] the subdivider shall cause the design of the subdivision to conform to one of the alternative design treatments stated below:

1. Lots abutting the expressway, freeway, or principal or minor arterial street shall have vehicular access from the existing or proposed alley adjacent to the rear lot line, or
2. Lots abutting the expressway, freeway, or principal or minor street shall have vehicular access from the minor street adjacent to an approved double frontage lot.[512]

G. Easements

1. Utility Easements[513]

Utility easements shall be not less than five feet wide on both sides of all side lot lines and seven feet wide on both sides of all rear lot lines and provide a five-foot utility easement behind the sidewalk unless waived by the Utilities Executive Director' or the Manager. All required public drainage, public utility, and other public improvement easements shall be placed on the Final Plat prior to recording.

2. Drainage Easements[514]

All required drainage easements for stormwater infrastructure/conveyance shall be placed on the Final Plat and so marked prior to recording. Further, 'private drainage easements shall be marked "private drainage easements" on the plat, or a statement shall be placed on the Final Plat that the City is not responsible for the maintenance of said easements, prior to recording.

3. Combined Easement for Utilities and Drainage[515]

Easements proposed for both utilities and stormwater facilities shall be at least seven feet wide on both sides of all lot lines and the joint purposes of the easement shall be designated on the Final Plat prior to recording.

4. Access and Parking Easements

All required common access, ingress/egress, and parking easements shall be shown on the Final Plat and indicated whether public or private.

5. Maintenance of Easements

Except as otherwise provided by plat note or as provided in any easement granted to the City by separate instrument, the property owner shall be responsible for the maintenance of all easements granted or dedicated to the City, and all easements granted or dedicated to the City on behalf of its enterprise, Colorado Springs Utilities, or for public utilities.

H. Railroad Rights-of-way

Where a subdivision adjoins a railroad right-of-way, space for grade separations, buffer strips, and other protective treatments along the right-of-way shall be provided as required by the City to protect public health and safety and to mitigate adverse impacts from the railroad on nearby properties. Spaces or treatments required by the City for these purposes may exceed those required property setbacks in the zone district where the property is located, and may exceed landscaping, screening, and buffering otherwise required by Section 7.4.9.[516]

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[511] Provision expanded to include triplexes and fourplexes. References to major street revised to list applicable functional classifications.
[512] Wording revised to clarify reference to "through lot."
[513] Staff is continuing to discuss required widths and locations of utility easements.
[514] Staff is continuing to discuss required widths and locations of drainage easements.
[515] Title and text revised to remove references to "dual easements." Reference to minimum seven foot width added in Revised Public Draft.
[516] Wording revised to clarity and to reflect current practice.

I. Lots Requiring Smoke Alarms or Sprinklers[517]

1. A monitored smoke alarm system or a sprinkler system shall be required for all new homes on lots with lot lines that are more than 600 feet from the entrance of a cul-de-sac or lots for which the only vehicle access is a road with grades in excess of 10 percent. These lots shall be identified on the subdivision plat. This requirement shall not apply to subdivision plats recorded prior to March 24, 1981 or to subdivisions for which a development plan was approved prior to April 1, 1993.

2. Development in the HS-O overlay district is also subject to the requirements of Section 7.2.502F.4 (Fire Alarms and Sprinklers).

7.4.303 Required Improvements[518]

A. Requirement to Install and Complete Improvements[519]

The improvements required in Subsection B below shall be constructed and installed by the subdivider prior to the final approval of the final subdivision plat. In lieu of the completion or installation of such improvements, the subdivider may provide acceptable assurance to secure to the City the actual construction or installation of the improvements within such period as shall be determined by the City Engineer, Stormwater Enterprise Manager, or Utilities Executive Director based on considerations of public safety. Any required assurance shall be in an amount adequate to cover the cost of constructing or installing the required improvements as determined by the City Engineer, Stormwater Enterprise Manager, or Utilities Executive Director, and the assurance and all related conditions shall only be final when approved by City Council.

B. Required Improvements[520]

The following improvements shall be provided by the subdivider:

1. Street Improvements and Streetlights[521]

The subdivider shall pay for the installation and construction of all required street improvements, pursuant to Section 7.4.304, the Code of Ordinances, and the regulations of Colorado Springs Utilities related to required easements in streets. In addition, the subdivider shall pay for costs associated with the installation and construction of all necessary streetlights as required by Colorado Springs Utilities regulations and this Code regarding the installation of streetlights. Required streetlights are included in the term street improvements.

2. Electric, Gas, Water, Wastewater, and Stormwater Systems[522]

The subdivider shall pay for the design, installation, and construction of all the required electric, gas, water, wastewater, and stormwater systems necessary to serve the development in compliance with this UDC, this Code, the most recent version of the Colorado Springs Utilities Gas, Electric, Water and Wastewater Line Extension and Service Standard, the Drainage Criteria Manual, and the rules and regulations of Colorado Springs Utilities and the Stormwater Enterprise. The sections of the Code of Ordinances and this UDC regulating the installation and extension of water and wastewater lines are as follows:

a. Wastewater, Water Lines, When May Be Laid: Chapter 12, Article 5 of this Code.

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[517] Retitled from Hillside Development for accuracy and to avoid confusion with Hillside overlay district requirements. A cross-reference to this section will be provided in the HS-O district. Subsection 2 added and distance changed from 1,000 feet for consistency with new cul-de-sac length limits in Revised Public Draft. Duplication of this text with very similar text in HS-O zone district may be removed in Consolidated Draft.

[518] From Article 7, Part 8 (Required Improvements). Section 7.7.806 (Improvement Plans) will be removed from the UDC and placed on the City's website.

[519] Wording revised for clarity and criteria for administrative decisions added.

[520] Provisions reordered.

[521] Added to clarify current practice.

[522] Retitled and text revised by staff to reflect current practices in Revised Public Draft.

b. Wastewater Permits And Connection Charges: Chapter 12, Article 5 of this Code.

c. Taps, Service Lines And Use Of Water: Chapter 12, Article 4 of this Code.

d. Stormwater Improvements: As required under Section 7.4.701.

e. Application for Gas & Electric Line Extension: Colorado Springs Utilities Electric Line Extension & Service Standards.

3. Right-of-way and Public Utility/Drainage Easements Stabilization[523]

Stabilization of land within the right-of-way of any street or road and within any public utility/drainage easement is required to the extent deemed necessary by the City Engineer and consistent with any requirements of the zone district, this UDC, and the SCM. Prior to the final acceptance of any improvements within the right-of-way or public utility/drainage easement, the City Engineer and Stormwater Enterprise Manager shall be satisfied that no existing or potential erosion problems exist within the right-of-way, public utility/drainage easement, or on land adjacent to such right-of-way or easement that could affect the stability of the right-of-way. The subdivider shall guarantee such right-of-way and easement stabilization for a period of two years from the date of final acceptance, and shall provide assurance acceptable to the City in an amount equal to 10 percent of the cost of the work as part of such guarantee. Once the subdivider has achieved final acceptance, the continued maintenance of the area shall be the responsibility of the owners of the property within easements and adjacent to the right-of-way.

4. Permanent Survey Monuments, Range Points and Lot Pins

As required by State law.

C. Undergrounding of Utilities

Telephone lines, electric lines up to 35,000 volts, and other similar utility services shall be placed underground.[524] Transformer, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities may be placed aboveground. The provisions of this Subsection 7.4.303C shall not apply to existing facilities or to any Preliminary, Preliminary and Final, or Final Plat that was approved by the Planning Commission prior to March 25, 1996.[525]

D. Approval of Septic Tanks

In areas where public wastewater systems are not accessible, individual wastewater disposal systems may be installed only after the approval of the Utilities Executive Director in accord with this Section 7.4.3.

E. Time Delay for Installation of Public Improvements[526]

1. Subdividers who desire to delay the installation of public improvements required by this Section 7.4.303 shall submit to the City Engineer, a request for a time delay of the installation of public improvements. The City Engineer, with concurrence from the Utilities Executive Director and Stormwater Enterprise Manager as appropriate, shall review and either approve or disapprove the request based on considerations of public safety and limiting financial risks to the City.

2. If the request is approved, the City Engineer, with concurrence from the Utilities Executive Director and Stormwater Enterprise Manager as appropriate, shall require the subdivider to

[523] Retitled and text revised by staff to increase guarantee period from one year and to reflect current practices in Revised Public Draft.
[524] Provisions for possible waiver will appear in the Administration and Enforcement chapter, together with other procedures for obtaining adjustments to UDC standards. Increased from 30,000 volts at staff direction.
[525] Actual effective date of relevant ordinance 96-44 was inserted. Electric line underground threshold increased from 30,000 volts at staff direction.
[526] Wording revised for clarity.

execute an agreement for the delay of installation of public improvements, and such agreement shall be recorded.

3. If the request is denied, the subdivider may appeal to the Planning Commission in the same manner as a request for a waiver for the installation of public improvements pursuant to Section <> [Administrative Adjustment or Appeal process]. The Planning Commission shall treat such appeal as a request for action on a request for time delay for the installation of public improvements not as a request for a waiver for the installations of public improvements.[527]

F. Actual Construction of Improvements[528]

No construction of subdivision improvements shall be started until the improvement plan for the entire area covered by the Final Plat has been approved by the City Engineer, with concurrence from the Utilities Executive Director and Stormwater Enterprise Manager as appropriate. After the improvement plans have been filed, and the approval of the City Engineer, with concurrence from the Utilities Executive Director and Stormwater Enterprise Manager as appropriate, has been obtained, the subdivider shall construct the required improvements subject to obtaining the required permits from the City Engineer and Colorado Springs Utilities for wastewater and water systems.

G. Acceptance of Improvements

All required subdivision improvements, as specified in this Section 7.4.303 and other applicable City ordinances and regulations, shall be fully constructed by the subdivider and approved by the City Engineer, Stormwater Enterprise Manager, and Utilities Executive Director, and a written notice of approval shall be transmitted to the subdivider. The approval of the improvements by the City shall be contingent upon the subdivider guaranteeing and being responsible for any defects of the improvements for a two year period after written acceptance by the City, pursuant to Section 7.4.306 (Assurances and Guarantees for Public Improvements).

7.4.304 Street Improvements[529]

A. Minor Streets

The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all minor streets as shown on the Final Plat.

B. Major Streets

The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all major streets shown on the Final Plat. Such construction and dedication of major streets may be the subject of partial reimbursement by the City as set forth below.

C. Access and Connectivity[530]

All required street improvements shall comply with the access and connectivity standards in Section 7.4.4.

D. Construction of Street Improvements

A subdivider seeking Preliminary/Final Plat or Final Plat approval or a developer or redeveloper of property may be required by any governmental entity, as a condition of the approval of the subdivision or development of the property, to make improvements to streets or pedestrian and bicycle access facilities and streetlights adjacent to, abutting on, or outside the land development to carry traffic generated by the development. These improvements shall include, but not be limited to, constructing or otherwise improving streets and bicycle or multiuse paths; dedicating additional rights-of-way; widening; constructing transit facilities such as shelters and pull-out lanes; constructing curb and

[527] Reference to the subdivision waiver appeal process replaced by reference to administrative adjustment appeal process because the former is not currently used as a separate process and is being removed from the UDC. Provisions for appeal of this decision may be consolidated with other appeal provisions in the Administration and Enforcement chapter of the UDC.
[528] References to Utilities Executive Director and Stormwater Enterprise Manager added in Revised Public Draft at staff's direction.
[529] Consolidates Section 7.7.705 (Right of Way Dedication and Street Improvements) and 7.7.706 (Reimbursements).
[530] New standard to implement PlanCOS goals.

gutter; and installing medians, sidewalks, acceleration or deceleration lanes, traffic control devices, or streetlights.[531]

E. Cost Recovery for Street Improvements from Benefitting Property Owners

1. Eligibility for Cost Recovery[532]

Whenever any street improvements listed in Subsection D above are made by a subdivider or developer of land (a "developer"), the developer is entitled to fair share cost recovery of the cost of the improvements, less any City reimbursement, from the owner or owners whose property abuts the improvements as the abutting property is subdivided, developed, or redeveloped within 25 years after acceptance of the improvements by the City. The date of acceptance of the improvement will be the date that the City Engineer accepts the improvements on a probationary basis. However, if a developer has not achieved final acceptance of the improvements by the City within 30 months after probationary acceptance of the improvements, the developer's recovery right for the improvement involved will be voided.

2. Processing Cost Recovery Agreements[533]

a. The provisions of Subsection 7.4.304D shall apply to all cost recovery agreements in effect on _____,[534] and cost recovery agreements approved after that date. The City Engineer is authorized to record any cost recovery agreements not previously recorded with the El Paso County Clerk and Recorder. The City Engineer is also authorized to cooperate with developers who have existing cost recovery agreements on file to implement a system for indexing such agreements and notifying affected property owners of such agreements.

b. A developer wishing to obtain reimbursement for improvements constructed that benefit other abutting property owners shall file a cost recovery statement with the City Engineer not later than 12 months after the date the improvement was accepted on a probationary basis. Such statement shall be accompanied by copies of paid receipts or other satisfactory evidence of payment of the costs claimed for the improvement; any expenses incurred after probationary acceptance are not recoverable. The City Engineer shall then review the cost recovery statement for reasonableness and appropriateness of the costs claimed, and may request backup for any such costs. The City Engineer may make such adjustments as it determines are necessary if the costs are in excess of reasonable and necessary costs at then-prevailing rates. If the City Engineer does not notify the party submitting the cost recovery statement in writing of any adjustments to the costs listed in the statement within 60 days after the statement was submitted (or, if backup documentation is requested within 30 days, then within 60 days after the requested backup documentation is submitted), then the costs in the statement will be deemed approved as submitted. The City, at the expense of the developer, shall notify all property owners who will be affected by the cost recovery agreement by certified mail that a cost recovery statement, which may affect their property, has been submitted to the City Engineer.[535]

c. The developer will assist the City Engineer, as needed, in determining the property owners abutting the improvements that are subject to the cost recovery to be notified and in obtaining the names and addresses of such properties. When the costs subject to reimbursement have been approved as provided above, the City Engineer shall notify all affected property owners that the developer's application has been approved and provide to

[531] Reference to streetlights added due to consolidation of existing street and streetlight standards. Reference to traffic control devices added.
[532] References to reimbursement changed to cost recovery. Minor wording changes for internal consistency.
[533] Text reordered and reworded for clarity and to reflect existing practice.
[534] Current code date of June 1, 1995, was deleted by staff and needs to be replaced.
[535] Requirement for developer notification of other property owners replaced by City duty to notify. Since Module 1, time for possible notification by City Engineer increased from 30 to 60 days.

all affected property owners a copy of the notice of cost recovery. The notice shall advise all affected property of their right to review the application and file an objection, and contain the following information:[536]

(1) Price per lineal foot;

(2) The amount of lineal foot per parcel; and

(3) The legal description and current parcel numbers of each parcel subject to the cost recovery.

d. The owner of a property that is subject to a cost recovery application may file with the City Engineer a written objection to the notice of cost recovery and cost recovery application within ten days of proof of mailing. Following filing of an objection, the City Engineer shall review the objection and the application and make a recommendation to the Director of Public Works, who shall issue an opinion on the objection within 25 days of the objection being filed with the City Engineer. The opinion of the Director of Public Works shall be final.[537]

e. Once the objection period has expired, the City Engineer shall execute a Cost Recovery Agreement on the standard form approved by the City. After execution, the Cost Recovery Agreement shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. The Developer shall pay all costs of recording.[538]

3. Repayment of Costs[539]

During the cost recovery period, an application for a subdivision plat or building permit from owners whose properties are subject to the cost recovery provisions of this Subsection 7.4.304E, shall not be approved until a fair-share reimbursement for the cost of the improvements has been made to the developer or its assign, as follows:

a. The City Engineer shall determine the fair share reimbursements on a front foot basis. The fair share allocation shall be determined by dividing the costs subject to recovery by the number of lineal feet of property line that abuts the improvements.[540]

b. On January 1 of the year following acceptance of the improvements by the City and each year thereafter on January 1, the reimbursement amount shall be increased by three percent simple interest.

c. The City Engineer shall not approve any such plat if it leaves unplatted strips along the roadway subject to reimbursement, the plat fails to plat portions of such owner's property that are reasonably necessary for effective use of the property being platted, or the plat is otherwise configured so as to avoid the reasonable fair share payment by such owner.

d. All liability for improvement costs shall be limited to 25 years after acceptance of the improvements by the City.[541]

e. When all reimbursement costs have been paid, a signed notarized copy by the developer or its assign for the release of the Cost Recovery Agreement shall be submitted to the City Engineer and shall state that payment has been made in full and that all parties agree to the release of the Cost Recovery Agreement from the property involved. The cost of recording shall be charged to the owner of the property being released. The release shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. During the

[536] Revised to add details about notification required.
[537] New provision.
[538] New provision.
[539] Reworded for clarity and to avoid repetition.
[540] New provision.
[541] Current text on "Extension of Recovery Period" explaining rationale of past extension of period from 15 to 25 years deleted as no longer relevant.

cost recovery period, approval of plats or building permits for the land abutting the improvements shall be conditioned upon payment of the fair share of the improvement cost as determined by the City Engineer, if the City Engineer determines that such improvements would have been required to be installed by the subsequent developer.[542]

4. Address for Payments, Unclaimed Payments

It is the responsibility of the developer notify the City Engineer in writing of any changes in address for notices and payments pursuant to the Cost Recovery Agreement. If the City Engineer mails a notice of reimbursement specifying the amount of reimbursement and the property involved (a "reimbursement notice") to the developer by certified mail using such developer's most recent address in the City Engineer's files, and no response is received within 30 days, then the City Engineer shall be authorized to execute on behalf of such developer and record a release of the Cost Recovery Agreement from the property paying the reimbursement. If the reimbursement involved is not claimed by the developer within 12 months following mailing of the reimbursement notice, then the reimbursement involved will be paid to the City's general fund, and the developer will forfeit all rights to those funds.

5. Improvements Already in Place

If the improvements are already in place, and if the City Engineer determines that such improvements would have been required to be installed by any developer abutting the improvements, as a condition of development, the developer may be required as a condition of approval of development to pay to the City a fair share, as determined on a front foot basis of the original costs of the improvements, subject to three[543] percent simple interest factor each year and subject to the 25 year limitation, if no Cost Recovery Agreement is in effect or a Cost Recovery Agreement is invalid for any reason.

6. Cost Recovery by the City and Other Governmental Entities

Nothing in this Section 7.4.304E is intended to preclude or prohibit the City or another governmental entity from entering into and being a party to cost recovery agreements with landowners for public roadway improvements. In these types of cost recovery agreements, interest may not be charged on the costs of the installed or constructed public roadway improvements.

F. Cost Reimbursement by the City[544]

1. Generally

a. Commencing January 1, 1988, the City shall reimburse, from funds specifically appropriated for such purpose, subdividers who complete construction of major streets or portions of major streets shown on the City's major traffic thoroughfare plan. Reimbursement of the costs subject to reimbursement shall be made after the City Engineer finds and determines on the basis of actual use and community benefit that the major street or portion of a major street is meeting a community need.

b. The City Engineer shall articulate standards to determine when a subdivider who constructs a major street or portion of a major street is entitled to costs subject to reimbursement.

c. The Council may set aside specifically designated funds for the purpose of reimbursing a subdivider costs subject to reimbursement for a major street or street portion of a major street that the City Council desires be constructed. This reimbursement shall not be subject to the City Engineer standards for reimbursement.

[542] Final sentence added by staff.
[543] Interest rate reduced from 10 percent.
[544] Rewords and reorders for clarity 7.7.706 (Reimbursements).

2. Costs Subject to Reimbursement

The following costs are eligible for reimbursement by the City pursuant to this Section 7.4.304E.6.

a. The fair market value of that portion of the right-of-way of a major street in excess of 60 feet in width shall be a cost subject to reimbursement. The fair market value of the right-of-way dedicated to the City shall be determined as of the time of Final Plat recording in accord with the following:

(1) The City and the owner may agree as to the fair market value; or

(2) The City and the owner may apply to a court of competent jurisdiction for determination of just compensation as provided for in C.R.S. title 38, article 1.

b. The actual costs of construction of the major street less the actual costs of:

(1) Grading the entire width of the major street;

(2) The installation of 36 feet in width of pavement mat and base course,

(3) The installation of drainage structures, not including those associated with arterial roadway bridges, which are addressed in Section 7.4.305;

(4) The installation of sidewalks;

(5) The installation of curb and gutter on each side of the full pavement mat;

(6) Any treatment given to the area between median curbs; and

(7) The construction of any turn lanes serving other private property.

3. Conditions of Reimbursement

a. The City shall reimburse only those persons or entities that own the major street right-of-way when dedicated and only those persons or entities that paid for the actual costs of construction or both, or those persons or entities who have valid assignments for such rights to reimbursement.

b. The major street must be constructed in accord with plans approved by the City Engineer and finally accepted for City maintenance by the City Engineer.

G. Private Streets

1. When Required or Permitted[545]

a. The City may require the installation and construction of private streets and the retention and maintenance of those private streets by the developer or another entity acceptable to the City when:

(1) The site, layout of the site, density of units or structures, or other circumstance adversely affects the ability of the City or other governmental entity to adequately provide service or effectively maintain an adequate level of service to the site;

(2) The public health, safety, convenience, and welfare of the citizens, would be adversely affected by requiring a public street; or

(3) A proposed street will not comply with one or more applicable ordinance, regulation, rule, or policy concerning the standards of design or construction for a public street.

[545] Wording of current 7.704 (Private Streets) reordered and clarified. Subsection b is new.

b. The City may approve the installation and construction of private streets when requested by a developer if the Manager, City Engineer, and Fire Department determine that the proposed private street:

(1) Will protect the public health, safety, and welfare as well or better than if a public street were required; and

(2) Will be maintained by an entity with adequate financial capability to perform routine maintenance and periodic replacement needed to maintain the quality of the street at a level equal or better than that of a public street.

2. Design and Location

The location and design of a private street or right-of-way shall be subject to the review and approval of the Manager, Traffic Engineering, and the Fire Department.[546]

3. Designation[547]

Each private street approved by the City shall be clearly designated as a private street on the subdivision plat, and the plat shall include a note clarifying that the City is not responsible for maintenance of the private street.

4. Street Name Signs

a. It is the responsibility of the property owner(s) or an authorized agency on behalf of the owner(s) to erect and forever maintain permanent signs that shall identify the name of each private street or right-of-way.

b. Each required street sign shall be of a brown background with white reflective lettering and shall, in every other respect, conform to the specifications of the "Manual on Uniform Traffic Control Devices."

c. Each required street sign shall be erected no later than that point in time when the occupancy of one-half (1/2) of the units on the block face has occurred.

d. Failure to erect the required sign shall result in disapproval of final inspection, refusal to issue a certificate of occupancy, revocation of certificate of occupancy or other action authorized in Section 7.5.9 (General Enforcement) or Section 1.1.201 (General Penalty), as applicable. The property owner(s) or an authorized agent, upon notification of noncompliance and subsequently failing to meet or cause to be met all applicable requirements shall be responsible for any and all expenses incurred on the part of the City or any authorized agent in the enforcement of and compliance with this Section 7.4.304G.4.[548]

H. Street Names[549]

1. Approval

All street names, both public and private, shall be subject to the approval of the Planning Department, Traffic Engineering, Colorado Springs Police Department Enhanced 911 Database Coordinator, Fire Department, and the Building Official. For purposes of this Section 7.4.304H, the official street name list to be used in the review of street names shall be that list commonly known as the master street address guide maintained by the El Paso/Teller County Enhanced 911 Authority Board.

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[546] Reference to Manager added because of focus on connectivity in PlanCOS.
[547] Replaces current vague text "The designation of a private street or right-of-way shall be subject to the requirements of this part." Requirement to comply with street naming requirements in the following section was clarified.
[548] Subsection d will be consolidated with other enforcement provisions in the administration and enforcement chapter.
[549] Prior subsection 7, Street Name Changes, established the administrative process for changing street names. It has been removed from the Revised Public Draft and has been consolidated with other administrative procedures in Article 7.5 as part of Module 3.

2. Street Name Regulations

The following regulations shall apply to all newly platted or renamed streets:

a. Address Assignment

Numeric address assignment shall be subject to the approval of the Building Official as required by Section RBC312 (enumeration code) of the Regional Building Code.

b. Street Names

All street names shall be established by the use of common English spelling.

c. Directional Entries

No directional entries shall be allowed as part of a street name, for example, but not by way of limitation, Northpointe Drive.

d. Residential Street Names

Residential street names shall be limited to a maximum of 14 letters, not including the street name designation. Two word street names are permitted.

e. Duplicate Street Names

Duplicate street names shall not be approved regardless of the street designation, for example, but not by way of limitation, Chelton Road, Chelton Loop, Chelton Circle.

f. Street Names Similar to Other Streets

Street names that closely approximate the spelling or phonetically sound similar to a platted street in the El Paso County-Teller County 911 service area shall not be approved.

g. Numeric Spelling in Street Names

The use of street names containing numeric spelling is prohibited, for example, but not by way of limitation, Two Branch Lane, or Six Pack Avenue.

h. Street Designators in Street Names

A street designator (such as the use of “way” in “Aspenway” Drive) shall not be used as part of the street name.[550]

i. Exceptions

Exceptions to the street name regulations may be allowed in accord with Section <> [Administrative Adjustment process] if recommended for approval by the reviewing departments and agencies listed in Section 7.4.304H.1.[551]

3. Continuity of Names

Any street that is a continuation or a logical approximate extension of an existing dedicated street, a platted street, a deeded street, a proposed street as shown on an approved Concept Plan or approved Development Plan, or a street on the major thoroughfare plan shall bear the same street name unless the continuation is to be designated as a private street.

4. Small Cul-De-Sacs

Small cul-de-sacs that have fewer than five interior lots shall bear the name of the intersecting street and the property shall be sequentially numerically addressed from the block series of the intersecting street.

[550] Relocated from Continuity of Names section below, where it was miscodified.
[551] Reference to the subdivision waiver process replaced by reference to administrative adjustment process because the former is not currently used as a separate process and is being removed from the UDC.

5. Public Street Name Designation

Street type abbreviations shall comply with the National Emergency Number Association (NENA) standards. Street name designations shall be as defined by Traffic Engineering and used as follows:

a. Boulevard or Parkway

Shall be reserved for streets designated on the major thoroughfare plan which are planned to have a median divider of sufficient size to allow for landscaping.

b. Avenue or Road

Shall be reserved for streets of substantial continuity such as major or minor arterials of the major thoroughfare plan.

c. Street or Drive

Shall be reserved for streets of less continuity such as collector streets.

d. Court, Place, Circle, Way, Terrace, Lane, Loop, Trail or Path

Shall be reserved for streets with no continuity.

6. Private Street Name Designations

Any private street or right-of-way shall be designated as follows: Grove, Heights, Point, or View.

7. Temporary Posting of Public or Private Street Name Required

a. In order to ensure the timely and effective delivery of public services, including, but not limited to, emergency assistance, provision of utilities, and required inspections, it shall be the responsibility of the subdivider, a duly authorized agent, or other subsequent property owner(s) to ensure the temporary posting of street names in subdivisions or areas of the City where new construction of building(s) is occurring.

b. Such temporary posting of a street name shall occur within a 48 hours after issuance of the first building permit to allow construction in a block face.

c. Such a street name sign shall be of any material that is weather resistant, shall be lettered to be legible and weather resistant, shall be placed in a location that is convenient and visible and at the appropriate intersection, and shall be maintained until a permanent sign is installed.

d. Temporary access to any property based on a temporary posting of a street name shall not be construed as a guarantee of continued usage of any numeric address and/or street name that may have been assigned at time of approval of temporary access.

7.4.305 Arterial Roadway Bridges[552]

The system for funding a portion of the costs of constructing or expanding roadway bridges for freeways, expressways, and major or minor arterial roadways bridges in the City is established in Section 7.4.702 (Drainage Basin Fee Program).

7.4.306 Assurances and Guarantees for Public Improvements[553]

A. Statement Required

The approved Final Plat shall contain the following statement:

[552] From Article 7, Part 10, most of the regulations on this topic were relocated to Section 7.4.702 (Drainage Basin Fee Program) in the Revised Public Draft at the direction of staff.

[553] From Article 7, Part 11 (Assurances and Guaranties for Public Improvements). Wording of some sections revised for clarity and internal consistency. This Section may be moved to Module 3 in order to create a consistent approach to Assurances and Guarantees regardless of whether they related to subdivision improvements or other improvements required by the UDO.

"No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs, Colorado Springs Utilities, and the Stormwater Enterprise or alternatively until acceptable assurances including but not limited to letters of credit, cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including but not limited to drainage, Permanent Control Measures, channels, streets, and erosion control have been placed on file with the City of Colorado Springs."

B. Specific Requirements Prior To Building Permit Issuance[554]

1. Streets and Drainage Improvements

a. Whenever the tract of land to be platted includes or abuts a major street (street with right-of-way width greater than 60 feet) or major drainage improvement (drainage facilities identified in the City's Drainage Basin Planning Studies and master drainage plans), or a major street or major drainage improvement is necessary to serve the land to be platted, such major street or major drainage improvement, or both, shall be completed prior to the issuance of building permit or acceptable assurance guaranteeing the completion of the major streets or drainage improvements shall be filed with the City.

b. All other public or private drainage improvements necessary to convey and control the quality of stormwater runoff from or through the land to be platted to protect the building sites for which the building permit is requested, or to protect downstream property owners, shall be installed and completed, and public drainage improvements shall be accepted by the City, before the first building permit for the platted land is issued. The City Engineer may authorize the issuance of building permits before public or private drainage improvements are installed or completed, or before public drainage improvements are accepted by the City, provided that the permit applicant agrees simultaneously to construct the drainage improvements with the buildings for which the permits are issued and acceptable assurances are on file with the City. No buildings constructed shall be occupied, unless otherwise approved by the City Engineer, until the City has accepted the public drainage improvements and all private drainage improvements are installed or completed, based on documentation satisfactory to the City Engineer.

2. Utilities

a. No building permits within any plat shall be issued for sites requiring utility extensions and/or service connections until all required utility plans, coordination efforts, agreements, or other specific requirements, as specified by Colorado Springs Utilities, are completed and on file with Colorado Springs Utilities.[555]

b. The payment of all utility development charges, recovery agreement charges, and all other Utilities charges associated with the building permit process shall be payable in full at the time the building permit is issued or as directed by City Council. Such charges shall not be waived for governmental, quasi-governmental, or any other user wishing to connect to a City utility service.

3. Streets

Minor streets serving as access to a requested building permit site shall be installed, completed, and approved, or acceptable assurance guaranteeing the completion of that improved access shall be placed on file with the City, prior to the issuance of a building permit for that site.

[554] The content of this Section is under continued discussion by staff.
[555] Revised per Colorado Springs Utilities.

4. Obligations of Landowners

The obligation to provide, construct, or install public improvements[556] as set forth in this Code shall be the obligation of the landowner, and shall run with the land and shall be the obligation of future landowners, successors in interest, assignees, or any other persons who take title to the property or any lot or part of the property.

5. Return of Fees and Release of Assurance[557]

a. If it becomes impossible to proceed with a development for which a Final Plat has been approved, under an order of any court or other public authority having jurisdiction, including the City, or as a result of an act of government, including but not limited to a declaration of national emergency making materials unavailable through no act or fault of the subdivider or a natural catastrophe such as flood or earthquake or similar act or occurrence over which the subdivider has no control, the subdivider may apply to the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, for return of fees paid for facilities and release of acceptable assurance on file with the City. No such fee or payment paid shall be refunded or acceptable assurance released unless the recorded plat for which the fees were paid or for which acceptable assurance was filed is vacated.

b. Upon receipt of such application, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, shall investigate the circumstances set forth in the letter of application to verify those circumstances. If the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, finds no sales of land in a subdivision with reference to the final recorded plat, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, may relieve the subdivider from the requirement of filing acceptable assurance and may release the assurance previously filed with the City and refund the fees paid upon vacation of the plat. If the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, finds that lands have been sold or developed, the City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, shall require the installation of all required improvements from the nearest improved street or from the nearest utility main or line of adequate capacity to such point as shall be necessary to serve the land so sold or developed. The City Engineer, with concurrence from the Stormwater Enterprise Manager as appropriate, may release the assurance as to unsold and undeveloped land beyond that point, provided, however, that the existing stormwater facilities are adequate to protect existing development. No fee or payment for unsold and undeveloped land shall be refunded or acceptable assurance released unless the portions of the recorded plat covering the unsold and undeveloped land for which the fees were paid or for which acceptable assurance was filed is vacated.[558]

c. No building permit shall be issued for the construction of any improvement on the land for which a fee or acceptable assurance would otherwise be required under this Section 7.4.306 while such release is in effect.

C. Renewal and Update of Acceptable Assurance

1. Responsibility of Subdivider

If assurances filed with the City expire, no building permits for a building site shall be issued after the date on which they expire. It shall be the responsibility of the subdivider to keep current all assurances filed with the City. The City shall have the right at any time to increase or decrease the amount of assurance in accord with the current estimates of public improvements or utilities, it being the intent of this provision that the subdivider shall pay the entire cost of all

[556] Reference to utilities deleted in Revised Public Draft at staff direction, because utilities are included in public improvements.
[557] Text revised in numerous places to require concurrence of Stormwater Enterprise Manager for these decisions in Revised Public Draft.
[558] Last sentence added for clarity and internal consistency.

improvements, and the subdivider shall limit the subdivider's liability for those entire costs by filing assurances based upon estimates.

2. Release of Assurances

Except as provided in this Section 7.4.306, assurances for public improvements shall be released upon inspection and acceptance by the City in accord with the Subdivision Policy Manual. If upon inspection of the public improvement deficiencies are found, then only that portion of the public improvements that are found to be acceptable shall be released from assurance. An acceptable amount of assurance as determined by the City shall be maintained to cover the cost of repair or correction. Upon completion of the repair or correction to the satisfaction of the City, the balance of the assurance shall be released. In order to obtain a release of reduction of assurance filed with the City, the request must be made in writing to the City Engineer for an inspection of the improvements covered by the assurance.

3. Subdivision Financial Assurance

a. Assurances Provided[559]

(1) Financial assurances for construction shall be provided by subdividers and other developers responsible for constructing public street and stormwater infrastructure for the City. A financial assurance in and on a form approved by the City Attorney and issued by a surety approved by the City Attorney, must be posted for public improvements according to the following table:

Table 7.4.3-A
Financial Assurances

Total Financial Assurance Obligation	Financial Assurance Required
$200,000.00 or less	90 percent
$200,000.01 - $400,000.00	80 percent
$400,000.01 - $600,000.00	70 percent
$600,000.01 - $800,000.00	60 percent
$800,000.01 or greater	50 percent

Notes:
"Total financial assurance obligation" means the sum total dollar amount of each individual construction assurance due to the City from the subdivider or developer. The financial assurance percentage referred to in the above table means that percentage of the total financial assurance obligation which is due to the City from the subdivider or developer to satisfy the subdivider's or developer's assurance obligation. By way of example, in subdivision A, approved on January 10, 2002, a subdivider or developer has a street financial assurance obligation of $100,000.00 and a separate drainage financial assurance obligation of $300,000.00. The subdivider's or developer's financial assurance percentage required to be posted would be 90 percent for the street and 80 percent for the drainage.

(2) Subdivider's Responsibility to Retain Required Amount of Assurances[560]

In the event the City draws upon a subdivider's or developer's financial assurance percentage so that the dollar sum of financial assurance available to the City drops below the financial assurance percentage required, the subdivider or developer shall within 14 calendar days increase dollar sum of the financial assurance to not less than the minimum level shown in the table above.

b. Obligation

Nothing in this Section 7.4.306 shall be deemed to relieve any subdivider or developer of the obligation to complete construction and maintenance obligations for all improvements

[559] Former subsection (3), Warranty Retainage and Cap, carried forward from Section 7.7.1105C.2 of the existing zoning and subdivision ordinance, has been removed at staff's direction.
[560] New title for existing text.

required by this Section 7.4.3.[561] Forfeiture of assurances under this Section 7.4.306 shall be penal and punitive, and the City shall retain all rights to utilize forfeited funds in a manner that it deems appropriate.

c. Certification of Compliance[562]

All improvements required by this Section 7.4.3[563] shall be certified in compliance with the approved construction plans and specifications by a professional engineer licensed in the State of Colorado, prior to any acceptance of that infrastructure by the City and prior to commencement of any warranty period.

7.4.307 Park and School Site Dedications[564]

[Updated provisions to be incorporated in Consolidated Draft]

7.4.308 Off-Street Bicycle Path Land Dedications[565]

A. Purpose

Subdividers of land shall provide land for off-street bicycle paths in the recommended network of the Bike Master Plan and Parks Master Plan. It is the purpose of this Section 7.4.308 to require the dedication of land to fulfill the needs set forth in the Bike Master Plan and Parks Master Plan, as adopted by City Council.[566]

B. Access and Connectivity[567]

All required street improvements shall comply with the access and connectivity standards in Section 7.4.4.

C. Dedication of Land for Off-Street Bicycle Paths

1. Bicycle Paths Located Adjacent to Arterial Streets

Where an off-street bicycle path is to be located adjacent to a major street, as shown by the Bicycle Master Plan and Parks Master Plan,[568] the subdivider shall be required to dedicate an amount of right-of-way or provide a public access easement sufficient to accommodate the appropriate bicycle facility as directed by Traffic Engineering per the guidance of the Traffic Criteria Manual, and the standards set in the Bicycle Master Plan.

2. Bicycle Paths Not Located Adjacent to Arterial Streets

Where an off-street bicycle path is to be located not adjacent to a major street that is not an arterial street, as shown by the bicycle plan, the subdivider shall be required to dedicate an amount of right-of-way and/or provide a public access easement such that a strip of land at least 14 feet in width is available for the placement of a bicycle path.[569] The required strip of land may include a combination of available public utility or public drainage right-of-way or easement, additional dedicated right-of-way, public access easement, or a combination of the those means. The Utilities Executive Director, Stormwater Enterprise Manager, and City Engineer shall determine the amount of public utility or public drainage right-of-way or easement available for

[561] Reference to public streets and drainage infrastructure revised to cover all required improvements to match current practice.
[562] Additional sentence requiring compliance with compaction standards was deleted in Revised Public Draft as unnecessary in light of other cross-references to adopted City standards.
[563] Reference to public streets and drainage infrastructure revised to cover all required improvements to match current practice.
[564] From Article 7, Part 12 (Park and School Site Dedications). These regulations were replaced by Ordinance No. 21-24, adopted on March 6, 2021, and the new regulations will be incorporated into the Consolidated Draft.
[565] Text revised for clarity.
[566] Reference to the comprehensive plan replaced by reference to bicycle plan. The topics in this subsection are being addressed in the City's complete street policy, and will be updated as that policy is finalized. Reference to b
[567] New standard to implement PlanCOS goals.
[568] If the Complete Streets policy is adopted by then, the Consolidated Draft will reference the Complete Streets Guidelines.
[569] The Administration and Enforcement Article will include a provision clarifying that these and other case-specific requirements to dedicate land or pay money to the City for rights-of-way or other public use are subject to an individualized determination to comply with state and federal law. Text clarified to clarify applicability to public easements in Revised Public Draft.

this purpose. In no instance shall bicycle path improvements conflict with utility or stormwater facilities.

7.4.4 ACCESS AND CONNECTIVITY[570]

7.4.401 Purpose[571]

This Section 7.4.4 is intended to implement the policy of the City that:

A. Streets shall be planned, located, constructed, named, and numerically addressed to promote the health, welfare, and safety of the public. Streets in the City shall provide for ease of vehicle, bicycle, pedestrian, and public transit circulation and the lessening of traffic congestion. Streets shall be designated and constructed to provide for safe and convenient resolution of potential conflicts between alternative modes of transportation.[572]

B. Major streets shall provide for the rapid and relatively unimpeded movement of vehicular traffic throughout the City, while still accommodating safe and convenient movement of pedestrians on the City's arterial streets, and major streets shall be located so as to provide access to major land use and/or activity centers in the City.

C. Minor streets shall provide safe and convenient vehicle, bicycle, and pedestrian access to all property in the City.[573]

7.4.402 General Standards[574]

A. Compliance with Life Safety Regulations

In addition to all other provisions of this Section 7.4.4, all developments shall comply with all applicable regulations and standards for fire protection, emergency vehicle access, and life safety adopted by the City, including without limitation those that may limit the number of residential dwelling units relying on a limited number of vehicle access points. If there is a conflict between the requirements of this Section and life safety or engineering standards, the Manager in consultation with the Director of Public Works shall determine which standard shall apply.

B. Americans with Disabilities Act

1. Compliance with the Americans With Disabilities Act ("ADA") and other Federal and State accessibility laws is the sole responsibility of the property owner. Therefore, compliance with this Code does not assure compliance with the ADA or any other federal or state accessibility laws or any regulations or guidelines enacted or promulgated under or with respect to such laws. The City of Colorado Springs is not responsible for enforcement of the ADA or any other federal or state accessibility laws.

2. The following note shall be added to all Development Plans and Preliminary Plats, whichever is applicable, prior to approval:

> "The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications and the proposed plan reflects all site elements required by the applicable ADA design standards and guidelines as published by the United States Department of Justice. Approval of this plan by the City of Colorado Springs does not assure compliance with the ADA or any other Federal or State accessibility laws or any regulations or guidelines enacted or promulgated under or with respect to such laws. Sole

[570] New section consolidating and updating all standards related to this topic for both subdivisions and site plans.
[571] From Article 7, Part 7 (Streets in Subdivisions).
[572] Minor wording changes.
[573] Reference to pedestrian and bicycle access added for consistency with PlanCOS.
[574] New standards. Previous similar text changed in Revised Public Draft -- paragraph B now carries forward Section 7.4.102H of the existing zoning and subdivision ordinance.

responsibility for compliance with Federal and State accessibility laws lies with the property owner."

3. Each Development Plan submitted to the City of Colorado Springs shall illustrate the provision of ADA accessible routes in accord with the applicable ADA design standards and guidelines as published by the United States Department of Justice with clearly identified corridors reflected on the site development plan, as applicable.

7.4.403 Access and Connectivity in Subdivisions[575]

The following standards apply to the layout and design of subdivisions approved after the Effective Date, including all streets whether public or private.

A. Street System

Design and development of the street system in a subdivision plat shall conform to the requirements of this Section 7.4.403. Whenever a tract shown on a subdivision plat includes or abuts a major street designated on the major traffic thoroughfare plan, that section of the major street shall be dedicated and constructed in the location and at the width indicated on the plan.

B. Street Layout[576]

1. Block Length

a. The maximum length of any block within a subdivision shall comply with the block length requirements in the table below unless the exemptions in Subsection b below apply.

Table 7.4.4-A
Block Length Requirements

Zone District	Maximum Average Block Length (ft.)	Maximum Block Length (ft.)	Maximum Block Perimeter (ft.)
R-E, R-1 9, R-1 6, R-2, R-Flex Low	550	650	2,200
R-4, R-5, R-Flex Medium, R-Flex High, MX-N	600	800	2,400
MX-M, MX-L, MX-I	800	1,000	2,800
All other zone districts	None	None	None

b. The City may approve a block length that does not comply with Subsection a above in either of the following situations:

(1) The Manager, City Engineer, and Fire Department determine that one or more of the following conditions prevents a through connection and there are no other practical alternatives:

(a) Physical obstacles such as prior platting of property from another landowner;

(b) Existing buildings or other barriers;

(c) Slopes that exceed 15 degrees;

(d) Wetlands and water bodies;

(e) Railroad or utility right-of-way; or

(f) Existing limited-access motor vehicle right-of-way.

(2) To accommodate parks, dedicated open spaces, civic uses, pedestrian-oriented campuses, conference centers, stadiums, or arenas, or other similar pedestrian-oriented, civic, or large-scale assembly uses.

[575] From Article 7, Part 7 (Streets in Subdivisions) with minor wording revisions for clarity and internal consistency.
[576] New subsection that provides enhanced block length requirements to improve connectivity and accessibility within a new subdivision or _____ Plan, and external access requirements to improve accessibility and mobility. Since Module 1, references to R-4 and R-5 districts reinserted.

2. External Access[577]

a. All subdivisions shall provide vehicular access to the street system outside the subdivision in accordance with the table below unless the exemptions in Subsection b below apply.

Table 7.4.4-B
Minimum Subdivision Access Points

Development Type and Size			
Residential, Four-Family Units or Smaller	**Residential Five or More Units, Up to Three Stories**	**All Other Uses**	**Minimum Number of Vehicle Access Points**
Fewer than 40 units	Fewer than 80 units	Fewer than 5 acres	1
Between 40 and 80 units	Between 80 and 160 units	Between 5 and 20 acres	2
More than 80 units	More than 160 units	More than 20 acres	3

b. The Manager, City Engineer, and Fire Department may approve a subdivision with fewer access points than required in Subsection a above if the applicant demonstrates:

(1) The provision of additional vehicular access points is not possible due to existing lot configurations, the absence of connecting streets, or environmental or topographical constraints;

(2) CDOT or another non-City jurisdiction will not authorize additional access points and there is no reasonable alternative that avoids the use of the CDOT or other non-City roads on which access is limited; or

(3) Alternative access can be provided in a manner acceptable to the City that provides adequate vehicular circulation and is supported by a traffic impact study acceptable to the City.

3. Future Streets[578]

The street system shall be designed to align with and continue existing or proposed streets in abutting lands, where the adjoining lands are developed and have rights-of-way dedicated or reserved for such connections, or where proposed roads to the abutting lands are included on a Concept Plan, the Comprehensive Plan, or another plan approved by City Council. All such streets shall be of equal width in right-of-way and in street section with the existing or planned streets on the abutting lands with which they align.

C. Street Design[579]

1. Basic Street Design

Except in cases where the major traffic thoroughfare plan, Concept Plan, or a plan adopted by City Council line specifies a greater or lesser width as a minimum, the minimum right-of-way, roadway, planter strip, sidewalk and pedestrianway widths shall comply with the standards in the Subdivision Policy Manual.

a. On-Street Bicycle Routes

All streets designated by the Bicycle Master Plan or the Parks Master Plan as on-street bicycle routes shall be designed as indicated in the Traffic Criteria Manual or pursuant to the direction of the City Engineer.[580] The subdivider shall submit a master facilities plan to

[577] Colorado Springs Fire Department is reviewing this standard for consistency with internal standards.
[578] New standard.
[579] Minor wording changes for internal consistency. References to the Complete Streets standards will be added when they are adopted. Minor wording changes to clarify that plans must be approved by the City in Revised Public Draft at staff's direction.
[580] Reference to transportation policies replaced with reference to TCM and City Engineer.

the Manager, City Engineer, Stormwater Enterprise Manager, and Utilities Executive Director for review.[581] The master facilities plan shall show the placement and size of all public facilities including curb, gutter, sidewalks, pavement, utility lines, and stormwater facilities and easements, and shall be approved by the Manager and City Engineer and/or Utilities Executive Director.

b. Off-Street Bicycle Paths Located Adjacent to Arterial Streets

Where bicycle paths are to be located adjacent to arterial streets, as shown by the Bicycle Master Plan or the Parks Master Plan, the street right-of-way, bike path, and planter strip dimensions shall be designed as indicated in the Traffic Criteria Manual or pursuant to the direction of the City Traffic Engineer. The subdivider shall submit a master facilities plan to the Manager,[582] City Engineer, Stormwater Enterprise Manager, and Utilities Executive Director for review. The master facilities plan shall show the placement and size of all public facilities including curb, gutter, sidewalks, pavement, utility lines, and storm drainage facilities and easements, and shall require approval by the Manager and the City Engineer and/or Utilities Executive Director.

2. Frequency of Street Intersections and Visibility

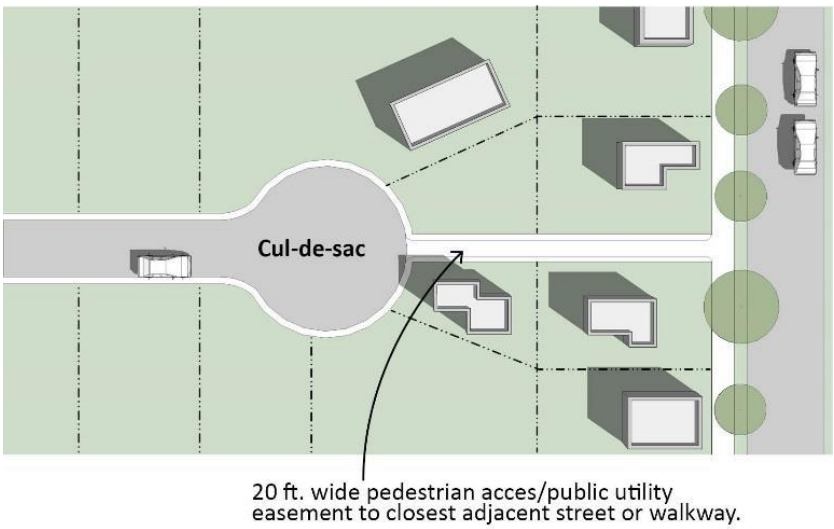
Street intersections shall be at right angles or as nearly so as topography and other limiting factors of good design will permit. “T” or “cross” intersections shall be used wherever possible and intersections designed on a curve shall not be allowed except when topography or other limiting factors warrant. Frequency of intersections shall be as outlined in this Section 7.4.4, as applicable, and in the Subdivision Policy Manual.

3. Cul-De-Sacs[583]

a. The maximum length of the cul-de-sac shall allow for effective fire protection in the event the entrance to the cul-de-sac is wholly or partially blocked, and for efficient provision of utilities. The Preliminary Plat shall not include any cul-de-sac over 600 feet in length, as measured from the curb line at the farthest end of the cul-de-sac to the centerline of the through street to which it connects, unless the applicant obtains the written approval of the Fire Department and City Engineer and/or Utilities Executive Director prior to submittal of the Preliminary Plat or Development Plan.[584]

[581] Reference to Manager added.
[582] Reference to Manager added.
[583] To improve subdivision design and accessibility, limits cul-de-sac length and requires a pedestrian easement through the end of cul-de-sacs where feasible to improve pedestrian connectivity. Requirement for a showing of impracticability of building a through street connection before allowing a cul-de-sac has been removed from the Revised Public Draft at staff’s request.
[584] Reference to Development Plan added in Revised Public Draft.

b. Whenever a cul-de-sac is permitted, a pedestrian access/public utility easement at least 20 feet in width shall be provide between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or walkway, unless the City Engineer and the Manager determine that public access in that location is not practicable due to site or topography constraints.[585]



4. Half Streets

Half streets or portions of a street are permitted only with approval of the City Engineer based on considerations of vehicle, pedestrian, and bicycle safety, and adequate space for utilities and stormwater infrastructure.[586]

5. Alleys

Where provided, alleys shall be fully improved to the specifications of the public works design manual and Subdivision Policy Manual, shall contain a right-of-way width of at least 20 feet, and shall be certified by the City Engineer as meeting such design specifications. The Planning Commission may prescribe the installation of alleys in commercial and industrial areas when such alley(s) are necessary for good traffic circulation.

6. Grades

Grades shall be as prescribed in the Subdivision Policy Manual.

7. Curves

Minimum horizontal and vertical curves shall be as prescribed in the Subdivision Policy Manual.

8. Temporary Dead End Streets

On stub end streets designed to provide future connection with adjoining unsubdivided areas, there shall be provided a temporary turnaround at the stub end or a temporary connection to another street if required by the City Engineer. If such a provision is required, the design for such stub end or connecting street shall be approved by the City Engineer.

9. Vehicle Access[587]

Access from arterial streets into a residential development shall meet the requirements of the table below.

[585] Reference to Manager added in Revised Public Draft.
[586] Text replaces current prohibition of half streets and partial streets; reference to utility and stormwater infrastructure added in Revised Public Draft at staff's request.
[587] New standards.

Table 7.4.4-C Residential District Access Standards	
A	All residential units and associated parking spaces shall have direct vehicular access from a public street or alley or private street.
B	Vehicular access shall be from local or collector streets only, except that R-5 or R-Flex High districts may have curb cuts from an arterial street if the City Traffic Engineer determines the access is safe as supported by a traffic study.[588]
C	Vehicular access to multifamily developments shall be oriented toward local or collector streets serving mixed-use or special purpose districts, rather than local or other streets that serve the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or that serve approved PUDs containing predominantly single-family detached dwellings, two-family dwellings, three-family, or four family dwellings.[589]

D. Sidewalks and Pedestrian Curb Ramps[590]

The following standards shall apply to the installation of curbs, sidewalks, pedestrian walkways, and pedestrian curb ramps.

1. Sidewalk and Pedestrian Walkways

Sidewalks shall be required on both sides of all City streets, except as provided below, and shall comply with the following standards:[591]

a. In residential developments that are not zoned PUD and that have a net density of two dwelling units per acre or less, sidewalks are required on both sides of all public and private streets.[592]

b. In PUD zoned residential developments, sidewalks shall be required on both sides of all public and private streets.[593]

c. Notwithstanding Subsections a and b above, sidewalks shall be required adjacent to all developed parks and schools.[594]

d. In locations where sidewalks on both sides of the street are not provided, an ADA-compliant Pedestrian Accessible Route must be identified and may be required to include curb ramps, sidewalks, walkways, and other compliant infrastructure.[595]

e. Sidewalks shall be constructed in accord with Engineering Criteria Manual, subject to modification by the City Engineer based on topography or site conditions.[596]

f. All required sidewalks and pedestrian walkways shall be installed at or before the time of issuance of any certificate of occupancy for an abutting property. The certificate of occupancy will be withheld until all sidewalks are completed.[597]

g. If required sidewalks or pedestrian walkways have not been installed at the time of issuance of the certificate of occupancy due to inclement weather or another reasonable delay approved by the City Engineer, then an acceptable financial assurance pursuant to Section 7.4.306 (Assurances and Guarantees for Public Improvements) shall be placed on

[588] Last clause requiring Traffic Engineer approval is new.
[589] Expanded to include reference to three- and four-family dwellings. Reference to reinserted R-5 district added.
[590] From current Section 7.7.704E. Materials on adjustments to standards and appeals of related decisions will be consolidated with similar provisions in the administration and enforcement chapter.
[591] Separate requirement for sidewalks adjacent to parks and schools deleted because changes to subsections a and b now cover all streets.
[592] Expanded from current requirement for sidewalks on both sides of arterials and collectors and one side of other streets.
[593] Expanded from current requirements for sidewalks on both sides of arterials and collectors and other streets per PUD plan.
[594] Reference to schools added.
[595] Added in Revised Public Draft at direction of engineering staff.
[596] Decision criteria have been added and reference to public works standards revised to Engineering Criteria Manual. References to the Complete Streets standards will be added when they are adopted.
[597] Reference to first abutting property added to reflect current practice.

file with the City Engineer prior to final inspection and issuance of the certificate of occupancy. The City will release assurances upon inspection and acceptance of the sidewalks.

2. Accessways[598]

In the MX-M and MX-I districts, accessways that accommodate bicycles, pedestrians, and other non-motorized access and that are open to the public shall be required through and near the middle of any block that is longer than 600 feet, as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street on the opposite side of the block. Accessways shall not be required if the applicant demonstrates there is no appropriate destination at the other end (e.g. the accessway would terminate at a lake). Where required, these accessways:

a. Shall be a minimum of 14 feet in width;[599]

b. May use an alley for a portion of the through connection; and

c. Shall terminate at public sidewalks or other spaces accessible to the public.

3. Curb Ramps

a. All new development requiring sidewalks shall provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons as required by the Americans with Disabilities Act.

b. Pedestrian curb ramps shall be constructed at all pedestrian crosswalks at all intersections in conjunction with the construction of the new street, or if street curbs exist, the curb (curb and gutter) shall be removed and a ramp installed.[600]

c. Limiting conditions or safety concerns such as physical constraints, limited sight visibility, steep grades, drainage problems with a potential for property damage or undesirable crosswalk locations, as determined by the City Engineer, may necessitate the exclusion of a pedestrian ramp. Where such conditions exist, the City Engineer may grant a waiver for such locations after written request is received detailing the request and appropriate limiting conditions or problems.[601]

7.4.404 Access and Connectivity in Development Plans[602]

The following standards apply to the layout and design of Development Plans for development on approved subdivision lots after the Effective Date.

A. Multi-family Development and Mixed-Use and Business Park Districts

The following standards apply to all multi-family development and to all development in Mixed-Use zone districts and the BP zone district, and to PUDs containing multi-family, mixed-use, or business park development approved after the Effective Date.

1. Vehicle Connectivity

Internal streets or driveways shall be located between multiple buildings and parking areas on a single lot or on abutting lots included in a Development Plan, or to break up large parcels into smaller, internal "blocks," and to avoid the need to use adjacent arterial or collector streets to move between different buildings or areas of the development site. Such connections shall:

[598] New standard that accompanies the new block-length standards discussed above, designed to reduce the length of walking trips. Does not apply in MX-L (where big box retail is anticipated).
[599] Requirement for minimum five foot sidewalk deleted.
[600] Requirement for curb ramps across driveways deemed unnecessary as sidewalk typically slopes across the driveway and removed from the Revised Public Draft at staff's request.
[601] Reference to limited sight visibility added.
[602] These are new standards that implement PlanCOS policies regarding "Strong Connections."

a. Create internal "blocks" for which the perimeter of each "block" created by internal streets and external streets is no greater than 2,640 feet.

b. Include a driving surface at least 16 feet wide if designed for two-way traffic, and eight feet wide if designed and signed for one-way traffic.[603]

2. Vehicle Access

Vehicular access lots located on arterial streets shall provide site access meeting the requirements below and the Traffic Criteria Manual.[604]

a. Curb cuts shall be located pursuant to the guidelines of the Traffic Criteria Manual, and no more than the required number of curb cuts shall be used.[605] For redevelopment sites, existing curb cuts are encouraged to be combined and may be used if approved by the City Traffic Engineer.

b. Vehicle entrances and exits shall be located a minimum distance from any intersecting right-of-way pursuant to guidelines of the Traffic Criteria Manual.[606]

c. Vehicle entrances and exits shall be located at least five feet from an adjacent property line for single-family and duplex residential development and 20 feet for all other development,[607] except where it is possible to provide one shared access point to serve the adjacent property on the other side of that property line.

d. Primary access points shall not require traffic entering or leaving the site to use local streets that serve the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or that serve approved PUDs containing predominantly single-family detached dwellings or two-family dwellings.

3. Pedestrian and Bicycle Access and Connectivity[608]

a. Required Pedestrian Connections

The following pedestrian connections are required, shall be constructed in accordance with the standards in Subsection b below, and shall support the bicycle connections required in Subsection c below to the maximum extent practicable.[609]

(1) Between Main Entry and Public Sidewalk

Each development shall provide a safe, convenient, and accessible pedestrian connection from the main entrance of a building to a public sidewalk or internal walkway that connects to a public sidewalk.

(2) To Adjoining Streets

Each development shall provide pedestrian connections between internal and perimeter sidewalks at a maximum of 1,000 feet along the perimeter street (i.e. pedestrians along the perimeter sidewalks shall be able to find a sidewalk connection into the internal sidewalk system without walking more than 1,000 feet along the perimeter of such a site.)

(3) Between Multiple Primary Buildings on a Site

Development containing more than one primary building shall provide walkways that connect the principal entrances of all primary buildings.

[603] Requirement for two-way traffic deleted and eight foot standard for one-way traffic added.
[604] Requirement that full movement development access driveways be aligned across intervening streets was deleted by staff.
[605] 200 foot minimum distance standard was replaced by reference to Manual.
[606] 50 foot minimum distance standard was replaced by reference to Manual.
[607] Replaces standard 10 foot spacing standard for all uses.
[608] New standards that implement PlanCOS policies regarding "Strong Connections."
[609] Reference to bicycle connections is new to help implement PlanCOS.

(4) To Adjacent Development

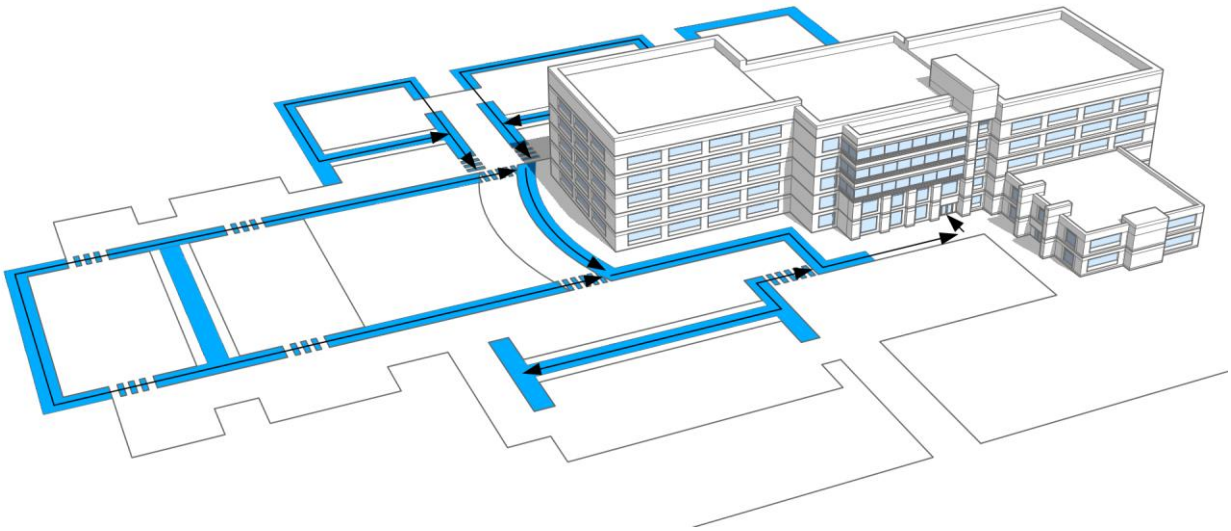
Perimeter sidewalks and internal walkways shall align and connect with any perimeter sidewalks and internal walkways on abutting properties that extend to the boundary of such properties, to the maximum extent practicable.

(5) To Transit Stops

Development within 200 feet of a transit stop shall provide walkways that connect the on-site pedestrian circulation system to the transit stop, or to a public sidewalk that connects to the transit stop, along a reasonably direct route.

(6) Through Large Parking Lots

Each parking lot containing 100 or more parking spaces, any of which are located more than 330 feet from the front façade of a building, shall contain walkways designed to allow pedestrians to access the front door of the primary building without the need to walk through parking areas and minimizing the need to cross driving lanes. See figure below.



b. Standards for Pedestrian Connections

(1) Walkways shall be a minimum of five feet wide.

(2) When a lot abuts public open space that includes existing or planned trails, a direct pedestrian connection at least six feet wide from the development to the existing or planned trail shall be provided.

(3) In a parking lot containing 50 or more spaces, at each point where a sidewalk must cross a parking lot, internal street, or driveway to make a required connection, the crossing shall be clearly marked using one of these methods:

(a) Changing material, patterns, or paving color

(b) Painting a distinctive color.

(c) Changing paving height.

(d) Decorative bollards or planters.

(e) Raised median walkways with landscaped buffers.

(f) Stamped or stained concrete.

c. Bicycle Connections[610]

On-site bicycle accesses that connect the on-site circulation system to existing or proposed streets, to bicycle connections, and to driveways open to the public that on abutting properties shall be provided to the maximum extent practicable.

B. LI and GI Zone Districts

The following standards apply to development in the LI and GI zone districts approved after the Effective Date.

1. In Development Plans and that include primarily industrial uses, the street layout shall generally align with the arterial and collector street system to the maximum extent practicable.

2. Shared internal roadways and defined truck routes that avoid conflicts with primarily residential and commercial use areas shall be included to the maximum extent practicable.

3. Where an LI or GI zone district occurs along an arterial street frontage and residential use areas are located across the arterial street, entries serving the LI or GI district shall be placed out of alignment with entries to residential use areas.

4. No curb cut sized or designed for site access into an LI or GI zone district by a semi-truck tractor and/or trailer, or for site access by a commercial vehicle, trailer, or bus exceeding 6,000 pounds empty weight, shall be permitted on streets that separate R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts from the LI or GI zone district.

5. Access and circulation shall be designed so that loading docks and loading dock doors are internally oriented and are shared with adjacent industrial development in order to consolidate and minimize street access points, to the maximum extent practicable.

7.4.5 GEOLOGICAL HAZARDS[611]

7.4.501 Purpose

The purpose of this Section 7.4.5 is to identify geologic conditions that may pose hazards to a land development project in order that appropriate avoidance or mitigation techniques may be implemented. The types of geologic hazards to be identified shall include but not be limited to the following: expansive soils and expansive rock; unstable or potentially unstable slopes; landslide areas or potential landslide areas; debris flow and debris fans; rockfall areas; compressible and collapsible soils,[612] geological faults; areas of possible subsidence, areas of abandoned mining activity; shallow water tables; groundwater springs; flood prone areas; landfills and areas of uncontrolled and undocumented fill; and steeply dipping bedrock.

7.4.502 Applicability[613]

A geologic hazard study shall be required in conjunction with the City's review of the following type of land development applications and/or hazard areas unless otherwise provided in this UDC:[614]

[610] New standards.
[611] From Part 5 or Article 4 of the current zoning and subdivision ordinance.
[612] Reference to compressible soils added in Revised Public Draft.
[613] Wording of several sections reorganized and simplified for clarity. The current exemption for areas east of I-25 has been removed and the exceptions to those exceptions have been incorporated into this section. Current text on waivers will be consolidated with other waiver provisions in Module 3.
[614] Reference to hazard areas is new.

A. Rezoning requests when the Manager or City Engineer determine that a potential for geological risk is present;[615]

B. Preliminary Subdivision Plats;

C. New or updated Concept Plans;

D. Final Plats when a geological hazard study for the property has not previously been reviewed by the City, provided that:

1. A study is not required for replats of previous subdivisions in which buildings exist on each of the proposed lots and no new primary structures or new building sites are being created; and

2. If a Development Plan has not yet been submitted, the Manager may allow a required study to be delayed until the submittal of a Development Plan.

E. Development Plans (including expired plans that are being reconsidered), if a geological hazard study for the property has not previously been reviewed by the City, provided that a study is not required if no building or addition to an existing building is proposed.

F. Public improvement construction drawings.

G. The Manager may request a site-specific geologic hazard study in conjunction with a building permit for a new, reconstruction, or an expansion of the building footprint or deck if one of the following conditions apply:

1. Changes in drainage pattern or water flow in an area of landslide susceptibility; or

2. Excavation or vertical penetration equal to or greater than three feet in depth on existing slope of 15 percent grade or steeper.[616]

H. An application where any portion of the land is within the HS-O zone district, the SS-O zone district, a 100 year floodplain;

I. An application where any portion of the land is within any Potential Landslide Susceptibility and Mine Subsidence map published by the Colorado Geological Survey; or

J. An application where the owner, applicant, or City staff are aware that the land contains any of the following:

1. Existing or proposed slopes exceeding 33 percent or that are otherwise unstable or potentially unstable;

2. Underground mining or subsidence activity;

3. A history of a landfill or uncontrolled or undocumented fill activity; or

4. Other geologic hazards that pose a risk to the proposed project, other than seismicity, radiation (radon), collapsible or compressible soils, shallow water table or springs, steeply dipping bedrock, expansive soils, or expansive bedrock that can be mitigated with standard foundation design/construction practices.

7.4.503 Preparation of Geologic Studies and Report Guidelines

Each required geologic hazard study shall be prepared in accordance with the guidelines, criteria, policies and requirements for preparation, submittal, and review of a geologic hazard study in the City Engineer Criteria Manual/Subdivision Policy Manual and shall be:

[615] Planning Commission and City Council removed from this list, since it is very rare to have these bodies determine an application requirement; instead, the criteria for rezoning approval allow them to deny the application based on potential risks to public health and safety.
[616] Provision included at Engineer's request, replacing current standards.

A. Prepared by, or under the direction of, a professional geologist as defined by C.R.S. § 23-41-208, or by a qualified Professional (geotechnical) Engineer licensed by the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors.[617]

B. Signed by the professional geologist and/or by the Professional (geotechnical) Engineer who prepared or certified the study.

7.4.504 Scope of Study[618]

A. The requirements for scope of the geological hazard study are included in the Engineering Criteria Manual. In general, the study shall be of sufficient detail and scope to:

1. Identify the geologic hazards affecting the development site;

2. Analyze the potential negative impacts the geologic hazards will have upon the proposed project;

3. Provide mitigation techniques that will reduce to acceptable standards the risk posed to the development by any identified geologic hazards;

4. Analyze potential impacts the proposed project will have on surrounding properties or public facilities related to existing geologic hazards; and

5. Provide recommendations to be incorporated into the proposed project that mitigate significant potential impacts to surrounding properties or public facilities.

B. The conclusions and recommendations of the study shall be based upon:

1. Site Specific Subsurface Investigations (not required for master plan level studies);

2. Site reconnaissance to identify the geologic features of the site and surrounding property;

3. Review of previous geologic reports within close proximity to the subject site;

4. Review of past geologic mapping in the area; and

5. Conclusions drawn from the experience of the reviewing geologist or geotechnical engineer.[619]

7.4.505 Review of Geologic Hazard Studies

A. Geologic Hazard Studies

Geologic hazard studies will be reviewed by City staff in conjunction with the City's normal review of the land development application. If the City review determines that the study submitted is incomplete or fails to comply with the City's requirements, the study may be rejected and a new or supplemental study may be required. The City's review shall determine whether the findings, conclusions and recommendations of the study have been incorporated into the design of the Development Plan, Subdivision Plat, drainage plan, grading plan, street construction documents, and other public improvement construction drawings. In cases where significant geologic hazards are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project. Required mitigation measures shall include but not be limited to:

1. Changes to the proposed land use configuration;

2. Modification of land use types;

3. Modification of lot boundaries or building envelopes;

4. Special foundation designs;

[617] C.R.S. reference updated and wording revised for clarity at staff's request.
[618] We recommend this section be removed from the UDC and located on the City's website, along with other application materials and scopes of study requirements.
[619] Reference to geotechnical engineer added by staff for consistency in Revised Public Draft.

5. Geotechnical engineering solutions;
6. Limitations on irrigated landscape designs; and
7. Special underground utility infrastructure design.[620]

B. Independent Review

City staff, Planning Commission, or City Council may, at their discretion, have geologic hazard studies independently reviewed by the Colorado Geological Survey (CGS) or by an independent professional geologist or qualified geotechnical consultant. This separate discretionary review shall be completed within 21 working days of the date on which the decision to request independent review is made, shall supplement the City's review, and will be considered by the City in making a final recommendation or determination on the land development proposal application.[621]

C. Applicant Request for Consultant Review Panel[622]

1. Prior to Planning Commission consideration or final administrative decision, an applicant may request that the City convene a consultant review panel. Applicant's request shall be in writing and shall specify the issue(s) raised by independent review or City staff recommendation regarding a geologic hazard study with which the applicant disagrees. Applicant's request must be filed within 10 days after the date of either discretionary review or staff recommendation, whichever is later.
2. The consultant review panel shall consist of three members who may be either professional geologists or geotechnical engineers, or qualified Colorado Licensed Professional Engineers selected by the Manager who shall conduct a thorough evaluation of the geologic hazard study or independent review and may conduct site visits or request additional testing. The panel's findings shall be included in staff's recommendation on the application. The Manager may establish policies and procedures for panel review. The cost of the panel shall be borne by the applicant.

D. Incorporation of Recommendations

Recommendations of the geologic hazard study shall be incorporated, as applicable, into the approval of a Concept Plan, Development Plan, public improvement construction drawings, and building construction plans.

E. Geologic Hazard Study Review

At the discretion of the Manager, and concurrent with other City reviews, a copy of a final geologic hazard study and its related Concept Plan, Development Plan, Preliminary Plat, and/or Final Plat may be provided for review to the Colorado Geological Survey, an independent professional geologist, or an independent professional geotechnical engineer, with an anticipated response to the City within 14 days. If the City does not receive a response to the final geologic hazard study review from the Colorado Geological Survey, independent professional geologist, or independent professional geotechnical engineer within 14 days after submission, the City shall have the authority to process any approvals or denials of the associated plan or plat.[623]

F. Improvement Location Certificate

For any single-family or duplex land development proposal subject to a geologic hazard study, the applicant shall submit to the Manager an improvement location certificate prior to the issuance of a certificate of occupancy by the Regional Building Official. The improvement location certificate shall be prepared pursuant to the requirements set forth in C.R.S. § 38-51-108. The Regional Building

[620] Revised from "drainage designs" at staff direction.
[621] Start date for 21 day period clarified.
[622] Panel name revised and wording revised to align with previous sections.
[623] Minor wording changes to titles of require preparers in Revised Public Draft at staff's request.

Official shall not issue a certificate of occupancy until the manager reviews the improvement location certificate for conformance with the City approved land development proposal and site plan.

7.4.506 Disclosure Statement

The following disclosure statement shall be placed on each subdivision plat, Development Plan, and other City permit, plan, or approval that is subject to a geologic hazard study:[624]

> "This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared _____by dated _____, which identified the following specific geologic hazard on the property:
>
> _____.
>
> A copy of that report has been placed within file # _____or within the subdivision file of the Colorado Springs Planning Department. Contact the Colorado Springs Planning Department[625] 30 South Nevada Avenue, Suite 701, Colorado Springs, CO, if you would like to review the report."

7.4.6 GRADING AND EROSION CONTROL[626]

7.4.601 Grading, Erosion, and Stormwater Quality[627]

A. Purpose[628]

The purpose of this Section 7.4.601 is to safeguard life, limb, property, and the public welfare from adverse grading and erosion impacts to private and public property.

B. General Requirements[629]

1. Grading shall conform to all applicable safety requirements. An erosion control blanket shall be installed on all graded slopes three to one and greater. A slope stability analysis or approved alternative shall be performed for permanent slopes graded steeper than 2.5 to 1.

2. All construction activities shall follow the applicable standards and policies and may be required to provide assurances for erosion control as set forth in the Stormwater Construction Manual (SCM).

3. All projects shall be designed to avoid and/or minimize soil erosion, both during construction and at final stabilization.

4. All projects that propose grade changes over buried utility infrastructure shall be reviewed and approved by Colorado Springs Utilities.

C. Grading and Erosion Control (GEC) Permit[630]

1. No person shall undertake any grading on private property that will result in any of the following without first complying with the requirements of Subsection 2 below:

a. Construction activities disturbing one or more acres;

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[624] Broadened from current text listing only plat and development plan to reflect current practice.
[625] Department name updated.
[626] Previous consolidated section on all standards related to grading, stormwater, and erosion control has been split into two sections after review by City staff, Inconsistent references to City Engineer and Stormwater Enterprise Manager were changed to Stormwater Enterprise Manager throughout Section 7.4.6 per staff. Enforcement provisions will be included in Article 7.5 as part of Module 3.
[627] From Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans). Wording revised for clarity and internal consistency. This version incorporates substantial revisions by Stormwater Enterprise.
[628] New, simpler purpose statement.
[629] Section redrafted by City staff. References to assurances in SCM and grade changes over buried utility infrastructure added in Revised Public Draft.
[630] Section redrafted by City staff.

b. Construction activities that are part of a larger common plan of development or sale where the larger common plan disturbs one or more acres;

c. Any grading or construction within an open drainage channel as determined by the review engineer;

d. Any time a permanent control measure is constructed or substantially modified, to be defined as involving non-maintenance related activities; or

e. On any site as deemed necessary and required by the Stormwater Enterprise Manager.

2. Before engaging in any activity listed in Subsection 1 above, the owner of the property shall obtain a GEC Permit or an Associate GEC Permit according to conditions set forth in the Stormwater Criteria Manual. The following list of requirements is for reference only:[631]

a. An approved GEC Plan;

b. An approved City Stormwater Management Plan (CSWMP); and

c. A passed Initial Inspection.

3. In all zone districts, a GEC Permit or Associate GEC Permit issued by the Stormwater Enterprise Manager shall authorize the approved construction activity and implementation of the approved construction control measures, except as stated in Subsections 4 and 5 below.

4. In the HS-O (Hillside Area Overlay) zone district, approval of a Hillside Site Plan/Lot Grading Plan[632] is required in addition to a GEC Permit or Associate GEC Permit. No activity listed in Subsection 1 above may occur on lands in the HS-O zone district until an approval of a Hillside Development Plan has been obtained pursuant to Sections 7.2.502 (HS-O: Hillside Area Overlay)and 7.5.516 (Development Plan).

5. In SS-O (Streamside Overlay) zone district, approval of a Streamside Development Plan is required in addition to a GEC Permit or Associate GEC Permit. No activity listed in Subsection 1 above may occur in the SS-O zone district until an approval of a Streamside Development Plan has been obtained pursuant to Sections 7.2.504 (SS-O: Streamside Overlay) and 7.5.516 (Development Plan).

7.4.602 Nuisance to the Public Health, Safety and Welfare Declared

A. The Stormwater Enterprise Manager, after inspection, may declare a site to be a nuisance to the public health, safety, and welfare if any one of the following conditions exist:

1. Any fill, excavation, or grading exists that, as a result of natural or unnatural conditions, has or will result in damage to life, limb, or property;

2. Grading or any land disturbance is taking place without an active GEC Permit or Associate GEC Permit, if required by Section 7.4.601; or

3. The conditions of the GEC Permit or Associate GEC Permit are not implemented or are insufficient to protect public safety, property, or water resources.

B. A nuisance to the public health, safety, and welfare shall be abated in accord with the requirements of the Stormwater Enterprise Manager, which may include, but are not limited to, submittal and implementation of a new or revised grading plan and/or CSWMP.

[631] Detailed description of the required grading plan, required erosion and stormwater control plans, and stormwater quality standards and prohibitions were replaced by references to the SCM to avoid future inconsistencies between the UDC and SCM.
[632] Change in name of applicable Plan included in Revised Public Draft at staff's direction. The appropriate name and scope of this required document is still under discussion.

7.4.603 Inspections

A. The Stormwater Enterprise Manager or City Engineer may enter upon any property at reasonable times to conduct inspections of grading and erosion control operations to determine compliance with stormwater requirements, policies, and procedures and to carry out duties in the enforcement of this Section 7.4.601, including abatement of violations.

B. In the event the owner of any property within the City refuses to permit entry to the Stormwater Enterprise Manager when entry is sought pursuant to this Section 7.4.603, or should permission to enter the property otherwise not be obtainable from the owner, the Stormwater Enterprise Manager may make application to any Judge of the Municipal Court of the City for the issuance of a warrant to inspect the property or carry out other duties, including the abatement of violations. A sworn application for entry and inspection shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition that is in violation of the requirements of this Section 7.4.601 exists on the property, or that a violation in fact exists and must be abated. Any warrant issued shall command the owner to permit entry to Stormwater Enterprise Manager for the purposes stated in the application.

C. The property owner or the property owner's designated agent shall perform regular inspections of all grading and erosion control operations in accord with the policies and procedures set forth in the SCM.

7.4.604 Responsibility and Liability

Any person who engages in grading or erosion control is declared to be totally responsible to those persons who may have been endangered or have negative property impacts as a result of not having or not following a GEC Plan and/or CSWMP or following an incorrect GEC Plan and/or CSWMP.

7.4.7 STORMWATER[633]

7.4.701 Stormwater Requirements

A. Stormwater Criteria

The property owner and developer shall comply with all stormwater requirements, policies and procedures as set forth in the Drainage Criteria Manual (DCM).[634] The Stormwater Enterprise Manager is authorized to promulgate administrative rules and regulations, including updates to the DCM.

B. Drainage Reports and Plans Required[635]

1. Drainage Reports

Requirements for drainage reports are set forth in the DCM. The following list of submittals is for reference only.

a. Master Development Drainage Plan

Acceptance of a master development drainage plan is generally required prior to Development Plan approval.

[633] This version incorporates substantial revisions by the Stormwater Enterprise. Inconsistent references to City Engineer and Stormwater Enterprise Manager were changed to Stormwater Enterprise Manager throughout Section 7.4.6 per staff. In the Revised Public Draft, references to "drainage facilities" has been change to "stormwater infrastructure," and other similar changes have been made throughout at staff's direction.

[634] Replaces a reference to "Drainage Criteria Manual, Volume II: Stormwater Quality Policies, Procedures and Best Management Practices.". The new title will be included in a definition for this term in Chapter 13.02.

[635] Revised by staff to reflect current practices. Current section on Preparation and Components of Drainage Plans and Reports were moved to appear on the City website with other application materials and filing requirements for specific types of approvals.

b. Conceptual Drainage Report

Acceptance of a conceptual drainage report is generally required prior to Development Plan approval.

c. Preliminary Drainage Report

Approval of a preliminary drainage report is generally required prior to plat recordation.

d. Final Drainage Report

Approval of a final drainage report is generally required prior to drainage design plan approval.

e. Channel Design Report

Approval of a channel design report is generally required prior to channel design plan approval.

2. Drainage Plans

Requirements for drainage plans are set forth in the DCM. The following list of submittals is for reference only:

a. Storm Sewer Plan

Approval of a storm sewer plan is generally required prior to building permit issuance.

b. Channel Design Plan

Approval of a channel design plan is generally required prior to building permit issuance.

c. Permanent Control Measure Plan

Approval of a permanent control measure plan is generally required prior to approval of the last phase of grading.

3. Assurance Required

Upon submission of the drainage report, the subdivision plat or portion of the subdivision plat involved may be finally approved subject to acceptable assurance to the Stormwater Enterprise Manager that the facilities will be constructed and installed as indicated; provided, however, that assurance may, if desired by the applicant and approved by the Stormwater Enterprise Manager, be furnished after final approval of a plat upon condition that the plat not be finally executed or recorded until assurance is furnished.[636]

C. City Responsible for Accepted Facilities

All stormwater infrastructure constructed or provided under this Section 7.4.7 and designated by the Stormwater Enterprise Manager as public stormwater infrastructure with public maintenance shall, upon written acceptance by the Stormwater Enterprise Manager, become the property of the City and the City shall be responsible for the operation and maintenance of the facilities.

7.4.702 Drainage Basin Fee Program[637]

A. Purpose

The purpose of this Section 7.4.702 is to implement the City's findings and policy that:

1. There is an urgent necessity of providing storm drains and other facilities for the drainage and control of flood and surface waters including facilities to detain stormwater within areas and territories to be subdivided and developed.

[636] Text on approval by the City was added.

[637] Retitled from Subdivision Drainage Facilities. Minor wording changes by staff for clarity throughout and other changes as noted. Arterial roadway bridges provisions have been relocated here at direction of Stormwater Enterprise. Minor wording changes requested by SE staff throughout.

2. These facilities are required for the proper and orderly development of the areas and territories in order that storm and surface waters may be properly drained and controlled and that the health, property, safety, and welfare of the City and its citizens may be safeguarded and protected.

3. It is necessary under all the attendant circumstances that the owner and developer of the subdivision shall provide the drainage facilities within each subdivision necessary for the drainage and control of surface water within that subdivision and also to provide the facilities required to convey stormwater to such outflow or discharge point as shall be indicated in the drainage basin planning study for the area within which the subdivision is located.

4. Freeway, expressway, and major or minor arterial roadway bridges are required to span these drainage basins and allow for safe and convenient circulation of people and vehicles throughout the City. Because of their high cost, it is necessary to develop an equitable system for constructing these facilities.[638]

B. Applicability

1. General[639]

a. This section applies to land not otherwise excluded or exempted pursuant to this Section 7.4.702 and on which:

(1) Drainage, bridge, pond facility, and pond land fees have not been assessed;[640] or

(2) The land was not included in the drainage fee calculation contained in a Drainage Basin Planning Study.

b. No replat, approval of Development Plans or Site Plans, or building permits for development or construction on land described in Subsection a above shall be approved or issued until the owner has complied with the terms of this Section 7.4.702.

2. Land upon which drainage, bridge, pond facility, or pond land fees have been paid, or upon which reimbursable stormwater infrastructure has been built in accord with detailed plans and specifications accepted by the City, may be replatted, developed, or redeveloped without additional assessment of drainage, bridge, pond facility, and pond land fees if the drainage study submitted with the replat, Development Plan, Site Plan, or construction drawings indicates no new stormwater improvements are required as a result of the proposed replat, development, or redevelopment, and that conclusion is approved by the Stormwater Enterprise Manager.[641]

C. Drainage Basin Fee Program[642]

1. Studies of Drainage Basins and Calculation of Related Fees[643]

a. The Stormwater Enterprise Manager[644] shall cause to be made new or updated engineering studies of drainage basins. The studies, known as drainage basin planning studies (DBPS), are to be authorized as finances become available. If public funds are not available and land development in a specific drainage basin is causing the need for a new or updated DBPS, a specific land developer(s) may be required to finance a new or updated study, subject to conditions and requirements of the Stormwater Enterprise Manager. The land

[638] New purpose statement to replace current arterial roadway bridges purpose statement, since that content has been moved.
[639] Revised by staff to reflect current practice.
[640] References to bridge, pond facility, and pond land fees have been added in Revised Public Draft.
[641] References to bridge, pond facility, and pond land fees have been added, and other wording clarifications made at staff's direction, in Revised Public Draft.
[642] Retitled from Studies of Drainage Basins.
[643] Separate paragraph stating that initial value of the fee shall equal the park land dedication fee, and that annual adjustments will match those for the park land dedication fee, were removed by staff, but similar text was inserted in subsections c and d.
[644] Replaces reference to Mayor and County Commissioners. References to County involvement were removed throughout this section. Provision that large open public park areas are not included in the total area was removed by staff.

developer(s) will be eligible for credit for the cost of the studies in accord with the provisions of Section 7.4.702C.7 below.

b. These DBPS studies and investigations shall show the conduits, channels, natural drainage courses (sometimes called "greenbelts"), detention basins, culverts, and all other facilities that are required to provide for the control of surface waters within the basins and to carry such waters to designated points of outflow or discharge. The studies shall include an estimate of the cost of providing the stormwater facilities, which computation of costs shall include the expense of the studies. The estimated cost per acre of providing the facilities shall be determined within each drainage basin by dividing the unplatted number of acres within the drainage basin into the total cost as provided. This per acre cost shall be known as the unit drainage fee.[645]

c. If it is in the best interest of the drainage basin, as determined by the DBPS and approved by the Drainage Board, a detention pond land fee may be established for that basin. The DBPS will show all required acreage necessary for recommended reimbursable public detention ponds. The estimated cost per acre of providing land for the public detention reservoirs shall be determined within each basin by dividing the number of unplatted acres within the drainage basin into the total drainage credit value of the land. The credit value of the land is intended to match the City's park land dedication fee.[646] This per acre fee shall be known as the unit pond land fee, and shall be deposited in the same subfund as the unit drainage fees.

d. Prior to January 1 of each year the unit drainage fee and the unit pond land fees shall be reviewed by the Drainage Board, which shall make a recommendation to the City Council as to any adjustment to the fees. In the absence of additional studies, the unit pond land fees are intended to be raised or lowered by the same percentage as the City's park land dedication fee. Upon such recommendation the City Council shall establish by resolution the unit drainage, bridge, pond facility, pond land, and surcharge fees in each drainage basin to be effective January 1 of each year. The fees shall be reestablished in accord with changes in construction and other costs or revisions suggested by additional studies or other information obtained.[647]

e. If undue hardship would result to the subdivider by reason of the carriage of the water to the ultimate discharge or outflow point as shown on the DBPS, the Drainage Board may designate another discharge or outflow point at which the water will be received by an open channel, or other minimum or substitute facility to carry the water. At the discretion of the Stormwater Enterprise Manager, the subdivider may be required to prepare an amendment to the DBPS to reflect the change.[648]

2. Drainage Basin Boundaries[649]

The boundaries of the drainage fee basins have been delineated and approved by City Council. These delineations shall serve as official designations of the respective drainage basins concerned in this part, but the delineations shall be subject to revision by the Stormwater Enterprise Manager from time to time. Basin delineations are included in the City's GIS.

[645] Minor wording changes by staff for clarity. Next to last sentence revised to clarify that it refers to unplatted acres in the Revised Public Draft.
[646] New sentence added by staff.
[647] References to type of fees expanded for internal consistency with earlier sections.
[648] Content relocated from assurances section, where it was mis-codified.
[649] Text about the future delineation and mapping of basins revised to reflect the fact that those actions have already occurred. References to County were removed, and reference to GIS maps was added.

3. Establishment of Per Acre Cost for Needed Facilities[650]

a. The City Engineer shall make periodic engineering studies of those roadways designated on the City major traffic thoroughfare plan as freeways, expressways, or major or minor arterial roadways in relation to the drainage basins in the City, and the City Engineer shall determine and specify on the drainage basin maps of the City proposed or expanded arterial roadway bridges.

b. The City Engineer shall, after the completion of the arterial roadway bridge needs study, make an estimate of the cost for the expansion or construction of each arterial roadway bridge designated in each drainage basin.

c. The City Engineer shall then estimate that portion of the total estimated cost of each arterial roadway bridge that is attributed to the width of such bridge in excess of 68 feet. Such estimate shall be made by determining the percentage of the arterial roadway bridge over 68 feet and then by multiplying the total estimated cost by such percent. The product shall be the responsibility of the City and the City Engineer's estimate shall be final. The City Engineer shall deduct from the total estimated cost, the City Engineer's estimate of that portion of the total estimated cost allocable to that portion of such bridge in excess of 68 feet in width. The City Engineer shall then total all remaining costs for all the arterial roadway bridges in the given drainage basin, and divide such total by the total acreage of the drainage basin and determine a per acre cost for new or expanded arterial roadway bridges in the drainage basin to be paid into the arterial roadway bridge fund established for each drainage basin.

d. Review by Drainage Board and City Council[651]

The City Engineer shall report such arterial roadway bridge per acre cost to the Drainage Board. The Drainage Board shall review the estimates of the City Engineer and then report and recommend to the City Council a per acre arterial roadway bridge cost for each drainage basin. City Council shall establish by resolution a per acre arterial roadway bridge cost for each drainage basin. Once established, such per acre cost shall be paid by each landowner during the subdivision platting process. Payment of the per acre cost shall be in cash to the applicable arterial roadway bridge fund. The funds collected shall be used only for the construction or expansion of new or expanded arterial roadway bridges as designated on the drainage basin maps by the City Engineer.

4. Bridge Fees and Charges[652]

a. Reestablishment of Fees

The arterial roadway bridge per acre cost may be reestablished by the City Council as necessary. Such reestablishment of the per acre cost shall be based on changes in construction and other costs of revisions suggested by additional studies or other information obtained.

b. City's Contribution

The City will contribute to each arterial roadway bridge fund established in each drainage basin that cost per acre that is attributed to land within the drainage basin for which the City Council has approved a Preliminary/Final Plat or a Final Plat before _____.[653]

[650] Moved from Sec 7.4.305, Arterial Roadway Bridges, for the Revised Public Draft at the request of Stormwater Enterprise, originally carried forward from Article 7, Part 10 of the existing zoning and subdivision ordinance.
[651] From 7.7.1004 (Review by Subdivision Storm Drainage Board and City Council); may be relocated to procedures and administration. All references to Stormwater Storm Drainage Board and Storm Drainage Board have been replaced by Drainage Board throughout the UDC. Moved from Sec 7.4.305, Arterial Roadway Bridges, for the Revised Public Draft at the request of Stormwater Enterprise.
[652] Cross-reference in UDC procedures and Administration subsection on fees.
[653] Effective date of ordinance that contained this provision (either Ord. 96-44; Ord. 01-42) will be inserted. This provision may be deleted if City concludes that all required City contributions have been made.

Such City contribution will be made only after the City Council has budgeted and approved such expenditure.

c. Reimbursement to General Fund

Should the City appropriate front-end money to facilitate the construction of new or expanded arterial roadway bridges in excess of its mandatory contribution, such excess amount shall be paid back to the City's general fund as land within the applicable drainage basin is platted, and until the City's excess payment is accounted for. As more land is platted, payment in the drainage basin shall then be to the applicable arterial roadway bridge fund.

d. Adjustment to Bridge Fee

As the per acre cost for the arterial roadway bridges is determined, the Drainage Board and City Council shall adjust the unit bridge fee for the drainage basin.

5. Exclusions and Exemptions[654]

There are excluded and exempted from the provisions of this Section 7.4.702 those lands that were subdivided and the Final Plats of which have been approved by the City Council or the Board of County Commissioners of the County of El Paso on or before April 28, 1964 provided, however, that lands that have been annexed to the City upon the conditions and understanding that the included lands would be subject to the provisions of a drainage control ordinance and the payment of drainage fees shall be subject to the provisions of this Section 7.4.702 regardless of whether or not the plats for such areas have been approved.

6. Annexed Lands

The owner or owners of lands that have been annexed to the City upon the condition and understanding that the included lands would be subject to the provisions of a drainage control ordinance and the payment of drainage, bridge, and pond fees,[655] whether or not the plats for those lands have been approved, and the owners of lands presently or hereafter annexing lands to the City, shall, prior to final publication of the annexing ordinance, agree in writing with the City that the lands are subject to and they will comply with the provisions of this Section 7.4.702, including the payment of fees required by this Section 7.4.702 and Section <>.[656] The owner or owners shall further agree in writing that the required fees shall be paid prior to the final approval of the plat or other plan for or release of land for development and that the drainage facilities will be installed within and in connection with the subdivision of the land as required in this Section 7.4.702.

7. Credit for Facilities[657]

a. Reimbursable Stormwater Facilities[658]

Only reimbursable stormwater facilities are eligible for credit. Reimbursable facilities are those included in a DBPS cost estimate or specifically approved as reimbursable by the Drainage Board. To defer relevant fees or receive credit for constructed facilities, reimbursable stormwater facilities must be listed in an approved drainage report and must be considered reimbursable at the time of drainage report approval.

[654] Revised by staff to reflect current practice; provision that City will pay for create an entity to pay for transmission of stormwater from developed lands through undeveloped lands was deleted.
[655] Reference to bridge and pond fees added by staff in Revised Public Draft.
[656] A cross-reference to code section requiring payment of bridge fees will be added. Relationship between Drainage Board and bridge fee payment requirements will be clarified in Module 3.
[657] "Storm Drainage Board" renamed to "Drainage Board" at staff's direction.
[658] Added by staff in Revised Public Draft.

b. Subdivider May Be Credited[659]

(1) Upon the completion and acceptance of the stormwater facilities for a subdivision as required by this Section 7.4.701, the unit drainage bridge, pond facility, and pond land fees payable by the subdivider upon the land in the subdivision, or that portion upon of the subdivision for which final approval has been given and to which the facilities are applicable, shall be computed. If the amount of the fees is less than the cost of providing the facilities required by this Section 7.4.702, the subdivider (or, by written agreement approved by the Stormwater Enterprise Manager, any other party) shall be entitled to a credit from the appropriate basin subfund of the subdivision storm drainage fund in the amount that the cost of providing the facilities exceeds the fees payable by the subdivider.

(2) If the final approval is applicable to only a portion of the subdivision or tract or tracts of land owned by the subdivider and located within the drainage basin, at the option of the subdivider, the credit for the cost of the facilities' installation in excess of the applicable fees for the portion approved may be applied upon and credited to the appropriate fees upon the balance of the subdivision or tract or tracts of land owned by the subdivider, provided that the subdivider furnishes the Drainage Board satisfactory evidence that the subdivider owns the subdivision or tract or tracts of land, or has entered into a written contract to purchase the subdivision or tract or tracts of land, as of the date that application for the credit is made.

(3) The subdivider may determine to construct stormwater facilities as required by the DBPS prior to subdividing or otherwise developing land. In that event the fees applicable to the land proposed to be subdivided or otherwise developed may, with the approval of the Stormwater Enterprise Manager, be fixed at the time the subdivider contracts for the construction of the drainage.

c. Determination of Credit for Stormwater Facilities

(1) The credit to which a subdivider shall be entitled from the appropriate basin subfund of the subdivision storm drainage fund, as set forth in Subsection b above, shall be determined on the basis of the actual cost incurred in constructing the stormwater facilities, plus up to ten percent for incurred engineering expense. The subdivider shall be responsible for contracting for the construction of the stormwater facilities after receiving at least three sealed bids for construction of the stormwater facilities from contractors. If the subdivider is unable to get at least three sealed bids, the Stormwater Enterprise Manager shall be responsible for determining that the bid or bids received are the lowest responsible bids. The decision of the Stormwater Enterprise Manager may be appealed to the Drainage Board. The bid justification and determination shall be made prior to the start of construction of the stormwater facilities.[660] The subdivider shall award the bid to the lowest responsible bidder within 90 days after receiving the bids.[661]

(2) If the bids exceed the estimate of the cost of constructing the stormwater facilities as set forth in the DBPS, they shall be rejected unless the subdivider's engineer and Stormwater Enterprise Manager determine that any bid exceeding the engineer's estimate is the lowest responsible bidder unless the subdivider declares a desire to accept a higher bid. This determination shall be made prior to the start of construction of the stormwater facilities.[662] If such is the case any credit shall be based on DBPS

[659] Revised by staff to include reference to pond fees and facilities. Reference to bridge and pond fees added by staff in Revised Public Draft.
[660] New sentence.
[661] Time to award bid extended from 30 to 90 days at staff's direction.
[662] New sentence.

estimate. Any disputes pertaining to this Section 7.4.702C.7 shall be referred to the Drainage Board for determination.

8. Determination of Credit for Land Used for Reimbursable Public Detention Facilities[663]

The credit to which a subdivider shall be entitled from the appropriate subfund of the basin involved in the subdivision storm drainage fund shall be determined on a per acre basis. The per acre land credit shall be equal to the applicable park land fee in use at the time of the associated plat recordation.

9. Arterial Roadway Changes Refunds or Credits[664]

Should an arterial roadway be removed from the major traffic thoroughfare plan or Drainage Board Plan Study and the corresponding arterial roadway bridge be determined to be no longer necessary, a credit or a refund, as determined by the Drainage Board, may be granted to those persons, including the City, who have contributed for such bridge.

D. Allocation of Interest Earned

Interest earned by the investment of surplus funds that may temporarily accumulate in the storm drainage fund shall be allocated to a drainage contingency fund which may be used to make up deficits in existing subfunds for purposes of reimbursement. Interest may also be used to fund administration and management of the basin fee structure, or for such other drainage purposes as determined by the Drainage Board with the prior approval of City Council.

7.4.703 Stormwater Quality and Detention[665]

A. Stormwater Quality and Detention Requirements

1. The owner shall comply with all stormwater requirements, policies, and procedures as outlined in the DCM.[666]

2. The City of Colorado Springs requires use of the Four Step Process for receiving water protection that focuses on reducing runoff volumes, treating the water quality capture volume, stabilizing drainageways, and implementing long-term source controls. The Four Step Process shall be used as follows:

a. For all new and redevelopment projects with construction activities that disturb one acre or greater; in addition, detention must be implemented according to the policies in the DCM; and

b. For all new and redevelopment projects that disturb less than one acre but are part of a larger common plan of development or sale where the larger common plan disturbs one or more acres.[667]

3. For purposes of this Section 7.4.703:

a. Development is defined as any land disturbing activities excluding maintenance activities.

b. Additional guidance to applicants is located in the DCM[668]

c. New development is defined as the development of a previously undeveloped site. Previously undeveloped sites are defined as sites with less than 35 percent of hard surface coverage in the existing condition.

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[663] Revised by staff to reflect current practice.
[664] Moved from Sec 7.4.305D, Arterial Roadway Bridges, for the Revised Public Draft at the request of Stormwater Enterprise, originally carried forward from Article 7, Part 10 of the existing zoning and subdivision ordinance.
[665] Significantly reorganized and revised by staff to reflect current practice.
[666] Source of compliance requirements simplified, and numerous detailed requirements covered by the DCM deleted. Current provisions on Cooperation with Subdividers related to eminent domain were not carried forward.
[667] Reference to one or more acres added in Revised Public Draft.
[668] Exclusion of maintenance activities and reference to DCM new for the Revised Public Draft, added at staff's direction.

d. Redevelopment is defined as the development of a previously developed site. Previously developed sites are defined as sites that are substantially developed with 35 percent or more of hard surface coverage in the existing condition.

B. Required Documentation

1. Requirements for documentation of Permanent Control Measures are set forth in the DCM. The following list of requirements is for reference only:

a. Inspection and Maintenance (IM) Plan

Acceptance of an IM is required prior to Permanent Control Measure plan approval.

b. Maintenance Agreement

A Maintenance Agreement shall be recorded with deed records to ensure that the Maintenance Agreement is bound to the property in perpetuity prior to release of Permanent Control Measure financial assurance for private Permanent Control Measures.

c. As-Built Plan

An as-built plan shall be accepted prior to release of Permanent Control Measure financial assurance.

d. PE Certification

A certification of compliance with the approved Permanent Control Measure plan by a professional engineer licensed in the State of Colorado is required prior to release of Permanent Control Measure financial assurance.

2. The Stormwater Enterprise Manager may issue a revocable permit to owners of Permanent Control Measures installed prior to June 1, 2008, according to policies set forth in the DCM.

3. The Stormwater Enterprise Manager may approve the implementation of a temporary Permanent Control Measure. Temporary Permanent Control Measures must follow the requirements and policies set forth in the DCM.

C. Inspection Policies

1. Permanent Control Measures shall be inspected and maintained by the owner or owner's representative, in accordance with the provisions of this Section and the DCM. Annual inspection reports shall be submitted to the Stormwater Enterprise Manager.

2. Owner inspection requirements do not apply to Permanent Control Measures constructed prior to June 1, 2008.

3. The Stormwater Enterprise Manager may enter upon the subject private or public property at reasonable times to conduct on-site inspections or maintenance or to confirm the information in the annual inspection reports submitted by responsible party.

7.4.8 FLOODPLAINS[669]

7.4.801 Floodplain Management

Floodplain management shall be in accordance with Regional Building Code Section 313, except as modified by this UDC.

[669] From Article 9 (Floodplain Management). Provisions related to appeals and variances may be relocated to the administration and enforcement chapter and consolidated with other forms of appeals. In the Revised Public Draft, references to the "Storm Drainage Board" have been renamed to the "Drainage Board."

7.4.802 Amendments to Regional Building Code Section 313

Regional Building Code (RBC) Section 313, adopted by Section 7.4.1402, is subject to the following modifications, additions, or deletions:

A. RBC 313.6, Definitions, is amended as follows: "Appeal: A request for a review of the Floodplain Administrator's decision or interpretation of any provision of this section or for a review of the Drainage Board's decision on appeal, grant of relief or interpretation of any of the provisions of this Section 7.4.8."

B. RBC 313.17.1, Appeal Board, is deleted and replaced with the following: "RBC 313.17.1, Appeals.

1. The Drainage Board shall hear and decide appeals of decisions of the Floodplain Administrator (FPA) when it is alleged there is an error in any requirement, decision or determination made by the FPA in the enforcement or administration of this section.

2. Any person aggrieved by a decision of the FPA may appeal to the Drainage Board, provided a written notice of appeal, stating the grounds for appeal, is filed with the Stormwater Enterprise Manager within 30 days after the date of the FPA's decision. The Drainage Board shall hear the appeal at the next available meeting, but not less than 14 days after receipt of the notice of appeal.

3. The Drainage Board shall conduct a public hearing on the appeal and shall consider the factors set forth in Subsection 5 below. At the conclusion of the hearing, the Drainage Board shall make appropriate findings and determine whether the FPA's decision shall stand, be overturned, or modified. Unless appealed to City Council, the Drainage Board's decision shall be considered final agency action for all purposes under Colorado law.

4. Those aggrieved by the decision of the Drainage Board may appeal the decision to City Council, provided that a notice of appeal, stating the grounds for appeal, is filed with the City Clerk within 10 days after the Drainage Board's decision. The City Clerk, upon receiving a perfected appeal, shall forward the record of the Drainage Board to City Council, and the matter shall be set for a public hearing at the next available City Council meeting. The City Council may hear the appeal de novo or may limit the hearing to the issues identified in the notice of appeal. At the conclusion of the public hearing, the City Council shall determine whether there is substantial evidence in the record to support the Drainage Board's decision, and if so, then the decision must be affirmed. If there is not substantial evidence in the record to support the Drainage Board's decision, the City Council may overturn the decision or modify it.

5. In passing upon appeals of the FPA's decision, the Drainage Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of the section,[670] and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternate locations for the proposed use, which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with existing and anticipated development;

[670] Ambiguous cross-reference was clarified.

h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of use, and sediment transport of the flood waters and the effects of wave action, if applicable, and expected at the site; and

k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

6. Upon consideration of the factors listed in Subsection 5 above, the Drainage Board may impose conditions on the FPA's decision as it deems necessary to further the purposes of this section.

7. The FPA shall maintain the records of all appeal actions and report any variances to FEMA upon request."

C. RBC 313.17.2, Condition for Variances, is deleted and replaced with the following: "RBC 313.17.2, Conditions for Pre-Construction Variances.

1. Development permits may be issued by the FPA for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or part of a local Historic Preservation District or a locally designated historic landmark, without regard to the procedures set forth in the remainder of this Subsection. Infill of vacant lots within the Historic Preservation District may be issued variances provided that the provisions of this section are met. All other variances shall be reviewed and approved by the Drainage Board.

2. No application for variances shall be accepted or considered for an existing structure.

3. The Drainage Board shall conduct a public hearing on all applications for a variance. The FPA shall be given an opportunity to comment on the application and make a recommendation to the Board. The applicant shall be given an opportunity to support the request for variance and respond to any comments by the FPA. The public shall be given an opportunity to comment on the application.

4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances shall only be issued upon the Drainage Board's finding that the application substantially complies with the following:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in Regional Building Code Section 313.17.1.5, or conflict with existing local laws or ordinances."

7. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

D. RBC 313.18.5, Subdivision Proposals, is amended to read as follows: "RBC 313.18.5, Subdivision Proposals.

1. All proposed subdivisions shall be consistent with the need to minimize flood damage;

2. All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood damage; and,

4. FEMA approved base flood elevation data and 100 year floodplain boundaries shall be provided and shown on the subdivision plat;

5. If a proposed subdivision is located within 300 feet of a zone A floodplain, FEMA approved base flood elevations and boundaries are required to be determined and shown on plat, or a floodplain certification letter by a professional engineer or architect licensed by the State of Colorado shall be provided stating that "Based on field verified characteristics of the property (topography, etc.), the property is reasonably safe from flooding and to the best of the engineer's knowledge if the 100 year floodplain were studied it would not enter the property in question"."

7.4.803 Warning and Disclaimer of Liability

The degree of flood protection required by this Section 7.4.8 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section 7.4.8 does not imply that land outside the areas of flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section 7.4.8 shall not create liability on the part of the City, any officer or employee of the City, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Section 7.4.8 or any administrative decision lawfully made.

7.4.9 LANDSCAPING AND OPEN SPACE[671]

7.4.901 Purpose[672]

The purpose of this Section 7.4.9 is to establish requirements for the design, installation, and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive, and safe environments according to recognized water conservation principles; and that conserve, protect, and promote the unique natural identity and environment of the City; and to establish standards that:

A. Protect and efficiently use limited water resources through water conservation including the use of xeriscape principles, standards for the selection, installation, and maintenance of organic soil amendments and plant materials, and the conservation of indigenous plant communities;

B. Enhance the aesthetics of the City, through enhanced streetscapes, the incorporation of native and compatible introduced plants, plant communities, and ecosystems into landscape design, the screening of parking lots and objectionable uses and activities, and the incorporation of open space in ways that harmonize and enhance the natural and built environment;

C. Improve environmental quality by reducing the urban heat island effect, conserving native plant communities and vegetation, reducing soil erosion, reducing air, water, and noise pollution by

[671] From Article 4, Part 3 (Landscaping Standards) with significant reorganization and changes throughout. Definitions have been integrated with Article 7.6. and administrative provisions have been pulled out and will be included in Module 3. Materials on Signature Landscapes from current 7.4.311 were not carried over due to vague or missing regulatory content, and will be moved to the Landscape Policy Manual.

[672] From Section 7.4.301 of the existing zoning and subdivision ordinance. The intent statements have been revised and condensed, and references to administration removed. Minor refinements for clarity in the Revised Public Draft. Minor wording changes to purpose A included in Revised Public Draft as requested by staff.

reducing the mowing and fertilization requirements of limited turf areas, and preserving ecological diversity and species habitat;

D. Support the installation of landscapes suited to local soil, climate, water supply, and on-site conditions for improved plant growth and survivability;[673]

E. Protect existing vegetation, including natural plant communities, to mitigate the effects of development on the natural environment;

F. Make the City more attractive through the physical and psychological benefits of landscaping that soften the visual harshness of urban development, by stimulating pride in the City's natural heritage, and by protecting the public health, safety, and general welfare;

G. Safeguard and enhance the value of land and public and private investment through incorporation of landscaping into development; and retain and enhance the City's natural beauty, which is an important factor in attracting economic development; and

H. Control certain exotic plant species that have a negative effect on public health or degrade native ecosystems.

7.4.902 Applicability[674]

A. General Standards

Except as otherwise provided by Subsection B below, the requirements of this Section 7.4.9 shall apply to all land when the following activities take place:

1. All new construction of primary structures;

2. All construction projects that increase the gross floor area of any primary structure on the lot by 50 percent or more, measured cumulatively with any other activities that increased gross floor area of primary structures on the lot in the previous five years;[675]

3. Any change of use that results in the conversion of a single-family, two-family, three-family, or four-family dwelling to multi-family or nonresidential use;[676]

4. The conversion of vacant land to nonresidential use that does not involve the construction of a primary structure;

5. The total redevelopment (demolition and new construction) of any primary structure on a lot; and

6. All government and utility service property zoned PF (public facilities).

7. Any alteration or reconfiguration of 50 percent or more of existing developed landscape areas.[677]

8. A project that seeks a major amendment to an approved Development Plan.[678]

B. Exemptions[679]

Except as provided in Subsection C below, the following are exempt from the requirements of this Section 7.4.9:

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[673] Reference to water supply added in Revised Public Draft.
[674] From Section 7.4.305 of the existing zoning and subdivision ordinance with revisions to as noted. Threshold reduced from 50% to 25% expansion to cover numerous old properties with little or no landscaping where landscaping should be installed when moderate redevelopment occurs. Reference to relocation of buildings was deleted as unnecessary.
[675] Trigger revised so cumulative measure looks back five years, instead of looking back to March 11, 1986, to simplify administration. Original draft of Module 1 set trigger at 25% increase; returned to 50% in the Revised Public Draft, which is trigger in existing zoning and subdivision ordinance, per staff direction.
[676] Expanded to cover new triplex and fourplex uses.
[677] New provision.
[678] Current provision omitted from earlier draft.
[679] Exemption for utilities was deleted, because current 7.4.802.D.2 makes clear that landscaping requirements are adjusted for utilities, not exempted.

1. An individual detached single-family or two-family dwelling on its own lot;[680]
2. Any valid, unexpired development plan approved prior to November 1, 1998,[681] for which there is neither a change of use nor a major amendment to the plan;
3. Any temporary event approved in accordance with this UDC;
4. Any construction projects that increase the gross floor area of any primary structure on the lot by less than 50 percent, measured cumulatively with any other activities that increased gross floor area of primary structures on the lot in the previous five years;[682]
5. Bona fide agricultural activities;
6. Currently approved development plans that are changed by a minor amendment after the Effective Date of the UDC;[683]
7. Master planned public parks, zoned PK, in conformance with Section 7.2.406.
8. Medians in arterial street rights-of-way approved by the Park and Recreation Advisory Board; and
9. The Old Colorado City district, which is regulated by referenced redevelopment guidelines in the Westside Plan, adopted by the City Council on January 22, 1980. The boundaries of this special landscaping district are described by a map in an appendix titled "Old Colorado City District." These documents are on file in the Planning Department.[684]

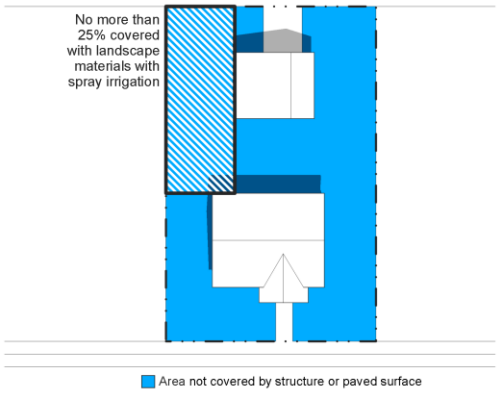
C. Special Requirements[685]

The following requirements shall apply to single-family, two-family, three-family, and four-family residential projects:

1. Regulations Regarding Turfgrass

To reduce the use of the City's limited water resources for outdoor irrigation:

a. No more than 25 percent of the portion of a lot not covered by a primary or accessory structure or a driveway, patio, deck, or walkway shall be planted with high-water-use turfgrass or other landscape materials with spray irrigation. Turfgrass shall be considered a high water user if it requires one and-one half (1½) inches of water or more per week to survive. Areas irrigated with drip irrigation may exceed this limit.[686]

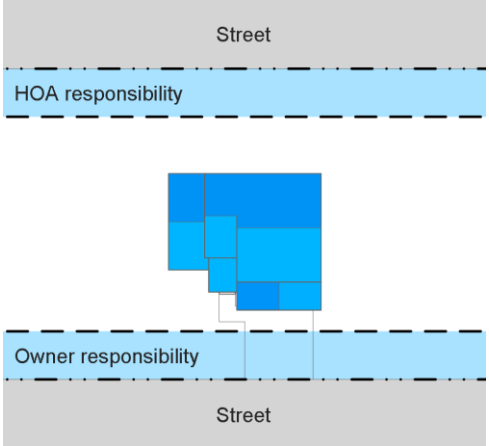


[680] Expanded to include new triplex and fourplex uses.
[681] Reference to "effective date" replaced with original effective date of these provisions.
[682] Revised so cumulative measure looks back five years, instead of looking back to March 11, 1986, to simplify administration. In a previous draft, threshold reduced from 50% to 25% expansion to cover numerous old properties with little or no landscaping where landscaping should be installed when moderate redevelopment occurs; returned to 50% at staff direction.
[683] Reference to original effective date revised to UDC effective date because no practical change. This exemption may be revised or deleted after the thresholds of Minor versus Major Amendments are established in Module 3.
[684] This text description will be replaced by a map of the area described.
[685] Carries forward and simplifies Section 7.4.305C of the existing zoning and subdivision ordinance. Expanded to new triplex and fourplex uses, and with other changes as noted.
[686] New standard to reduce use of water-intensive grass. Restriction limited to high-water use turfgrass, definition added, and irrigation water service connection reference added at staff's direction in next paragraph, all added in Revised Public Draft.

b. The irrigation water service connection shall be sized appropriately to accommodate irrigation during the hours and days outlined in the Water Shortage Ordinance, Chapter 12, Article 4, Part 13 of the Code of the City of Colorado Springs. All irrigation water shall be metered and have appropriate backflow prevention as identified by Colorado Springs Utilities Water Line Extension and Service Standards.[687]

c. Any restrictive covenant that becomes effective on or after November 1, 1998, shall not require the use of turfgrass. This provision shall not restrict the individual and voluntary use of turfgrass.

2. Double Frontage Lot Streetscapes



Where double frontage lots are approved as part of a subdivision plat, Concept Plan, or Development Plan, installation of landscape[688] is required in all adjacent tracts and right-of-way areas. This includes any proposed landscape improvements including irrigation system, plant material, fence, and sidewalk along the secondary frontage (generally that facing an arterial or collector street not providing access to the lot).[689] Installation shall be the responsibility of the developer. Maintenance shall be the responsibility of a homeowners' association or other special district or association acceptable to the City, and shall be so noted on the subdivision plat or Concept Plan. Establishment of a landscape easement with individual lot owner responsibility is not acceptable and a creation of a landscape tract to be maintained by an entity acceptable to the City may be required.[690]

3. Common Areas

Landscaped common areas, such as open space tracts, entrances, and medians in single-family, two-family, three-family, and four-family residential projects[691] shall be installed by the developer. Responsibility for maintenance of all such common areas shall be given to a homeowners' association or other special district or association acceptable to the City, and shall be so noted on the subdivision plat or Concept Plan.[692]

4. Dissolved Homeowners' Association or Other Special District[693]

Where a homeowners' association or other special district or association that is responsible for maintenance of landscaped common areas dissolves or is no longer in existence, the current owner of the landscaped common areas shall be responsible for maintenance.

D. Preservation Areas[694]

1. Subdivision plats or Concept Plans may designate areas of land or water as preservation areas in which the following activities are prohibited unless specifically permitted by the approved subdivision plat or Concept Plan.

[687] New standard in Revised Public Draft.
[688] Revised from streetscape.
[689] Text revised to clarify applicability to secondary frontage. Reference to Special Improvement Maintenance District broadened for flexibility.
[690] Reference to recorded covenants deleted since not reviewed by the City.
[691] Revised to include three- and four-family dwelling projects.
[692] Reference to recorded covenants deleted since not reviewed by the City.
[693] New provision to address past maintenance failures.
[694] Content relocated from current definition of this term.

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials;

c. Removal or destruction of trees, shrubs, or other vegetation;

d. Excavation, dredging or removal of loam, gravel, soil, rock, or other mineral substance in such manner to affect the surface;

e. Activities detrimental to drainage, flood control, erosion control or soil conservation; or

f. Other acts or uses detrimental to such retention of land or water areas.

2. Some preservation areas may be further designated as "Oasis" plant communities in which indigenous plant communities are retained in their entirety, with canopy trees, understory plants and ground covers left intact and undisturbed as credit toward required landscaping on development/site plans.

E. FBZ Regulating Plans

Alternate landscaping standards may be included as a part of an FBZ regulating plan. In case of a conflict between the provisions of this Section 7.4.9, and the landscaping standards included in an FBZ regulating plan, the standards included in an FBZ regulating plan shall apply.

7.4.903 Landscape Policy Manual[695]

A. The Planning Department is authorized to adopt, and as necessary make revisions to, a Landscape Policy Manual containing provisions that implement and supplement the provisions of this Section 7.4.9, Section <7.5.407> (Administrative Adjustment) [currently article 5, part 11, "Administrative Relief"], Section <> [currently section 7.5.1206, "Nonconforming Landscaping And Parking"], and Chapter 4 of this Code, and other City regulations and standards as they relate to landscaping, irrigation, buffering, screening, fences, and walls.

B. The Landscape Policy Manual includes information about policies, procedures, standards, and maps relevant to this Section 7.4.9. In particular, the manual provides specific information on permitted and prohibited species; guides to xeriscape, Signature Landscapes, irrigation and other water-conserving forms of landscaping that are highly adapted to the microclimates of the City; information about preservation of trees including preservation areas, the Oasis landscaping concept, available credit for preservation of existing vegetation; and submission requirements for the landscape plan, irrigation plan, and other materials required to be filed with the City.[696]

C. The provisions of the Landscape Policy Manual shall supplement but not supersede the requirements of this UDC. If there is a conflict between the standards in this Section 7.4.9 and the provisions of the Landscape Policy Manual, the provisions of this Section 7.4.9 shall apply.[697] If the Manual addresses a topic related to landscaping, irrigation, buffering, screening, grading, fences, and walls that does not conflict with this UDC, the applicant shall comply with all provisions in the Manual to the maximum extent practicable.[698]

[695] From Section 7.4.304 of the existing zoning and subdivision ordinance. Language noting that the manual can be administratively amended will be added in Module 3. References to irrigation added. This text may be revised to align with final Landscape Policy Manual updates.
[696] Reference to irrigation plan added in Revised Public Draft.
[697] New provision to reflect current practice.
[698] Reference to grading added in Revised Public Draft.

7.4.904 General Landscape and Open Space Requirements[699]

A. Required Plans and Documents

1. When Landscape and Irrigation Plans are required as part of the development application, the plans shall contain the required items listed below:

a. A Preliminary Landscape Plan, with applicable supporting material, shall be approved concurrently with the Development Plan review if a Final Landscape Plan is not submitted.

b. A Final Landscape Plan, with applicable supporting material, shall be submitted with the Development Plan or at time of building permit application and shall be approved before any landscape construction and issuance of a certificate of occupancy.

c. An Irrigation Plan, with applicable supporting material, shall be submitted with the Development Plan or at the time of building permit application and shall be approved before any irrigation construction and issuance of a certificate of occupancy. Upon request by the applicant, the irrigation plan can be submitted 90 days subsequent to a building permit issuance and approved prior to any irrigation construction and issuance of a certificate of occupancy. Specifications, plans, and construction practices regarding the irrigation system shall comply with the Landscape Policy Manual.[700]

d. In the case of the conversion of land requiring a Development Plan that does not involve the construction of a structure, a Final Landscape and Irrigation Plan, with applicable support material, shall be submitted an approved concurrent with the development plan review.

2. Documents shall clearly and completely describe the design and any techniques and features provided to implement the design and meet the requirements of this Section 7.4.9 and the current approved Landscape Policy Manual.

3. A landscape architect licensed by the State of Colorado shall prepare all required Landscape Plans and supporting material.[701]

4. A Landscape architect licensed by the State of Colorado or a Certified Irrigation Designer shall prepare all required Irrigation Plans and supporting material.

B. Site Category Areas Required to be Landscaped

1. The following areas of each lot or contiguous lots in a common development are required to be landscaped in accordance with the requirements of this Section 7.4.9:

a. Street frontages and parkways, and double frontage lot streetscapes (see Section 7.4.905);

b. Property edge landscape buffers (see Section 7.4.906);

c. Parking lots (see Section 7.4.907);

d. The interior of the development (see Section 7.4.908); and

e. Screening (see Section 7.4.909).

2. The locations and quantities of plants shall comply with the requirements established for the various category areas to be landscape as listed in Subsection B above. The site category minimum number of trees are cumulative. Areas or trees provided to meet each site category

[699] As listed below, this Section consolidates multiple sections of the existing zoning and subdivision ordinance that relate to general landscaping requirements. These detailed application materials may be relocated to appear as an administrative / application requirement on the City's website.
[700] Reference to Landscape Policy Manual added regarding irrigation system.
[701] Requirements for preparer of landscape plans and irrigation added from LPM at staff's direction.

requirement may not consist of areas or trees that are proposed to meet the minimum requirements of other site categories.

3. Any calculation of a landscaping requirement that results in a fractional number shall follow Section 7.6.2 (Rules of Measurement and Calculation).

C. Plant Materials[702]

1. General

a. All trees and vegetation shall comply with Appendix B of the Landscape Policy Manual and all other standards of the Manual. Alternative or new species may be approved by the Manager provided they comply with the intent of this Section 7.4.9 and the Landscape Policy Manual.

b. Trees shall be spaced to allow for mature growth of trees, in accordance with Appendix B of the Landscape Policy Manual, without interfering with maintenance or use of overhead power lines, underground utility infrastructure, structures, walks, or drives. This will normally require a minimum five-foot setback for deciduous trees and an eight to 15 foot setback for evergreen trees depending on the species and variety selected.[703]

c. The minimum planting or installation sizes of plant materials shall comply with Table 7.4.9-A.

Table 7.4.9-A
Plant Material Requirements

Plant Type	Minimum Planting or Installation Size
Deciduous shade tree	1.5 inch caliper measured 6 inches above ground
Deciduous ornament tree	1 inch caliper measured 6 inches above ground; or Multi-stemmed clump form with minimum height of 4 feet
Evergreen tree	6 feet height
Evergreen and deciduous shrubs	5 gallon container size
Ornamental grasses	1 or 5 gallon container size
Ground covers and vines	2.25 or 4 inch flat-type container, 1 gallon or 5 gallon container size

d. To promote species diversity, on sites with 12 or more trees, no more than 35 percent of the trees used on a site may be from a single tree species.[704]

e. At least 40 percent of site trees shall be trees that will exceed 30 feet in height at maturity.

f. Tree species with invasive roots and brittle branches shall be planted at least 25 feet from public wastewater, water, and stormwater lines, streets, curbs, and sidewalks. These species include Elder (Sambucus), Willow (Salix) and Cottonwood (Populus).

g. Plants with similar water needs within each site microclimate (i.e., shade, west facing, toe of slope, etc.) shall be zoned or grouped together for efficiency of water application, to prevent water waste, and to provide optimum application of water to the plants.

[702] From Section 7.4.312E of the existing zoning and subdivision ordinance.
[703] Relocated from interior landscaping to become a generally applicable standard. Reference to overhead power lines added. Reference to underground utilities added in Revise Public Draft.
[704] 12 tree threshold and maximum changed from 25 to 35 percent at Forestry's request.

2. Turfgrass[705]

a. Cool season turf grass shall be hydrozoned and irrigated separately because of its unique water demand.

b. Cool season turf grass cannot be used as an infill material and should be used as a planned amenity or element in the designed landscape.

c. High-water use cool season turf shall not comprise more than 25 percent[706] of the total open space area of the site, and:

(1) Shall not be used on slopes greater than 5:1;[707]

(2) Shall not be used in medians or parking lot planters less than 12 feet wide;

(3) Shall not be used in any configuration that cannot be efficiently irrigated; and

(4) Shall not be used in street right-of-way between curb and sidewalk or on other locations on a site that are less than seven feet wide.[708]

3. Ground Cover[709]

All landscaped areas shall consist of 100 percent ground plane coverage in living vegetation, organic mulch, or, to a limited extent, ornamental paving or rock mulch as follows:

a. At least 75 percent of each landscape category area shall initially consist of plants, or plants and organic mulch.[710]

b. Ornamental paving (excluding sidewalks) or rock/cobble mulch without vegetation shall not exceed 25 percent of any site category area.

c. Organic mulch shall be installed around each tree in shrub beds with rock or cobble mulch. In shrub beds with slopes greater than 3:1, angular rock or cobble is required.[711]

d. At least 75 percent of each landscape category area shall be covered by vegetation within three years of planting.

e. Vegetative cover shall consist of ground covers, perennials, shrubs, native ornamental grasses, bulbs, and native grass mixes, or turfgrasses.[712]

f. The foliage crown of trees shall not be counted in the 75 percent calculation of vegetative cover.

g. Specifications, plans, and construction practices regarding native seed vegetation shall comply with City Engineering, Stormwater and Landscape Policy Manual Standards.

h. Native seed establishment shall meet uniform coverage and gap (six inch by six inch) criteria with low weed content (80 percent turf to 20 percent weeds, or better).

i. Up to 10 percent of the area not required to be covered by living material may be covered by artificial turf if the Manager determines that the inclusions of such material will not

[705] From Section 7.4.317C and D of the existing zoning and subdivision ordinance, including Policy 317 from the Landscape Policy Manual and adding more stringent restrictions on the use of cool season high water turf. Text prohibiting installation in areas without a functional purpose revised for clarity.
[706] Reduced from 50 percent to encourage water efficiency.
[707] Revised from 6:1.
[708] Revised from "discouraged" for clarity, but Section 7.4.913 allows flexibility for exceptions. Minimum width reduced from eight feet.
[709] Subsections b, g, and h are new and added by staff.
[710] Current 25% maximum on paving and rock mulch deleted as unnecessary in light of 75% minimums.
[711] New standard.
[712] Requirement that grass be native is new.

compromise the visual appearance of the required landscape area or is necessary because of the difficult of maintaining other types of non-living material due to site conditions.[713]

D. Fire Safety and Utility Constraints[714]

1. Fire Department Constraints

Within three feet of a fire hydrant,[715] plantings shall be limited to eight inch mature height. Landscaping shall not restrict the use of or obscure the view of any fire hydrant, Fire Department connection, outside horn/strobe, required signage, or other safety features. Access roadways used by the Fire Department shall remain clear and unobstructed to a minimum height of 14 feet with widths as individually prescribed for the development to protect public health and safety.[716]

2. Utility Constraints[717]

a. Landscaping shall not interfere with the general function, safety, or accessibility of any gas, electric, water, sewer, telephone, or stormwater facilities, or other drainage or utility easements.

b. All landscaping adjacent to, above, or beneath utilities shall comply with standards of the respective governing utility and the Landscape Policy Manual.

c. All improvements, including landscaping, must comply with all applicable requirements of the Colorado Springs Utilities Line Extension and Service Standards, the National Electrical Code, the National Electrical Safety Code, and the "Use of Electric Line Rights-of-Way by Other Parties" prepared by the CSU Electric Utility.[718]

d. All trees shall be planted at least six feet from fire hydrants, valve boxes, curb stop boxes, underground utility vaults/structures, gas lines, stormwater infrastructure utility poles, street light standards, and above-ground utility structures such as transformer enclosures.

e. Trees shall be planted at least six feet from underground utilities and comply with all Colorado Springs Utilities regulations regarding wet and dry utilities and tree distances.

f. When a tree is placed under overhead utility lines, its height range at maturity shall not exceed 25 feet and the tree species must be selected from the City Forester's "Approved Street Tree List for Colorado Springs."

g. Water service connections for all irrigated areas shall be consistent with all Colorado Springs Utilities regulations.

h. All irrigation water shall be metered and have appropriate backflow prevention as identified by Colorado Springs Utilities Water Line Extension and Service Standards.

i. The irrigation water service connection shall be sized appropriately to accommodate irrigation during the hours and days outlined in the Water Shortage Ordinance, Chapter 12, Article 4, Part 13 of the City Code of Colorado Springs.

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[713] New.
[714] From Section 7.4.318 of the existing zoning and subdivision ordinance. Current content on wildfire management constraints will appear in the WP-O overlay district.
[715] A proposed increase to six feet was not included. Six feet is larger than the standards used in most communities and can have significant impacts on landscaping along the street frontage.
[716] Height revised from 13.5 feet in Revised Public Draft.
[717] Provisions regarding trees and utilities are from the Landscape Policy Manual, Policy 324. Minimum distance from underground utilities increased from 3 to 6 feet. Additional standards in the Revised Public Draft (including subsections g, h, and i) added by staff.
[718] Existing regulation relocated from Landscape Policy Manual. Reference to "Use of Electric Line…" reference may be removed if it is determined that the document is no longer being applied.

E. Conservation of Soil and Drainage[719]

1. Soil Conservation[720]

Topsoil shall be stockpiled during construction for use in landscape areas prior to planting. At minimum, enough topsoil must be stripped and stored to provide for at least four inches of spread topsoil in new landscape areas. Stripped topsoil must be stored in an area away from machinery and construction operations and care must be taken to protect the topsoil as a valuable commodity. Topsoil shall be stored in piles or rows no more than four feet deep where possible; to keep soil organisms alive until the topsoil is reinstalled.

2. Soil Analysis

a. In order to develop a planting plan suited to the site, an existing soil analysis report shall be conducted by an established soil analysis laboratory and be submitted with the Final Landscape Plan. The Soil analysis report shall provide at the minimum, the soil texture, percentage of organic matter, pH, total soluble salts and recommended amounts of soil amendments and fertilizers where appropriate. A report shall be provided for each type of proposed new landscape type (sod, shrub beds, and native seed).

b. In some certain situations the existing Soil Analysis Report and amendment/fertilizer recommendations may be submitted and approved with the Irrigation Plan submittal if the Manager determines the delay will have no adverse impact on the selection or survival of required landscaping.[721] The applicant shall request the deferral with the Final Landscape Plan and if approved by the Planning Department, all required information shall be submitted with the Irrigation Plan.

c. A written request for waiver of the soil analysis may be approved by the City where landscape improvements are minimal and the applicant demonstrates sufficient measures will be undertaken to amend the existing soil to provide an acceptable growing medium.

3. Soil Amendments and Preparation

Soil amendments to improve water drainage, moisture penetration or retention, and nutrient availability shall be provided as determined by the soil analysis. Tilling of the soil to incorporate amendments and counter any compaction or soil consolidation shall be required for all landscape planting areas. Soil preparation shall be consistent with the cultural needs of the plant species proposed for each site category.

4. Drainage

All drainage, including the use of swales, shall comply with this UDC, the DCM, and the SCM. Where existing native plant communities are to be retained, drainage patterns shall not be altered so as to be detrimental to the viability of the plants.

F. Maintenance[722]

1. Landscaping, screening, and buffers shall be maintained in compliance with the standards of this Section 7.4.9.

2. The owner is responsible for the maintenance, repair, and replacement of all required landscaping, screening, and curbing.

[719] From Section 7.4.315 of the existing zoning and subdivision ordinance, and includes additional standards from the Landscape Policy Manual. Details of what the soil analysis needs to cover have been relocated to appear as an administrative / application on the City's website. Erosion Control and Slope Revegetation standards removed from the Revised Public Draft.
[720] Content after the first sentence is new.
[721] Standard to guide Director's decision added.
[722] New provision.

3. All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal, and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.

4. Landscaped areas that lose required vegetation shall be re-vegetated and re-mulched to avoid erosion.

5. Where landscaping was installed pursuant to a Concept Plan, Development Plan, or Landscape Plan, the landscaping shall be replaced according to any landscaping and maintenance plan associated with that approval.

6. Trees or plants that die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notice from the City. All plant material that is in poor health or not living shall be replaced with equivalent vegetation and maintained in good health throughout the life of the project.

7. Street trees shall be maintained and kept alive and healthy. Maintaining, removing, and replacing street trees or other trees planted in the public right-of-way shall be the responsibility of abutting property owners.[723]

8. Fences, walls, and other barriers shall be maintained in good repair. All barriers that are damaged, broken, or with failing paint shall be repaired, replaced, or refinished.

9. Street rights-of-way or parkways between a property line and curb or street pavement adjoining the property shall be maintained by the abutting landowner.

10. Stumps of removed trees and shrubs shall be ground out to four inches below grade located on the site and rights-of-way.

11. Vegetation shall be maintained so as to inhibit the spread of noxious weeds, and to mitigate hazards, such as the spread of wildfires, slope failures, soil erosion, and increased flooding.

12. Native seed shall be maintained and provide the necessary maintenance practices to aid in the growth of the approved native seed mix and long term goal of naturalization. This includes weed control, overseeding, irrigation (if installed), and correct mowing schedules. The approved native seed mix will determine the height of the native seed grasses and should be allowed to grow and establish new seed heads and repopulate the growing area.

7.4.905 Street Frontage and Street Trees[724]

A. Purpose

The purpose of this Section 7.4.905 is to establish landscape planting areas parallel to and including adjacent street rights-of-way. The standards of this Section are intended to require plantings of trees and other vegetation to provide a pleasing continuation of vegetation along the streetscape.

B. Landscaped Buffers and Trees Required

1. Landscape Buffer Requirement

a. Except as provided in Subsection b below, the street frontage of each property subject to this Section 7.4.9 shall provide landscaping as shown in the table below.

[723] Clarifies that abutting property owner responsible for removal of street trees, in addition to maintaining and replacing. Reference to Removal added in Revised Public Draft.

[724] This largely carries forward Section 7.4.320 of the existing zoning and subdivision ordinance with simplification and updates to match the road classification in the Traffic Criteria Manual, and incorporates Policy 320 regarding landscape setbacks and Policy 324 regarding street trees from the Landscape Policy Manual. Tree requirements for property edges that are not along a street, and those that are on zone district boundaries now appear in the property edge buffer standards. Several additional regulatory provisions from the Landscape Policy Manual have been incorporated into this section.

Table 7.4.9-B
Landscape Setback and Tree Requirements

Street Type[725]	Front and Corner Street Frontage Landscape Setback Width, Min. (ft.) [1]	Secondary Frontage on Double Frontage Lot Landscape Setback Width, Min. (ft.)	Tree Planting Requirements
Freeway or Expressway	25	25	1 per 20 linear ft.
Major Arterial Street, 6-lane Principal Arterial and Parkway Streets	25	15	1 per 20 linear ft.
Minor Arterial Street, 2- and 4-lane Principal Arterial and Parkway Streets	20	10	1 per 25 linear ft.
Non Arterial Street, Collector, Residential, or Industrial Street	10	6	1 per 30 linear ft.

NOTES:
[1] For up to one-half (1/2) of the site frontage, the Manager may approve a reduced landscape setback if the average depth complies with the standards of this table.[726]

b. The following exceptions apply to the landscape buffer requirement:[727]

(1) Driveways and sidewalks to afford limited access may cross the landscape setback.

(2) Parking lots and loading areas shall not be located in the required landscape setback.[728]

(3) Public sidewalks may enter into a required landscaped setback or double frontage lot streetscape area if sufficient landscaping is provided and maintained in the right-of-way to adequately compensate for the resulting loss of landscaping in the setback or streetscape area.

2. Tree Requirements

Trees or alternate vegetation shall be planted in the landscape setback and shall comply with the following standards:

a. Trees shall be planted on center, in alignment with any similar street frontage or landscaping on adjacent lots, and within 50 feet of the property line adjacent to the street.

b. Trees may be located in adjacent right-of-way if:

(1) Existing development bars placing street trees in the landscaped setback area;

(2) For a City street, the City Forester's street tree standards are met;

(3) For a state highway, the CDOT and City Forester's street tree standards are met;

(4) There are no conflicts with utility easements, drainage facilities, or other easements; and

(5) Street widening is not anticipated.

c. A maximum of 25 percent of required setback or streetscape trees may be substituted with shrubs or ornamental grasses as follows:

[725] Street classifications updated to match current City categories.
[726] Existing regulation relocated from Landscape Policy Manual.
[727] Current exemption for mixed-use districts was deleted because the existing mixed-use districts had alternative standards, but the revised mixed-use district will be subject to this Section 4.7.9.
[728] Utility service areas now allowed in required landscape setback, at staff's direction.

(1) Ten shrubs with a minimum container size of five gallons may substitute for each tree; and

(2) Two ornamental grass clumps with a minimum container size of one gallon, may substitute for each shrub.

d. In the rear yard of a double-frontage lot:

(1) Up to 25 percent of the streetscape trees may be placed in the rear yard behind the fence or wall.

(2) Any substituted shrubs or ornamental grasses shall be planted in the streetscape.

(3) In the streetscape, all plants shall be low-water-use plants or plants adaptable to low-water-use conditions.

3. Walls and Fences in Street Frontage Areas[729]

a. Walls and fences that comply with the standards of Section 7.4.910 may be placed in the landscape setback if they comply with the following standards:

(1) Opaque portions of fences and walls shall not exceed a height of three feet above grade at the base of the fence or wall, unless otherwise provided in this Subsection 3.[730]

(2) The Manager may allow a retaining wall higher than three feet if required due to special grading conditions, provided that the wall is visually softened by plantings of trees or shrubs and allowance is made for the efficient operation and maintenance of utility infrastructure.[731]

(3) The Manager may require the installation of an opaque sound barrier between three and eight in height, or an applicant may propose and the Manager may approve the installation of an opaque sound barrier between three and eight feet in height, when property is located adjacent to an arterial, freeway, or higher category street and the Manager determines that the sound barrier is necessary to mitigate adverse impacts of traffic noise on a residential or mixed-use development.[732]

(4) Opaque walls and fences higher than three feet shall be located outside of the required landscaped setback unless the Manager determines that location within a required landscaped setback is necessary in order for the wall or fence to serve its intended purpose.[733]

(5) Walls and fences shall complement the architectural components of the site and be sufficiently low or open to permit views for security and safety.

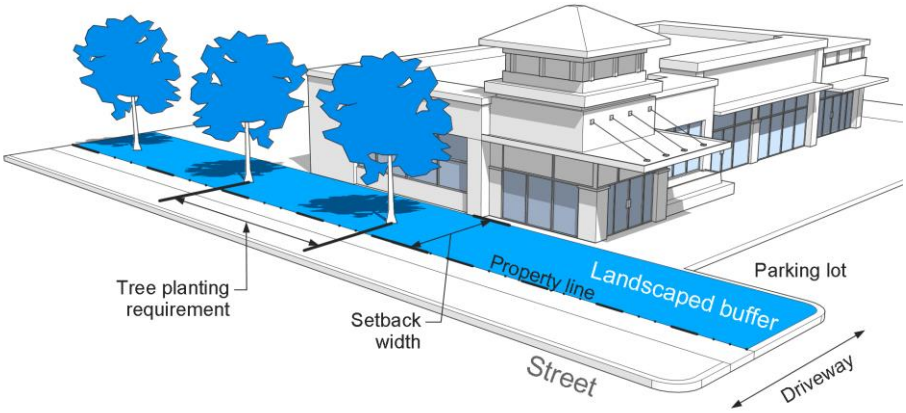
b. A seven-foot opaque wall or fence that complies with the standards of Subsection 7.4.910 shall be established in the landscape setback of the rear of a double frontage lot.

C. Street Trees in Parkways[734]

Street trees are required in parkways adjacent to property subject to this Section 7.4.9, subject to the following conditions:

[729] Provision for credit against required landscaping when wall is installed was deleted because seldom used and confusing.
[730] Current text revised to clarify that it applies to both fences and walls.
[731] Reference to operation and maintenance of utilities added in Revised Public Draft.
[732] New.
[733] Revised to allow location in setbacks in some circumstances.
[734] Clarifies that an approved Development Plan that allows for planting in a public right-of-way takes the place of a permit; adds street tree maintenance requirements; and updates site distance requirements, at staff's direction.

1. A permit shall be obtained from the City Forester prior to planting any tree in the public right-of-way unless that planting is included as part of an approved Development Plan.
2. Street trees shall be selected from "Approved Street Tree List for Colorado Springs" list provided by the City Forester, or as otherwise permitted by the City Forester.[735]
3. The planting area shall be at least seven feet wide. In a section of a planting area that is less than seven feet wide, rock, ground cover plantings, or decorative pavers may be used.[736]
4. Street trees included as part of a Development Plan approved after March 11, 1986, shall be maintained by the owner of the abutting property.[737]
5. Trees shall be planted and maintained:[738]
   a. At least five feet from:
      (1) The face of a curb along arterial roads on the City Major Thoroughfare Plan;
      (2) An attached sidewalk; and
      (3) Any driveway.
   b. Within the center of the planting area, except as necessary to comply with the distance requirement of Subsection a above; and
6. No plantings or landscape elements within the Corner Visibility Triangle may exceed 30 inches in height. Deciduous trees may be located within these areas but branches shall be trimmed so that the lowest branch is a minimum of six feet above ground..[739]



7.4.906 Property Edge Landscape Buffers[740]

A. Purpose[741]

The purpose of this Section 7.4.906 is to buffer existing development from adjacent new development of different types, scales, or intensities by providing visual barriers between those land uses, providing

[735] Replaces reference to Appendix B of Landscape Policy Manual.
[736] Minimum width increased from 4 feet.
[737] Added in Revised Public Draft at staff's direction.
[738] This Section is under continuing discussion with staff and may be revised in the Consolidated Draft.
[739] Reference to 40 foot dimension in this and the previous section were deleted to match current practice, which is tied to distances required by the Traffic Criteria Manual, and updated in Revised Public Draft at staff's direction.
[740] Replaces the existing standards in Section 7.4.323B through H with a new set of buffering standards that vary based on the nature of the abutting uses. The design of the most extensive buffer (including width and landscaping requirements) is slightly higher than the existing standards, and less buffering is allowed between less incompatible uses. These standards will increase design flexibility for redevelopment projects in older sections of Colorado Springs.
[741] Revised for internal consistency and to reflect current practice.

more privacy, and protecting adjacent existing uses from potential wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects of the new development.

B. Property Edge Buffer Standards

New development shall provide property edge buffering along rear and side lot lines with abutting properties in the following situations, regardless of whether the new development is larger or smaller or more or less intensive than the existing abutting use.[742]

1. Buffers Required

a. A landscape buffer that complies with the standards of this Section 7.4.906 is required as indicated in Table 7.4.9-C, based on the applicant's proposed use of the subject property and the existing or designated use of the abutting property and the following types of buffers, measured from the property line.

(1) Buffer 0

No screen or landscape buffer required.

(2) Buffer 1

Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual and at least 15 feet in width.[743]

(3) Buffer 2

Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual and at least 10 feet in width incorporating a fence or wall meeting the standards of Section 7.4.910 and up to seven feet in height provided there are no conflicts with public utilities.[744]

(4) Buffer 3

Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual at least 15 feet in width and incorporating a wall or fence meeting the standards of Section 7.4.910 and seven feet in height provided there are no conflicts with public utilities.

Table 7.4.9-C
Landscape Buffer Screening Requirements[745]

		Applicant Zone District and Use						
		A, R-E, R-1 9, R-1 6, R-2, R-Flex Low		R-4, R-5 R-Flex Medium, R-Flex High		Mixed-Use	Commercial	Industrial
Adjacent Zone District	Adjacent Use	Res.	Non-Res.	Res.	Non-Res.	Any	Any	Any
A, R-E, R-1 9, R-1 6, R-2, R-Flex Low	Residential	0	2	1	3	3	3	3
	Non-Residential	2	0	1	1	3	3	3
R-4, R-5, R-Flex Medium, R-Flex High	Residential	1	1	0	3	3	3	3
	Non-Residential	2	1	3	0	2	3	3
Mixed-Use	Any	3	1	3	2	0	2	3

[742] Added for clarify and to reflect current practice.
[743] Minimum width increased from 8 feet.
[744] Minimum width increased from 6 feet. Language about conflicts with public utilities for this Buffer and Buffer 3new in Revised Public Draft.
[745] Proposed buffers are still under discussion and may be revised in the Consolidated Draft. Design of table revised for clarity, to reflect reintroduction of current R-2 district and new R-Flex districts, and to simplify adjacency conditions in Revised Public Draft.R-4 and R-5 districts reintroduced in this draft.

Commercial	**Any**	3	3	3	3	2	0	2
Industrial	**Any**	3	3	3	3	3	2	0

2. Tree Requirements[746]

Trees or alternate vegetation shall be planted in the landscape buffer and shall comply with the following standards:

a. One tree shall be planted for every 20 linear feet of buffer length or fraction thereof.

b. At least 50 percent of the plantings shall be evergreen.

c. A maximum of 50 percent of required buffer trees may be substituted with shrubs or ornamental grasses as follows:

(1) Ten shrubs with a minimum container size of five gallons may substitute for each tree; and

(2) Two ornamental grass clumps with a minimum container size of one gallon may substitute for each shrub.

3. Additional Requirements[747]

a. This Section 7.4.906 shall not require the demolition, alteration, or removal of any existing structures or utility infrastructure. However, if a structure occupying a required property edge buffer is demolished or removed, the buffer standards of this Section 7.4.906 shall be applied to the space so vacated.[748]

b. All buffers and screening required by this Section 7.4.906 shall be located on the lot where the development occurs.

c. If adjacent development includes a buffer and required plantings that meet the standards of this Section 7.4.906, the applicant is only required to provide any additional buffer and/or required plantings necessary to meet the required buffer standards.[749]

d. Where higher activity levels abut lots with lower intensity levels in the following situations, the City may require that a Buffer 3 be installed along the boundary with the abutting lot:

(1) For a property with a multi-family land use, the abutting property is a lot in the R-E, R-1 9, R-1 6, or R-2 zone districts or a lot designated for single-family, two-family, three-family, or four-family residential dwellings in a PUD zone district,[750]

(2) For a property in a Mixed-Use or Special Purpose zone district, the abutting property is a lot in a Residential zone district or a lot designated for residential use in a PUD zone district that is not developed with a nonresidential use.

7.4.907 Parking Lot Landscaping[751]

A. Purpose[752]

The purpose of this Section 7.4.907 is to provide landscaping areas internal to surface parking lots that provide shade, visual screening of parked cars, avoid large expanses of uninterrupted pavement,

[746] New provision.
[747] Provisions a and b are carried forward from Section 7.4.323B and D; provisions c and d are new; Revised Public Draft clarifies that required plantings must be included on adjacent development for buffer credit.
[748] Reference to utility infrastructure added in Revised Public Draft.
[749] References to required plantings added in Revised Public Draft.
[750] Applicability to R-2 added for internal consistency in Revised Public Draft, even though R-2 is not covered by similar provisions in current zoning and subdivision ordinance.
[751] Carries forward Section 7.4.321 of the current zoning and subdivision ordinance and incorporates Policy 321.
[752] Wording revised for clarity.

and screen abutting properties and rights-of-way and walkways from potential headlight glare, pollution, and noise from the parking lot.

B. Minimum Required Plantings

1. Interior Lot Plantings[753]

Shade trees shall be provided in every parking lot with 15 or more surface vehicular parking spaces at a ratio of one shade tree for every 15 parking spaces or fraction thereof, and shall comply with the following standards:

a. Required trees may be clustered or planted singly, and may be planted in planters, tree islands at the end of parking bays, or in a continuous landscape strip between rows of parking spaces. Required trees shall not be planted along the perimeter of the parking lot.[754]

b. Required trees shall be planted so that no more than 15 abutting parking spaces (on one side of a parking aisle) are located without at least one of the required shade trees.[755]

c. A planter used for tree planting shall meet the following standards:

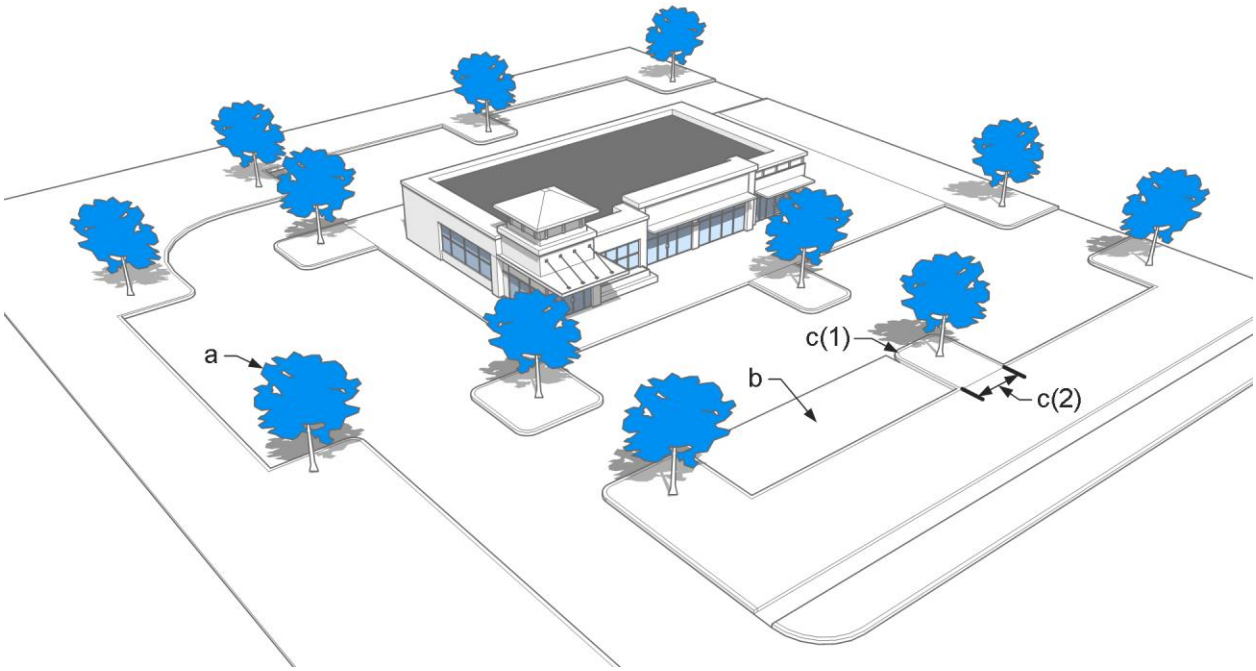
(1) Each tree planting space shall be at least 300 square feet in size and shall provide at least 150 square feet of planter space (or the equivalent soil rooting volume) for each planted tree.

(2) Each planter shall be at least eight feet in width from curb to curb.[756]

(3) If soil in the parking lot has been compacted by grading operations, the soil within the planter shall be tilled, or removed to a depth of 30 inches and replaced with an acceptable growing medium for the species being installed.

d. When these standards are applied to the Heavy Vehicle and Equipment Sales and Rental use or the Automobile and Light Vehicle Sales and Rental use, each 250 square feet (or fraction thereof) of vehicle or equipment display or storage area shall be counted as the equivalent of one parking space.[757]

[753] Provision that trees may be placed adjacent to parking lots was not carried forward, because trees around the parking lot are addressed by Sections 7.4.905, 7.4.906, Subsection 2 below, and 7.4.908. Provisions for substitution of evergreen species in oversized planters was deleted because species substitutions can be addressed in the Landscape Policy Manual or through the alternatives and adjustments provisions below.
[754] Last sentence is new.
[755] New standard to ensure that required trees are dispersed to break up uninterrupted parking area, based on concerns with outcomes under current standards.
[756] Reduced from 10 feet to match general current standards for tree survival.
[757] Reworded for clarity.



2. Perimeter Screening Plantings[758]

The following additional standards shall apply to screen the view of parked vehicles when viewed from public rights-of-way or abutting properties unless the Manager determines that landscaping installed pursuant to Sections 7.4.905 (Street Frontage and Street Trees) or 7.4.906 (Property Edge Landscape Buffers), provides equal or better screening of parked vehicles when viewed from those locations.[759]

a. At least two-thirds (2/3) of the frontage of any applicable parking lot (exclusive of the width of any vehicular access points) when viewed from a public right-of-way or abutting property shall be screened from view with screening that complies with the Subsection b below.

b. The screening shall consist of a fence or wall between three and four feet in height, measured from the surface of the parking spaces that are to be screened, and that comply with the following standards.

(1) The fence or wall meets the standards of Section 7.4.910 (Fences and Walls);

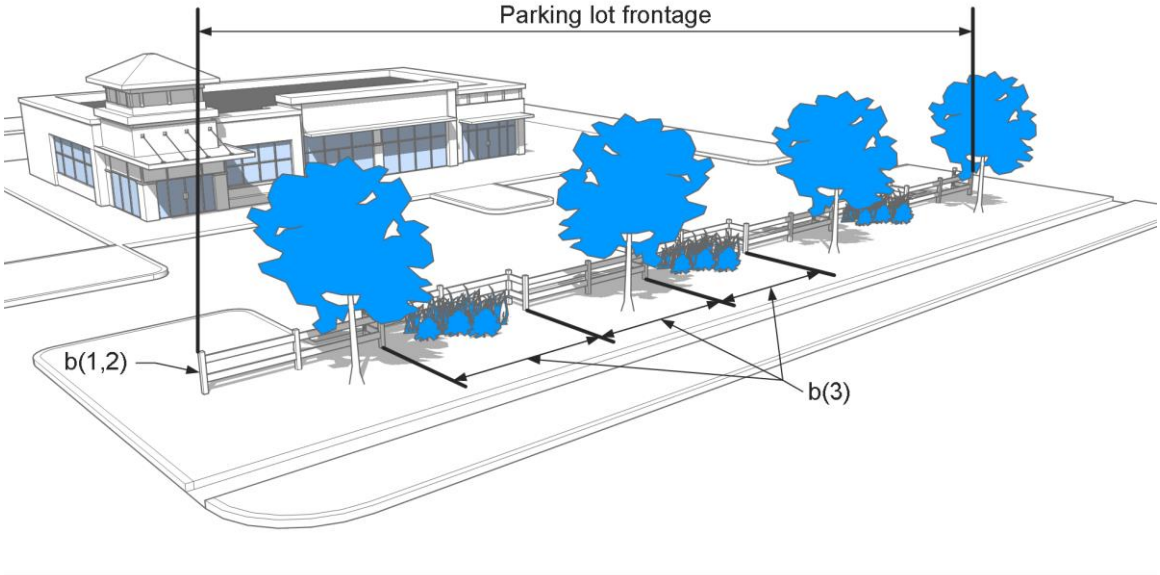
(2) The fence or wall attractively complements the vegetation and berms; and

(3) The structures include architectural articulation or visual variety when viewed from abutting lots or rights-of-way through changes in materials, wall or fence height, or the horizontal alignment of the wall or fence, or through the planting of vines, shrubs, or trees, and those instances of articulation or variety occur at least once for each 20 linear feet of wall or fence length.

(4) As an alternative to Subsections (1) through (3) above, at the applicant's option, the screening may consist of vegetation or combination of plantings and berms with an

[758] Revised to allow for more space-efficient landscaping to promote reinvestment in older, more compact areas of the city, but still allows use of berms and larger setbacks at the applicant's option. Repetitive references to Landscape Policy Manual were not carried forward. Text on required species was not carried forward; all required species information will appear in the Manual.
[759] Text added for clarification and to avoid overlapping landscaping requirements.

eventual height of three feet or more, with vegetation being needled or broad-leaved evergreen plants.[760]



C. Corner Visibility[761]

No required planting shall interfere with visibility in the Corner Visibility Triangle.[762]

7.4.908 Additional Interior Landscaping[763]

A. Purpose

The purpose of the interior landscaping requirements is to ensure that each new multi-family and nonresidential development achieves at least a minimum amount of total landscaped area, to separate building areas from parking lots, through landscaping that is adapted to the site, reflects the varying microclimates and respective building facade orientations, and visually ties the buildings and motor vehicle parking, storage, and display areas to the site and to the larger regional context.

B. Amount of Landscaping and Open Space[764]

Interior landscaping shall meet the following minimum requirements:

1. In addition to the landscaping and buffering required by Sections 7.4.905, 7.4.906, and 7.4.907, multi-family, mixed-use, and nonresidential development shall install the following amounts of landscaping on the interior of the site.

a. Multi-family development projects shall provide a minimum open space area equal to 15 percent of the gross site area.[765]

[760] References to required species is new.
[761] Text revised for clarity and objectivity. Prohibition on landscaping that significantly interferes with visibility into parking lots was not carried forward in this section due to likely conflicts with other standards, but will appear in the Landscape Policy Manual.
[762] Detailed text replaced with cross-reference.
[763] From Section 7.4.322 of the existing zoning and subdivision ordinance. Incorporates Policy 322 from the Landscape Policy Manual. Section revised to clarify that it is only applies if other required landscaping does not achieve these minimum numbers on its own, and to tailor requirements to different subareas. Automatic exemption of industrial projects was deleted, but Manager's ability to exempt them was carried over.
[764] Provision allowing trees on double frontage lots in excess of minimum standards to be credited against additional internal landscaping was deleted for internal consistency.
[765] Proposed five percent requirement in earlier draft revised to 15 percent current code standard. The City currently uses an internal benchmark of 200 sq. ft. of open space per multi-family dwelling unit, and this standard is under continued discussion and may be adjusted based on that internal benchmark.

b. Nonresidential development projects shall provide a minimum open space area equal to five percent of the gross site area.

2. On heavy industrial projects where internal landscaping may be inappropriate due to the necessary configuration and use of the site, the Manager may allow some or all of the required additional interior landscaping to be relocated to the main property entrances or office areas or outside of the wall or fence on the perimeter of the property.[766]

3. Paved plazas may account for up to 50 percent of the required landscaping area if they contain trees that provide visual relief to building elevations that form major public views of the project. Sidewalks that provide basic pedestrian circulation only shall not be credited towards the minimum internal landscaping area requirement.[767]

4. Open space in water quality and detention facilities may receive one-half credit towards required on-site open space. Each one square foot of detention facility area that the Manager determines to be generally usable by residents or users of the development shall count towards one-half square foot of required on-site open space.[768]

C. Type of Landscaping

1. One tree shall be planted for every 500 square feet of required minimum internal landscaping area.

2. All required trees in nonresidential projects and 50 percent of the required trees in multi-family projects may be substituted by shrubs as follows:

a. Ten shrubs, with a container size of at least five gallons and a shrub bed area of at least 15 square feet, may be substituted for one tree.

b. Two grass clumps, with a container size of one gallon, may be substituted for one shrub.

D. Location of Landscaping

Landscaping installed in accordance with this Section 7.4.908D shall be placed in the following locations:

1. Adjacent to building elevations facing abutting public rights-of-way and private streets;[769]

2. Within a plaza or courtyard between buildings or portions of buildings;

3. In a space provided to separate building areas from parking areas;

4. As a buffer at the edge of a private stormwater water quality and/or detention facility on the same lot;[770]

5. In an “oasis” area of the site with intensive plantings near building entrances, pedestrian gathering places, or parking lots; or

6. In a similar location of the site that substantially conforms to the stated purposed of the required internal landscape area and approved by the Manager.

[766] Existing regulation relocated from Landscape Policy Manual.
[767] Second sentence relocated from Landscape Policy Manual.
[768] New.
[769] Reference to private streets added. Minor wording changes by staff for internal consistency in Revised Public Draft.
[770] New.

7.4.909 Screening[771]

A. Purpose

The purpose of this Section 7.4.909 is to ensure that development establishes vegetative screening or walls and fences to shield loading, storage, and service areas from view from adjoining properties, public rights-of-way, and private streets.

B. Applicability and Exceptions[772]

The standards in this Section 7.4.909 apply to all development except the following:

1. Single-family, two-family, three-family, and four-family dwellings in a single structure located on a single lot; and
2. Along property lines between abutting properties in the LI or GI zone districts.[773]

C. Required Screening

1. Areas to be Screened

Screening that meets the standards of this Section 7.4.909C is required in the following areas to screen them view from abutting properties and public or private streets or walkways:

a. Around any refuse or recycling collection areas, including trash bins;[774]

b. Around any loading or utility service area, vehicle repair bay, or vehicle fueling area;

c. Around any stormwater water quality and/or detention facility in a residential zone district or a residential component of a mixed-use development tor PUD zone district; and[775]

d. Within 10 feet of any ground floor façade of a parking garage that is not occupied by a non-parking ground floor use and is visible from an abutting property or public or private street[776]

2. Screening Standards[777]

The required screening shall meet the following standards:

a. All refuse collection areas adjacent to streets and properties shall have an opaque screen fence or wall and vegetative screen plants at least seven feet in height.

b. If a vegetative screen is installed, plants shall be a fastigiated form of plant species and shall comply with all applicable standards in the Landscape Policy Manual.[778]

c. A fence or wall shall comply with the standards of Section 7.4.910.

d. Required foundation plantings along facades of parking garages shall comply with Section 7.4.906.

[771] Caries forward Section 7.4.323B through H to the extent they relate to screening.
[772] Restructured for clarity and reference to water quality added to reflect current practice in Revised Public Draft.
[773] Exception revised to apply only in the LI and GI zone districts (instead of vague application whenever areas are only viewable from "compatible" uses) and to clarify that dwelling exemption only occurs for smaller residential development on its own lot.
[774] Reference to recycling added in Revised Public Draft.
[775] New, to reflect frequent condition on development approvals. Reference to water quality added in Revised Public Draft.
[776] New provision.
[777] Text on required species was not carried forward in this Section but will appear in the Landscape Policy Manual. Subsections a and d are new.
[778] Reference to species is new.

7.4.910 Fences and Walls[779]

A. Purpose

The purpose of this Section 7.4.910 is to provide aesthetic and location standards for fences and walls to improve the beauty of the City and ensure that fences and walls are not located where they could be safety hazards.

B. Location and Maximum Height

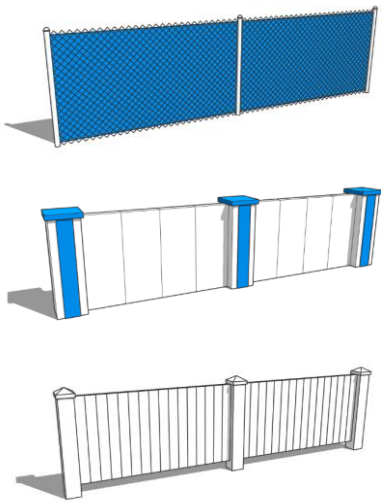
1. Except in the HS-O district or otherwise stated in this Section 7.4.910, fences or walls less than seven feet in height may be placed anywhere on a property.
2. Fences shall not block access to electric or gas meters.[780]
3. Fences located between the front façade of a primary structure and any lot frontage abutting a public or private street may not exceed four feet in height.[781]
4. Fences over 30 inches in height are prohibited in any Corner Visibility Triangle.
5. Fences and walls may only be located within preservation areas in accordance with the terms of an approved [Development] Plan.
6. Fences taller than the maximum heights permitted in this Section 7.4.910B are considered to be accessory structures and shall meet the setback and height requirements for accessory structures in Section 7.4.2 (Dimensional Standards).

C. Measurement of Fence Height

Fence height shall be measured in accord with Section 7.6.2 (Rules of Measurement and Calculation).

D. Fence and Wall Materials

1. Fences and walls may include masonry walls, solid wood fencing, chain-link fencing with permahedge inserts, or chain-link fencing with opaque slats. The specific type of screening materials shall be determined in conjunction with the review of a development plan where one is required. Examples of acceptable fencing types are shown below.[782]



2. Exterior use of tarps, plastic sheeting, polypropylene, or other similar materials as flexible or inflexible screening or fencing is prohibited when visible from beyond the property boundaries, except for City-installed and/or maintained snow fence or as part of active construction or remodeling project and/or as illustrated as part of a City-approved construction or grading and erosion control plan.

[779] From Section 7.4.102A of the existing zoning and subdivision ordinance. Text on “Call before you dig” to identify potential utilities was not carried over because it does not belong in this section, and should appear on the City’s website. In Revised Public Draft added requirement that fences not block access to utility meters.
[780] Added in Revised Public Draft.
[781] New standard to reflect four foot maximum fence or wall height in street frontage landscaping standards and common practice.
[782] Solid evergreen planting alternative removed from Revised Public Draft, at staff’s direction.

7.4.911 Conservation of On-Site Trees and Shrubs[783]

A. Purpose

The purpose of this Section 7.4.911 is to provide credit for the conservation of existing natural, healthy vegetation on development sites, which helps to preserve natural ecosystems.

B. Credit

1. An applicant required to install landscaping pursuant to this Section 7.4.9 shall receive credit for preserving existing significant trees and vegetation against all tree planting requirements that would otherwise apply in this Section 7.4.9.
2. Trees and existing vegetation that the applicant proposes to retain shall be indicated on the landscape plan.
3. Existing trees and vegetation shall not be invasive and not be dead or dying. They shall be credited towards required landscaping as follows:

   a. Deciduous Trees

   A credit of one tree per every one-and-one-half inches[784] in caliper DBH of an existing qualified deciduous or ornamental tree.

   b. Evergreen Trees

   A credit of one tree per every six feet in height of an existing qualified evergreen tree.

   c. Shrubs

   A credit of one shrub for each existing qualified shrub.

C. Tree Retention Standards

Specifications, plans, and construction practices regarding the retention of significant vegetation on development sites shall comply with the standards in the Landscape Policy Manual.

7.4.912 Landscape Installation, Verification, and Deferral[785]

A. Landscape and Irrigation Installation and Verification Requirement

Except as provided in subsection B below, all landscaping, irrigation systems, and other site work shown on the approved Landscape Plan and Irrigation Plan shall be properly installed and stabilized against soil erosion and/or financially assured:

1. In the case of a double frontage lot streetscape requirement or common area, before a building permit is issued;
2. In the case of a conversion of vacant land to nonresidential use that does not involve the construction of a structure, before a final Development Plan is approved; or
3. For all other development, before a certificate of occupancy is issued;

B. Deferral of Landscape or Irrigation Installation

When all or some portion of the required landscaping, irrigation system, or other site work cannot be installed due to seasonal conditions that would jeopardize the health of plant materials or prohibit the installation of the irrigation system or plant materials, or due to the unavailability of plant material or

[783] From Section 7.4.316 of the existing zoning and subdivision ordinance. Reorganized and redrafted to clarify amount of credit granted and to make the credit automatic rather than subject to a discretionary approval. Current text on preservation areas and Oasis Communities has been relocated to Section 7.4.902D; text on trimming in wildfire areas will appear in the WP-O overlay district; text on adjustments was relocated to the adjustments and alternatives section below.
[784] Credit increased form 1 per 4 inches DBH and extended to ornamental trees and cap on available credit was deleted.
[785] Reference to bridge and pond fees added by staff in Revised Public Draft. Subsection B was added in the Revised Public Draft to carry forward Section 7.4.309.B of the existing zoning and subdivision ordinance at staff's request, with revisions for clarity. Subsection 7.3.309A (Administration and Enforcement) was not carried forward)

construction activities, the owner or developer may make the following arrangements in order to secure a certificate of occupancy:

1. An acceptable financial assurance shall be posted with the Manager. Acceptable financial assurances shall include cash; cahiers, certified, company, or personal checks; certificates of deposit; irrevocable letters of credit, and/or subdivision bonds. The assurance shall be accompanied by a description of the uncompleted landscaping, irrigation system, and/or site work plus labor charge. A cost estimate or contractor's executed bid of the cost required to complete the work shall be provided. The assurance shall be an amount equal to the cost estimate.
2. The owner or developer shall agree in writing that the owner or developer and any successors or assign, shall complete the required landscaping, irrigation system, and/or site work within one year or less from the date of issuance of the certificate of occupancy.
3. The owner or developer agree that the financial assurance will not be released until all of the required landscaping, irrigation system, and/or site work has been installed and verified by City staff to comply with this Section 7.4.9. The following standards must be met:
   a. The owner or developer shall provide current signed and executed landscape and irrigation affidavits and soil receipts showing installed soil amendments.
   b. The City staff's verification shall occur during the active growing season. The Manager shall determine the dates when inspections will stop for the year and start the following spring.

7.4.913 Alternatives and Adjustments[786]

The Manager may approve alternative types or designs of landscaping, buffering, and screening requirements, unless specifically prohibited for that type of property, building, or use in this UDC, if the Manager determines that the alternative provide at least equivalent quality, visual appeal, screening, effectiveness, durability, hardiness, and performance to the specific requirements of this Section 7.4.9, the proposed alternatives and/or adjustments are consistent with guidance in the Landscape Policy Manual, and one or more of the following criteria apply:

A. The site conditions, including but not limited to topography, soils, natural water features, significant vegetation, wildlife habitat, or issues of environmental quality may be better addressed and the intent of the UDC better realized through the alternative proposal;

B. The landscape areas of the project are unusually shaped to as to result in space limitation that are deleterious to the health or growth of plants, safety, and/or visibility, for which alternative construction and installation techniques must be used; or

C. The neighborhood context, historical setting, or vegetative quality of the site will be better served by an alternative design.

7.4.10 Parking and Loading[787]

7.4.1001 Purpose

The purpose of this Section 7.4.10 is to ensure the provision, location, and design of off-street parking and loading areas to accommodate the parking and loading of motor vehicles, while also supporting the needs of pedestrians, bicyclists, and transit users and implementing the goals and policies of the Comprehensive Plan.

[786] Combines Section 7.4.306 (Landscape Administrative Relief) and 7.4.307 (Alternative Compliance) of the existing zoning and subdivision ordinance, simplifies, and strengthens the criteria for approval to require that the alternative meet the intent of the landscape requirements, and includes criteria from the Landscape Policy Manual. These provisions may be modified when the general UDC provisions for administrative adjustments are drafted in Module 3. Added specific reference to Landscape Policy Manual in Revised Public Draft.

[787] From 7.4.201 (Off Street Parking Standards). This section has been carried forward with significant updates to reflect current best practices. Separate requirements for MU zone districts in current Section 7.3.712 have not been carried forward, but many of

7.4.1002 Applicability and Exemptions[788]

A. Applicability

Unless otherwise stated in this UDC, off-street parking and maneuvering areas that conform to this Section 7.4.10 shall be provided for:

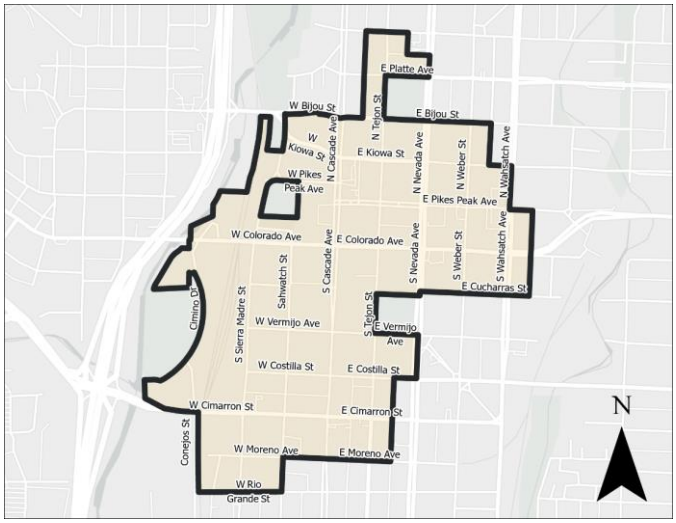
1. A newly constructed building or new use on previously vacant land;
2. All uses in an existing building that is being enlarged by more than 15 percent of its current gross floor area; and
3. All uses in a building when any use is changed and the newly approved use requires more than 15 percent more parking spaces than the previously approved use.
4. Any change in use that would result in increased parking demand for any property where the minimum parking requirements from Table 7.4.10-A were reduced pursuant to Subsections 7.4.1004D through 7.4.1004L.

B. Exemptions[789]

The areas described below are exempted from the provision of the minimum number of off-street parking spaces as required by this Section 7.4.10.

1. **FBZ Exempt Area**

   The provision of off-street parking is not required in the area shown to the right, which corresponds to the boundaries of the FBZ zoning districts on the Effective Date. Any off-street parking provided shall comply with the Americans with Disabilities Act.



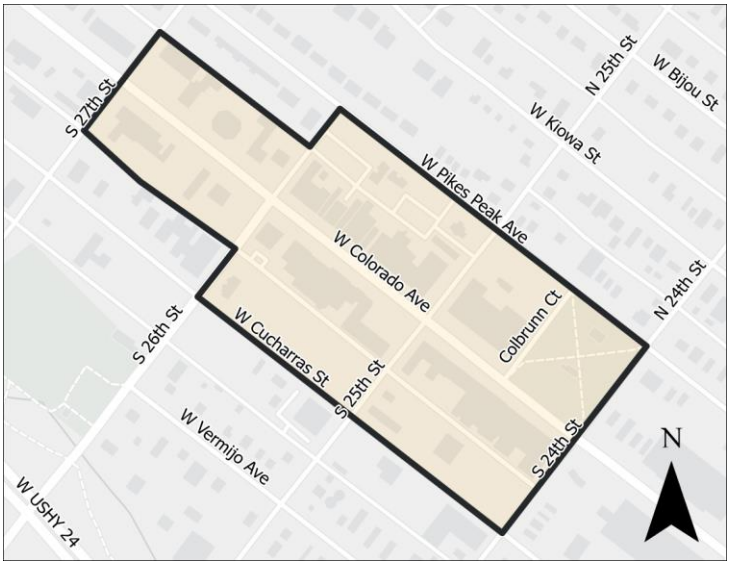
the key concepts reflected in those provisions are reflected in this Section 7.4.9. Current Section 7.4.208 (Administrative Relief to Save Valuable Trees) will be carried forward and applied more broadly as part of Module 3, as well language related to non-conformities and rules of measurement. Current standards related to parking landscaping, screening, and lighting have been carried forward with related standards in 7.4.09 (Landscaping and Open Space) and 7.4.12 (Exterior Lighting).

[788] Revised to include 15% flexibility in Subsections b and c.

[789] Text descriptions of exempt area boundaries were deleted to simplify the UDC and avoid potential inconsistencies with maps in cases where the text description is complex. Maps have been revised and updated for accuracy and clarity.in Revised Public Draft.

2. Old Colorado City Exempt Area[790]

Provision of off-street parking is not required in the mapped Old Colorado City area shown to the right. Any off-street parking provided shall comply with the Americans with Disabilities Act.



3. Older and Historic Property Exemption[791]

a. Certain older and historic properties do not need to provide off-street parking for the existing building or for expansions of such buildings by less than 200 square feet of gross floor area.

b. To qualify for this exemption, the property must meet at least two of the following criteria:

(1) Constructed at least 50 years ago;

(2) Listed on the State or National Register of Historic Places; or

(3) Located in a City of Colorado Springs Historic Preservation Overlay.

c. Any off-street parking existing on the lot or parcel on the Effective Date may not be reduced.

7.4.1003 Parking Space Requirements by Use

A. Minimum Number of Off-Street Parking Spaces[792]

Each development shall provide at least the minimum number of off-street motor vehicle parking spaces for the uses included in that development as listed in Table 7.4.10-A.

1. Calculation of Required Parking Spaces[793]

a. Area Measurements

Unless otherwise provided in this UDC, all square footage-based parking and loading standards shall be calculated on the basis of gross floor area. For outdoor areas, calculations shall be based on the portion of the site actually being used for the specified use.

[790] Existing map to be redrawn for consistency with updated graphics.
[791] New. Revised to remove reference to ADA requirement in the Revised Public Draft as unnecessary in light of other references to require compliance with ADA.
[792] Current provision requiring that mixed-use development provide parking equal to the sum of its individual parts has been replaced by shared parking reductions in Section 7.4.1004E.
[793] Existing requirements related to the application of parking space requirements for commercial centers have been removed and replaced with updated requirements for mixed-use development generally. Most modern codes calculate parking for larger centers based on the combined requirements of the individual uses that exist or are planned.

b. Fractions

When the calculation of the required off-street parking spaces results in a fraction, the requirement shall be measured in accord with Section 7.6.2 (Rules of Measurement and Calculation).

c. Unlisted Uses

The required off-street parking spaces for a use which is not specifically listed in Table 7.4.10-A shall be determined by the Manager based upon the requirements of other listed similar uses.

2. Maximum Number of Off-Street Parking Spaces[794]

After the Effective Date, no development for which a maximum off-street parking limit is shown in Table 7.4.10-A shall provide more than that maximum number of parking spaces on the lot or parcel where the development is located.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Residential Uses			
Household Living			
Dwelling, Single-family	1 per DU	1 per DU	N/A
Dwelling, Single-family (townhouse)	Attached dwelling units: Studio or efficiency: 1.1 per DU 1 bedroom: 1.5 per DU 2 bedrooms: 1.7 per DU 3 bedrooms: 2.0 per dwelling unit	**Studio, one-bedroom, or two bedroom:** 1 per DU **Three or more bedrooms:** 2 per DU **Guest Parking for Multi-family Dwelling:** 10 percent of minimum required for individual dwelling units.	N/A
Dwelling, Stacked Townhouse[797]			
Dwelling, Two-family (duplex)			
Dwelling, Two-family on Two Lots[798]			
Dwelling, Three-family (triplex)			
Dwelling, Four-family (fourplex)			
Dwelling, Multi-family [1]			
Dwelling, Live/work	Residential portion only: 1 per DU Nonresidential portion only: The lesser of: 1 per 300 s.f. or 1 per for each nonresident employee	2 per DU	N/A

[794] New.
[795] Several comments from the public suggested a reduction in off-street parking requirements. The proposed minimum off-street parking requirements included have been calibrated based on parking standards used in other municipalities similar to Colorado Springs that rely heavily on automobile travel. The proposed standards are generally lower than the current minimum off-street parking requirements in the current zoning and subdivision ordinance. Several uses also have maximum parking standards to reduce the number of large parking areas that are rarely or never occupied. Current requirements are listed for review purposes. These will be removed for the final UDC. In the Revised Public Draft, several uses have been added and one has been renamed for internal consistency with changes to Table 7.3.2-A footnoted earlier.
[796] All proposals for maximum parking space limits are new.
[797] Added in Revised Public Draft.
[798] Added in Revised Public Draft.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Manufactured Home	1 per mobile home space	1 per manufactured home space	N/A
Manufactured Home Park	1 per mobile home space	1 per manufactured home space	N/A
Short-term Rental Unit	No requirement	No requirement	N/A
Tiny House Park	--	1 per DU	N/A
Group Living			
Group Cooperative Living	1 per 8 beds	1 per 8 beds	N/A
Group Living Residence, Small	Dormitory, fraternity, or sorority house: 0.5 space per bed	1 per 3 persons design capacity	N/A
Group Living Residence, Medium			
Human Services Establishment, Small	Human Service Home: 1 space per DU Human Service Residence: 1 space per DU Human Service Facility: 1 space per 8 beds Domestic Violence Safe House: 1 space per 8 beds Family care home: 1 space per DU Family support residence: 1 space per 8 beds	1 per 8 beds	N/A
Human Services Establishment, Medium			
Human Services Establishment, Large			
Long-term Care Facility	Elderly (60 or over): 0.6 space per DU Retirement home: 0.6 space per DU	1 per 6 resident beds	N/A
Civic, Public, and Institutional Uses			
Adult or Child Day Care, Large	Daycare services (Daycare center or Preschool) 1 per 400 s.f.	1 per 400 s.f. GFA	N/A
Adult or Child Day Care Center, Small			
Cemetery	1 per 400 s.f. of office space	No requirement	N/A
Club, Lodge, and Service Organization	Club (membership): Recreational clubs: 1 per 150 s.f. Social clubs: N/A Social Service Center (Medical) 1 per 200 s.f. Social Service Center (Office) 1 per 400 s.f. Social Service Center (Retail) 1 per 400 s.f.	1 per 400 s.f. GFA	N/A

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
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GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Correctional Facility/ Juvenile Detention Facility[799]	Per Development Plan	Per Development Plan	
Detoxification Center	Detoxification Center: 1 per 8 beds Drug and Alcohol Treatment Facility: 1 per 8 beds	1 per 8 beds	N/A
Funeral Services	Crematory Services: 1 per 400 s.f. of office space	1 per 1,000 s.f. GFA or 1 space per 4 seats in main assembly area, whichever is greater	N/A
Hospice	1 per 8 beds	1 per 8 beds	N/A
Hospital	2 per bed	1 per 2 patient beds design capacity	N/A
Human Services Shelter	Human Service Shelter (Large family care home): 1 plus 1 per 8 beds Human Service Shelter (Residential childcare facility): 1 per 8 beds	1 plus 1 per 8 beds	N/A
Library, Museum, or Cultural Facility	Cultural Services: 1 per 750 s.f.	1 per 750 s.f. GFA	N/A
Park	Determined by Park Board	Determined by Park Board	
Public Safety Services	Administrative and safety services: 1 per 400 s.f.	1 per 400 s.f. GFA	N/A
Religious Institution	1 per 4 seats	1 per 6 seats in main assembly area	N/A
School, Elementary, or Secondary	Elementary or Junior High (Charter, Nonpublic, and Public): 2 per classroom Senior High: 1 per 4 students	**Elementary or Junior High:** 1 per 20 students design capacity **Senior High:** 1 per 6 students design capacity	N/A
School, Higher Education	College and University and Proprietary Schools: 0.5 per faculty member and employee plus 1 per 6 students	1 per 500 s.f. GFA of classroom, research, and library area, plus 1 per 6 seats in largest assembly area	N/A
Commercial and Industrial Uses			
Agriculture and Animal-Related Services			
Agricultural Production	No requirement	No requirement	N/A
Agricultural Sales and Service	Agricultural Sales and Service, nursery: 1 per 600 s.f. for buildings plus 1 per 2,000 s.f. of outdoor storage and display	1 per 750 s.f. GFA	N/A
Animal Care Facility	Veterinary Service (Large Animal Hospitals): 1 per 200 s.f. Kennels: 1 per 400 s.f. of office space	1 per 400 s.f. GFA	N/A

[799] Renamed in Revised Public Draft.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Commercial Feedlot	Meatpacking and Related Industry: 1 per 750 s.f.	No requirement	N/A
Greenhouse	No requirement	No requirement	N/A
Small Animal Clinic	Veterinary Service (Small Animal Clinic): 1 per 200 s.f.	1 per 400 s.f. GFA	N/A
Stable	Commercial stables, Riding Academies and/or Corrals: 1 per 5 stalls	No requirement	N/A
Urban Agriculture	Community Gardens: None	No requirement	N/A
Eating, Drinking, and Lodging			
Adult Entertainment	Sexually oriented business (Bar): 1 per 100 s.f.	**Indoor Seating Area:** 1 per 300 s.f. GFA **Outdoor Seating Area:** If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 s.f.	N/A
Bar	Bar: 1 per 100 s.f. plus 1 per 400 s.f. for office and remaining area Bar, tavern, or nightclub: 1 per 100 s.f.		
Bed and Breakfast	1 per 2 guestrooms or suites	1 per 2 guestrooms or suites	N/A
Campground or Recreational Vehicle Park	1 per recreational vehicle space	1 per recreational vehicle space	N/A
Hookah Bar	1 space per 100 s.f.	1 per 300 s.f. GFA	N/A
Hotel or Motel	1 space per 1 guestroom or suite plus 1 space per 200 s.f. of restaurant space plus 1 space per 8 seats of meeting space	0.5 per guest room, plus 1 per 300 s.f. GFA of restaurant or bar space plus 1 per 10 seat of meeting space	N/A
Micro-brewery, Micro-winery, or Micro-distillery	--	**Indoor Seating Area:** 1 per 300 s.f. GFA **Outdoor Seating Area:** If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 s.f.	
Restaurant	Drive-in or fast food: 1 space per 100 s.f. Outdoor seating: 1 space per 200 s.f. Quick serve: 1 space per 100 s.f. Sit down - served at table: 1 space per 100 s.f.		
Rooming or Boarding House	0.5 per bed	0.5 per bed	N/A
Entertainment and Recreation			
Entertainment or Recreation, Indoor	Amusement park: 30 per ac Arcade or game room: 1 per 300 s.f. Bowling Alley: 4 per lane	**Theaters or similar uses:** 1 per 6 seats in assembly areas	**Theaters or similar uses:** 1 per 4 seats in assembly areas

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
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N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
	Golf course: 4 per hole Golf driving range: 1 per tee Ice and roller skating rink: 1 per 150 square feet Miniature golf course: 1 per hole Pool hall: 2 per table Racetrack: 1 per 4 seats Shooting range: 1 per firing lane Swimming pool: 1 per 150 s.f. of pool area Tennis, handball, or racquetball facilities: 3 per court Theater: 1 per 4 seats	**All other uses:** 1 per 500 s.f. GFA	**All other uses:** N/A
Entertainment or Recreation, Outdoor		1 per 1,000 s.f. GFA	N/A
Semipublic Community Recreation	--	No requirement	N/A
Stadium or Auditorium	Public Assembly: 1 per 4 seats Stadium and/or sports arena: 1 per 4 seats	1 per 4 seats in main assembly area	N/A
Heavy Commercial, Storage, and Industry[800]			
Construction Sales and Services	Construction or Contractor Yards: 1 per 750 s.f. Construction Sales and Services (Completely enclosed): 1 per 600 s.f. Construction Sales and Services (Includes outside activities): 1 per 600 s.f.	1 per 750 s.f. GFA plus 1 space per commercial vehicle generally stored on-site	N/A
Heavy Industry	General Industry (Heavy): 1 per 750 s.f. Construction batch plant: 1 per 750 s.f.	1 per 1,000 s.f. GFA	N/A
Junkyard	Junkyard: 1 per 750 s.f. Vehicle dismantling yard: 1 per 400 s.f. of office space	No requirement	N/A
Light Industry	Manufacturing and Light Industry: 1 per 750 s.f. Industrial laundry: 1 per 750 s.f.	1 per 1,000 s.f. GFA	N/A
Mining and Mineral Extraction	1 per 400 s.f. of office space	No requirement	N/A

[800] Many communities have eliminated parking requirements for Heavy Commercial, Storage, and Industrial Uses and decided to let the market drive what is needed and provided on a case-by-case basis. We have proposed a hybrid approach for COS, eliminating requirements for certain uses, but not for others. If a more aggressive shift is desired by COS, requirements could be eliminated for all uses in this category of uses.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Self-storage	Miniwarehouses: None, but spaces are required for accessory uses	1 per 400 GFA of office area	N/A
Special Industry	Custom Manufacturing: 1 per 750 s.f.	1 per 1,000 s.f. GFA	N/A
Stockyard	1 per 400 s.f. of office space	1 per 400 s.f. GFA	N/A
Warehousing and Wholesaling	Warehousing and Distribution: 1 per 1,000 s.f.	1 per 1,000 s.f. GFA	N/A
Industrial Hemp[801]			
Industrial Hemp Products Manufacturer – Nonhazardous	1 per 750 s.f.	1 per 1,000 s.f. GFA	N/A
Industrial Hemp Products Manufacturer – Hazardous			
Industrial Hemp Optional Premises Cultivation Operation	Grow and Process: 1 per 5,000 s.f. Office: 1 per 400 s.f.	**Grow and Process:** 1 per 5,000 s.f.	**Office:** 1 per 400 s.f.
Marijuana-related Services			
Marijuana Consumption Club Facility	1 per 400 s.f.	1 per 400 s.f. GFA	N/A
Medical Marijuana Center	Retail: 1 per 300 s.f. Office: 1 per 400 s.f.	**Retail:** 1 per 300 s.f. GFA **Office:** 1 per 400 s.f. GFA	N/A
Medical Marijuana Infused Products Manufacturer-- Nonhazardous	1 per 750 s.f.	1 per 1,000 s.f. GFA	N/A
Medical Marijuana Infused Products Manufacturer- Hazardous			
Optional Premises Cultivation Operation	Grow and Process: 1 per 5,000 s.f. Office: 1 per 400 s.f.	**Grow and Process:** 1 per 5,000 s.f.	**Office:** 1 per 400 s.f.
Office			
Medical Office	1 per 200 s.f.	1 per 300 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 200 s.f. GFA
Office	Administrative, business, or professional: 1 per 400 s.f. Financial services, bank, savings and loan, credit union: 1 per 400 s.f. Telemarketing/Call Center: 1 per 200 s.f.	1 per 500 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 300 s.f. GFA

[801] Industrial hemp use parking standards parallel to similar marijuana-related parking standards added in Revised Public Draft for internal consistency with Table 7.3.2-A.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
	Research and development: 1 per 400 s.f.		
Vocational or Skills Education	N/A	3 per 1,000 s.f. GFA	N/A
Retail Sales and Services			
Adult Retail	1 per 300 s.f.	1 per 350 s.f. GFA	N/A
Liquor Sales	Liquor Sales: 1 per 300 s.f.	1 per 350 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 300 s.f. GFA
Personal or Business Service, Large	Business Office Support Services: 1 per 500 s.f. Consumer Convenience Services: 1 per 400 s.f. Consumer Repair Services: 1 per 400 s.f. Communication Services: 1 per 400 s.f. Data center: 1 per 400 s.f. of office space Exterminating Services: 1 per 400 s.f. Funeral services: 1 per 4 seats Personal Improvement Services: 1 per 250 s.f. Personal Consumer Services: 1 per 400 s.f. Pharmacy (Office): 1 per 400 s.f. Pet services: 1 per 400 s.f.	1 per 400 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 300 s.f. GFA
Personal or Business Service, Small		1 per 400 s.f. GFA	N/A
Retail Sales, Large	Commercial Center: Over 30 ac: 1 per 300 s.f. Commercial Center: 10-30 ac: 1 per 300 s.f. Commercial Center: Less than 10 ac: 1 per 250 s.f. Food sales (Convenience food sales): 1 per 300 s.f. Food sales (General food sales): 1 per 300 s.f. Food sales (Specialty food sales): 1 per 300 s.f. Pharmacy (Retail): 1 per 300 s.f. Retail, general (Department store, market, etc.): 1 per 300 s.f. Retail, general (Furniture or appliances): 1 per 600 s.f.	1 per 500 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 400 s.f. GFA
Retail Sales, Medium		1 per 400 s.f. GFA	If building is over 25,000 s.f. GFA: 1 per 400 s.f. GFA

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
	Surplus Sales: 1 per 300 s.f. of both outdoor and indoor display area		
Retail Sales, Small		1 per 350 s.f. GFA	N/A
Transportation			
Airport	Aviation Facilities: Per Development Plan	Per Development Plan	
Light Vehicle Staging Area	See the specific requirements for the commercial and residential uses	No requirement	N/A
Parking Lot	Per Development Plan	Per Development Plan	N/A
Parking Structure	Per Development Plan	Per Development Plan	N/A
Railroad Facility	Per Development Plan	No requirement	N/A
Transit Station	Per Development Plan	Per Development Plan	
Transportation Terminal	Per Development Plan	Per Development Plan	
Truck Terminal	1 per 200 s.f.	1 per 500 s.f. GFA	N/A
Utilities and Communication			
Broadcasting Tower	N/A	No requirement	N/A
Utility, Major	Per Development Plan: Utility Facilities	Per Development Plan	N/A
Utility, Minor			
WCF, Eligible Facility Request[802]	N/A	No requirement	N/A
WCF, Nonstealth Freestanding Facility	N/A	No requirement	N/A
WCF, Roof/building mount on multi-family, institutional or nonresidential buildings	N/A	No requirement	N/A
WCF, Roof/building mount on single- and two-family dwellings	N/A	No requirement	N/A
WCF, Small Cell Facility	N/A	No requirement	N/A
WCF, Stealth Freestanding Facility	N/A	No requirement	N/A
Vehicle Related			
Automobile and Light Vehicle Repair, Minor	Auto service: 1 per 200 s.f. Automotive repair garage: 1 per 200 s.f. of building area plus adequate space for vehicle storage Automotive Wash: 1 per bay or stall	1 per 350 sq. ft. of indoor sales/leasing/ office area; plus 1 per service bay	N/A
Automobile and Light Vehicle Repair, Major	Body and fender repair services: 1 per 200 s.f. of building area plus adequate space for vehicle storage		

[802] All WCF standards are from the recently adopted WCF ordinance.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Automobile and Light Vehicle Sales and Rental	Automotive Rentals and Automotive Sales: 1 per 400 s.f. of office space plus adequate space for vehicle storage and display		
Automobile and Light Vehicle Storage	Automotive storage yard: 1 per 400 s.f. of office space		
Fuel Dispensing Station	--	1 per 300 s.f. GFA; fuel pump spaces and any parking spaces under the canopy shall not count toward meeting the minimum required parking[803]	N/A
Heavy Vehicle and Equipment Sales and Rental	Construction equipment business: 1 per 400 s.f. of office space plus adequate space for vehicle storage Equipment rental and sales: 1 per 400 s.f. of office space plus adequate space for vehicle storage and display	1 per 400 sq. ft. of GFA plus 1 per service bay	N/A
Heavy Vehicle and Equipment Repair	Equipment storage yard: 1 per 400 s.f. of office space		
Heavy Vehicle Storage	Equipment storage yard: 1 per 400 s.f. of office space Maintenance and service facility: 1 per 200 s.f.		
Waste and Recycling			
Landfill	1 per 100 s.f.	1 per 100 s.f. of office space	N/A
Recycling Collection Center, Large	Recycling (Large Recycling Collection Centers and Recycling Processing Centers) 1 per 1,000 s.f.	1 per 1,000 s.f.	N/A
Recycling Collection Center, Small	--	No requirement	N/A
Recycling Processing Center	1 per 400 s.f.	1 per 400 s.f.	N/A
Waste Transfer Station	Transfer Facility: 1 per 1,000 s.f.	1 per 1,000 s.f.	N/A
Accessory and Temporary Uses			
Antenna or Satellite Dish, Accessory	--	No requirement	N/A
Beehive, Accessory	--		
Carport or Garage, Accessory	--		
Construction Office or Yard, Temporary	--		
Drive-through, Accessory	--	No requirement	N/A

[803] New minimum parking standards reflects common inclusion of food and convenience sales space.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Dwelling, Accessory[804]	--	Per standards in Section 7.3.304F	N/A
Electric Vehicle Charging	--	No requirement	N/A
Family Suite, Accessory[805]		Per standards in Section 7.3.304H	
Garage Sale, Temporary	--	No requirement	N/A
Geothermal Energy Equipment, Accessory	--		
Greenhouse, Accessory[806]	--		
Home Adult or Child Day Care, Large, Accessory	--	1 per DU	N/A
Home Adult or Child Day Care, Small, Accessory	--	No requirement	N/A
Home Occupation, Accessory	--		N/A
Marijuana, Home Cultivation, Accessory	--		
Mobile Vending Truck, Temporary	--		
Office or Bank Facility, Temporary	--	2 per 1,000 s.f. GFA	N/A
Outdoor Display of Goods, Accessory	--	No requirement	N/A
Outdoor Display of Goods, Temporary	--		
Outdoor Festival or Amusement, Temporary	--	2 per 1,000 s.f. of site area where attendees circulate, participate, or watch activities	N/A
Outdoor Seating or Dining, Accessory	--	If accessory to a bar or restaurant: If outdoor seating area is less than 20% of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20% of the indoor seating area, then additional parking required is 1 per 350 s.f. For other uses: No requirement	N/A
Outdoor Storage, Accessory	--	No requirement	N/A
Playhouse, Accessory	--		
Real Estate Sales or Business Office, Temporary	--	2 per 1,000 s.f. GFA	N/A

[804] Added from recently adopted ADU ordinance.
[805] Added from recently adopted ADU ordinance.
[806] Added in Revised Public Draft for internal consistency.

Table 7.4.10-A
Minimum and Maximum Off-Street Parking Requirements[795]
DU= Dwelling Unit
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater
GFA = Gross Floor Area
N/A = Not Applicable

Use Types	Minimum Spaces (current)	Minimum Spaces (proposed)	Maximum Spaces (proposed)[796]
Solar Collector, Accessory	--	No requirement	N/A
Swimming Pool, Accessory	--		
Transit Shelter, Accessory	--		
Vendor in Commercial Retail Center, Temporary	--		
Wind Energy System, Accessory:	--		

7.4.1004 Adjustments to Minimum Motor Vehicle Parking Requirements[807]

Alternative parking requirements may be established as a part of an FBZ regulating plan or as otherwise determined per this Section 7.4.1004.

A. Adjustments to Minimum Motor Vehicle Parking Requirements[808]

1. The minimum number of off-street parking spaces required by Section 7.4.1003 shall be reduced by up to 40 percent based on the application of one or more of the adjustments listed in Subsections D through L below.
2. These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.
3. The minimum number of off-street parking spaces to be provided for single-family detached dwellings, two-family dwellings, three-family dwellings, or four-family dwellings may not be adjusted pursuant to this Section 7.4.1004.[809]

B. Affordable Housing[810]

The minimum number of off-street parking spaces required by Table 7.4.10-A shall be reduced by 35 percent for affordable residential multi-family developments that satisfy the following:

1. Have a minimum of 10 dwelling units; and
2. At least 25 percent of the dwelling units are restricted for purchase or occupancy by residents with 80 percent or less of the area median income (AMI).

[807]This section generally carries forward, reorganizes, and updates Section 7.4.204 (Alternative Parking Options) to expand the ways in which minimum parking requirements can be reduced, as well as to make reductions automatic if certain conditions are met. Requirements for individualized determinations of impacts of each reduction have not been carried forward. These changes are intended to help achieve Plan COS goals regarding mobility, improved urban design, infill development, and expanded parking alternatives.
[808]The maximum reduction that may be earned has been increased from 35 to 40 percent. Language that limits adjustments to minimum off-street parking in conjunction with other credits/exceptions has not been carried forward.
[809] Exemption revised to cover two-, three-, and four-family dwellings.
[810] New allowance to reduce minimum parking requirements for affordable housing development, included at staff's request in the Revised Public Draft. This provision reflects that lower-income households tend to own fewer vehicles.

C. Senior Housing[811]

The minimum number of off-street parking spaces required by Table 7.4.10-A shall be reduced by 25 percent for multi-family dwellings that are restricted to occupancy by residents 65 or older, or that qualify as age-restricted communities under the federal Fair Housing Amendments Act.

D. On-Street Parking Credit[812]

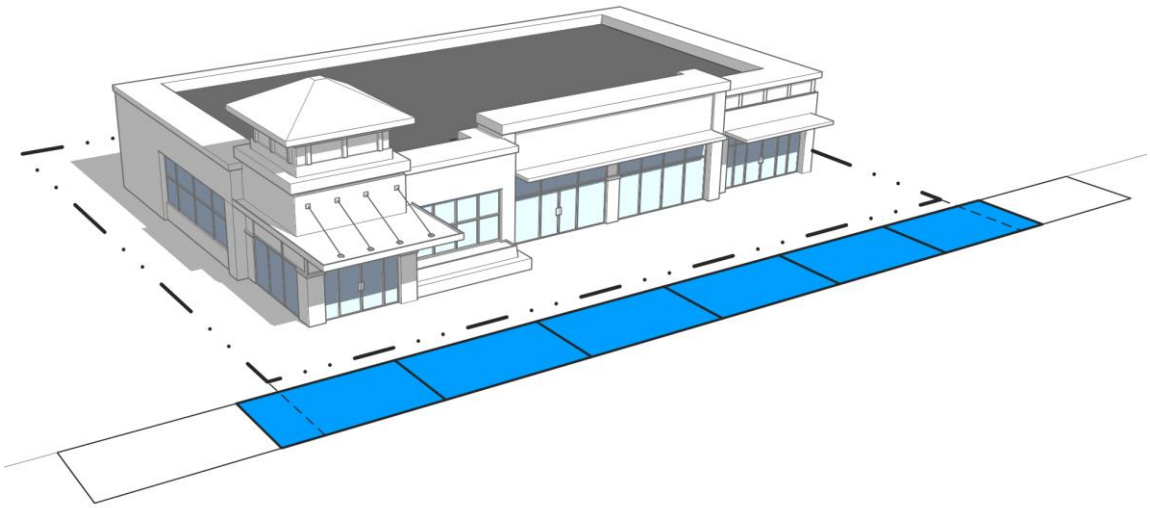
Any on-street parking space in which more than one-half (1/2) of the length of the parking space is located between the side or rear property lines, as projected into the street, may be counted toward the minimum number of vehicle parking spaces required by Section 7.4.1003 on a one-to-one basis, provided that:

1. The street segment is one on which the City (for public streets) or the Concept Plan (for private streets) allows on-street parking;

2. The street segment is not one that is subject to residential parking permit restrictions;[813]

3. Any on-street parking spaces for which credit is given shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted; and

4. On-street parking spaces shall be used for vehicular parking only. No sales, rental, storage, repair, servicing of vehicles, equipment or materials, dismantling, or other activities shall be conducted or located in such areas.



E. Shared Parking Reduction[814]

1. Where two or more uses listed in Table 7.3.3-A share a parking lot or structure, the total off-street parking requirement for those uses shall be reduced by the factors shown in Table 7.4.10-B.

[811] This has been relocated from a note in Table 7.4.10-A for internal consistency.
[812] This Section carried forward and updated to remove the need for a discretionary decision by a planning official (e.g., to make them automatic). Additional conditions have also been added, but requirement to make a determination of no significant off-site impact was not carried forward.
[813] New.
[814] This subsection has been reworked for clarity. Distance allowed has been increased from 400 feet to 600 feet.

Table 7.4.10-B
Shared Parking Reduction
(add the requirements and divide by these factors)

Property Use	Multi-family Residential	Public, Institutional, or Civic	Food, Beverage, Indoor Entertainment, or Lodging	Retail	Other Commercial
Multi-family residential	1.0				
Public, Institutional, or Civic	1.1	1.0			
Food, Beverage, Indoor Entertainment, or Lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other Commercial	1.3	1.5	1.7	1.2	1.0

2. To calculate the revised minimum parking requirement, calculate the minimum off-street parking requirement individually for the two uses with the highest off-street parking requirement, and then divide that sum by the number shown in the cell for that combination of uses in Table 7.4.10-B.

3. If more than two uses share a parking lot or structure, the reduction factors in Table 7.4.10-B are applied only to the two uses with the highest parking requirements. The minimum parking required for the third and additional uses sharing the parking lot or facility are then added to the adjustment calculated in Subsection 2 above without further adjustment.

F. Transit Proximity Reduction

1. The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by:

a. 10 percent if the proposed development is located within 660 feet[815] of any transit stop or transit station with a peak service frequency of 15 minutes or less; or

b. 20 percent if the proposed development is located within 660 feet of a Bus Rapid Transit Station with a peak service frequency of 15 minutes or less.[816]

2. The minimum number of off-street parking spaces required for new development may be reduced by five percent for projects that include, at the applicant's expense, transit shelters of a type and location acceptable to the City, regardless of service frequency.

3. No development approved with a transit proximity parking reduction shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the transit proximity reduction.

G. Public Parking Proximity Reduction[817]

The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by 10 percent if the applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby Residential zone district.

[815] Increased from current 400 feet to reflect common 1/8 mile transit support distance.
[816] BRT stations are typically designed as more substantial and permanent structures, and function more similarly to rail stations in their ability to attract the types of transit-supportive development patterns that would warrant reduced parking.
[817] References to public parking district and on-street parking spaces being considered nearby public parking spaces were not carried forward, and reduction reduced to 10 percent.

H. Bike Route or Trail Proximity Reduction[818]

The minimum number of off-street parking spaces required by Table 7.4.10-A may be reduced by five percent if the subject property is located within 660 feet by direct pedestrian access of a City-designated bike route or designated trail that permits bicycle use.

I. Electric Vehicle Charging Station Reduction[819]

Each off-street parking space that includes an electric vehicle charging station with a rating of 240 volts or higher shall count as two vehicle parking spaces toward satisfaction of minimum off-street parking requirements in Table 7.4.10-A.

J. Vanpool, Carpool, or Car Share Reduction[820]

1. Each off-street parking space designated and signed for the exclusive use of a shared carpool or car share vehicle shall count as four spaces toward the satisfaction of a minimum off-street parking requirements in Table 7.4.10-A.

2. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as seven spaces toward the satisfaction of a minimum off-street parking requirements in Table 7.4.10-A

K. Bicycle or Motorcycle Parking[821]

1. In any parking lot or structure that contains more than five motor vehicle parking spaces, two motorcycle parking spaces shall be counted as the equivalent of one of the minimum required vehicle parking spaces, or four motorcycle parking spaces shall be counted as the equivalent of two of the minimum motor vehicle parking spaces required by Table 7.4.10-A.

2. In any parking lot or structure that contains more than 10 standard parking spaces, and in which the minimum bicycle parking required by Section 7.4.1005 has been provided, the provision of an additional bicycle rack accommodating at least five bicycles shall be counted as the equivalent of one motor vehicle parking space required by Table 7.4.10-A, up to 10 percent of the minimum motor vehicle spaces required by that table.

L. Other Alternative Parking Adjustment[822]

1. The Manager may approve a reduction in parking spaces required by Table 7.4.10-A for a reason that is not addressed in Subsections B through K above, including but not limited to the applicant's submittal of a study showing that a lower number of parking spaces will be adequate, if the Manager determines that:[823]

a. The proposed reduction will result in parking adequate to meet projected parking demand;

b. The parking reduction would not generate significant off-site impacts upon neighboring properties or public rights-of way; and

c. The requested parking reduction will not increase risks to the safety of pedestrians, bicyclists, or motor vehicles.

2. The Manager may approve a reduction smaller than that requested, or may attach conditions to an approval of a parking reduction if the Manager determines that is necessary for the reduction to satisfy the approval criteria in Subsection 1 above.

[818] Carried forward. It is not typical to see a parking reduction offered in this scenario; therefore, a modest credit has been assigned. The distance standard has been increased from 400 feet.
[819] New.
[820] New.
[821] From current Section 7.4.204C.3b, revised and reworded.
[822] New provision to allow flexibility in situations not covered by the objective reductions in subsections B through I above.
[823] Revised Public Draft removes reference to transit proximity because that is a specific listed adjustment in the subsections above.

M. Minor Amendment Required Upon Change of Use

Notwithstanding the provisions of Section 7.4.1002A.3, a minor [Development] Plan amendment shall be required prior to any change in use that would result in increased parking demand for any property where the minimum parking requirements from Table 7.4.10-A were reduced pursuant to Subsections D through L above.

7.4.1005 Accessible Parking Space Requirements[824]

A. Generally

Accessible parking spaces shall be provided and designed to meet the requirements of the Americans with Disabilities Act.

B. Number Required

1. Where parking is required under this Section 7.4.10 and except as otherwise provided in this Subsection B, accessible parking spaces shall be provided in accordance with the table below. Spaces required by this Section 7.4.1005 shall count toward fulfilling off-street parking requirements unless the minimum required is 15 spaces or less.[825] One in every six accessible parking spaces with a minimum of one shall be van accessible.

Table 7.4.10-C
Number of Accessible Spaces Required

Number of Parking Spaces Provided	Number of Accessible Spaces Required	Number of Van Accessible Spaces Required
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	2
301 - 400	8	2
401 - 500	9	2
501 - 1,000	2% of total	1/6 of number of accessible spaces required
1,001 and over	20 plus 1 for each 100 over 1,000	1/6 of number of accessible spaces required

2. At least two percent, but not less than one parking space, of each type of parking space provided for attached dwelling unit, multi-family dwelling, dormitory, fraternity or sorority house, retirement home, rooming or boarding house, religious institution, single-family detached, accessory dwelling unit, and two-family dwelling uses shall be accessible.

3. At least 10 percent, but not less than one parking space, of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.

4. At least 20 percent, but not less than one parking space, of the patient and visitor parking spaces provided to serve human service facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.

5. This Subsection B does not apply to parking spaces used exclusively for buses, trucks, delivery vehicles, law enforcement vehicles or vehicular impound provided that lots are accessed by the public are provided with an accessible passenger loading zone.

[824] From current Section 7.4.205; content has been reorganized.
[825] Qualifier for less than 15 spaces required was added to ensure adequate parking is available in those instances.

6. Single-family, two-family, three-family, and four-family dwellings are not required to provide accessible spaces.[826]

C. Location

1. Except as otherwise provided in this Subsection C, accessible parking spaces shall be located so as to provide the shortest accessible route to an accessible building entrance unobstructed by curbs, ingress/egress lanes, or other obstacles.

2. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

3. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility.[827]

4. In multilevel parking structures, van accessible parking spaces are permitted on one level.

5. Accessible parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee and user convenience.

D. Dimensions[828]

1. Accessible parking spaces shall comply with the dimensional standards in Table 7.4.10-D. Two accessible parking spaces may share a common aisle. Access aisles shall not contain built-up curb ramps.

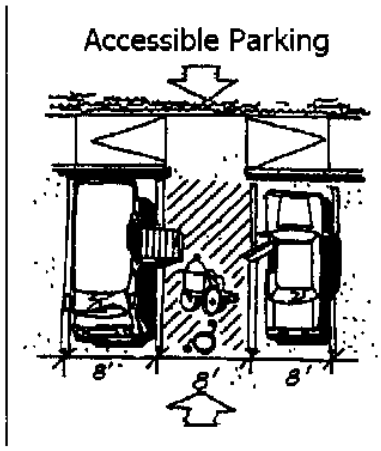
Table 7.4.10-D
Dimensions of Accessible Spaces

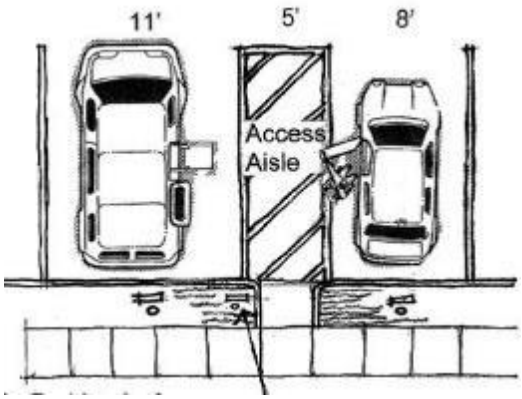
Type of Accessible Parking Space	Minimum Width of Parking Space (ft.)	Minimum Width of Access Aisle (ft.)	Minimum Vertical Clearance (in.) [1]
Standard	8	5	n/a
Van-accessible (two options)	8	8	98
	11	5	
Van-accessible within private garage [2]	n/a	n/a	84

NOTES:
[1] Vertical clearance requirements apply to parking spaces, access aisles, and vehicular routes and entrances serving them.
[2] Standards apply to van-accessible spaces located within private garages of any Residential use or Religious Institution use, and the access aisles, vehicular routes, and entrances serving them.

2. The length of an access aisle shall be the full length of the parking spaces served as shown in the following pictures:

[826] Reference to multi-family uses with four units or less removed in Revised Public Draft for internal consistency.
[827] Simplified language to remove shopping center reference since that is not a defined term in the UDC.
[828] Standards carried forward and converted to a table. List of individual residential uses was condensed to all private residential uses.





E. Curb Ramps and Accessible Routes

Curb ramps and accessible routes shall be provided that allow unobstructed travel from an accessible parking space to the accessible building entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two percent grade) in all directions.

F. Markings

Accessible parking spaces shall be marked with four-inch lines. Access aisles shall be outlined and diagonally striped at 45 degree angles in a contrasting color such as yellow, white, or blue so as to discourage parking in them.

G. Signs

Except as otherwise provided in this Subsection G, each accessible parking space shall be designated as reserved by a sign showing the International Symbol of Accessibility. Van accessible spaces shall have an additional sign containing the designation, "van accessible," mounted below the symbol of accessibility. Each accessible parking space sign shall be no smaller than 18 inches tall by 12 inches wide. Each van accessible sign shall be no smaller than six inches tall by 12 inches wide. Signs shall be located at the head of the space with the bottom of the sign(s) between five feet and seven feet above the finish floor or ground surface. Access aisles should post “Wheelchair Access Aisle Absolutely No Parking” signs which block neither the access aisle nor any related accessible route. The signs may either be wall mounted or freestanding. These sign requirements shall not apply where four or fewer parking spaces are provided on a site.

7.4.1006 Off-Street Bicycle Parking Spaces Required[829]

A. Applicability

The following standards shall apply to all uses except for single-family, two-family, triplex, fourplex, and manufactured home residential uses.

B. Number of Bicycle Parking Spaces Required

1. Generally

a. Each development subject to this Section 7.4.10 shall provide a minimum of six bicycle parking spaces or the number of bicycle parking spaces required in Table 7.4.10-D, whichever is more.

b. The minimum number of bicycle parking spaces required in Table 7.4.10-D shall be based on the total number of vehicle parking spaces provided on-site or in a permitted off-site location to serve the principal uses.

Table 7.4.10-D
Minimum Bicycle Parking Requirements

Use	Percentage of vehicle parking spaces provided on-site	
	R-5, R-Flex High and Mixed-Use Districts	All Other Zone Districts
Residential Uses	15%	10%
Civic, Public, and Institutional Uses	10%	5%
Commercial Uses	10%	5%

2. When No On-Site Vehicle Spaces are Provided

Where no vehicle parking spaces are provided on-site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

3. Mixed-Use Development

Developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements in Table 7.4.10-D.

4. Bicycle Parking Reduction

The number of bicycle parking spaces may be reduced if the Manager determines that:

a. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or

b. Existing bicycle parking spaces are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on-site.

C. Bicycle Parking Location and Design Standards

Bicycle parking facilities shall meet the following standards:

1. All bicycle parking spaces shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

[829] New. Heightened standards for reinserted R-5 district added in this draft.

2. Required bicycle parking spaces shall be located within 20 feet[830] of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.

3. Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.

4. Racks shall be designed to support the bicycle in an upright position and so that both wheels and two points of the frame may be locked securely to it using a U-shaped lock or a chain/cable and lock. See graphic to the right.

5. Where the primary use of the property includes 100 or more dwelling units or 100,000 or more square feet of nonresidential gross floor area, at least 20 percent of required bicycle parking spaces shall be in secured long-term storage lockers or areas.

7.4.1007 Parking Location and Design[831]

A. Location

1. Unless otherwise permitted by this Section 7.4.1007, parking or maneuvering areas located within the public rights-of-way shall not be used to meet off-street parking or off-street loading requirements.

2. As an exception to Subsection 1 above, parking spaces may be located where an existing motor vehicle must back onto a public right-of-way that is not classified as an arterial street or higher in the following cases:[832]

   a. The parking space provides parking for a single-family, two-family, three-family, or four-family dwelling; or

   b. The parking space requires an exiting vehicle to back into an alley, without crossing a public sideway, and the property owner has no other practicable means to provide the required off-street parking spaces.

3. Unless placed in a tract for common use or otherwise permitted by this UDC, all required off-street parking spaces shall be located on the same lot as the use.

4. Notwithstanding Subsection 3 above, required off-street parking for nonresidential components of a development in the MX-N, MX-C, MX-L, or MX-I districts may be provided off-site, provided that:[833]

   a. The applicant provides a recordable zoning commitment stating that in the event the off-site spaces are no longer available, the applicant or property owner will provide an equivalent amount of off-street parking in a location acceptable to the City.

[830] Revised from 50 ft.
[831] Replaces current Section 7.4.206 (General Provisions, Restrictions, and Prohibitions). Current text on automobile display areas carried forward as use-specific standard for automobile sales use. Some provisions reorganized for consistency. Provisions for perimeter enclosure were not carried over because inconsistent with the parking lot perimeter screening requirements of Section 7.4.907B.2.
[832] Revised to clarify that exception does not apply to arterial and higher level streets.
[833] New.

b. The off-street parking is located on a site within 660[834] feet of the property for which the parking is provided.

5. Access or maneuvering areas may be located on adjacent lot(s) only if a recorded document is provided for common use and maintenance. The easement or tract shall be established by a statement on the recorded plat or separate recorded document. The recorded documents shall state that the easement or tract is to be used and maintained by all the lot owners within the development.

6. No part of the off-street parking or maneuvering area for any use, except one-family, two-family, three-family, and four-family dwellings, shall be located in any portion of any required front landscape setback. In the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts, the parking lots for Religious Institutions shall have a minimum front setback of 25 feet. Driveways may cross the required front yards to provide access for off-street parking or loading requirements.[835]

B. Dimensional Requirements

Dimensions of all parking or maneuvering areas in open parking lots and inside structures or garages shall be designed as required by the table below, except for accessible parking spaces which shall be designed as required by Section 7.4.1005D. The paved depth of parking spaces may be decreased by the overhang dimensions indicated in the following sections, providing that the conditions are met:

1. No sidewalk shall be decreased to less than four feet in width by use of a vehicle overhang.

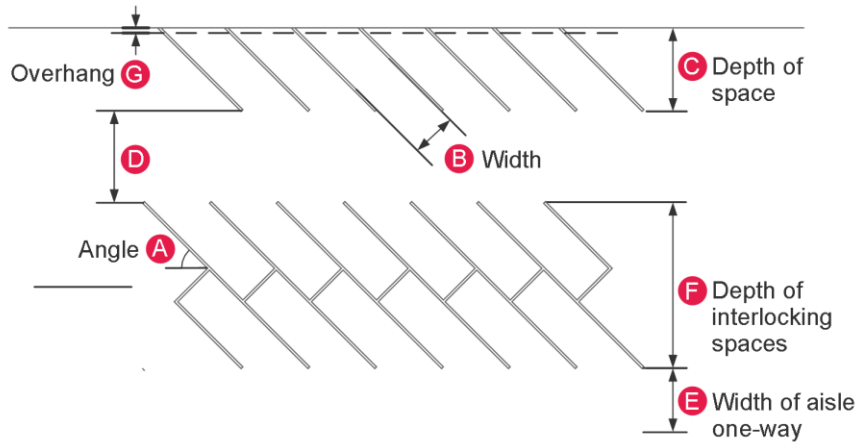
2. No overhang is permitted into a sidewalk that is located within a public right-of-way.[836]

Table 7.4.10-E
Dimensions of Parking Spaces [1]

	Standard Spaces[837]						Compact Spaces			
Angle	Parking Space		Aisle Width [2]		Depth		Parking Space		Depth	
			Two-Way	One-Way	Interlocking Spaces	Overhang			Interlocking Spaces	Overhang
A	B	C	D	E	F	G	B	C	F	G
0°	8	22 [3]	20	12	18	0	8	20	16	0
1° to 45°	9	17	*	12	26	1.5	8	15	23	1.5
45° to 60°	9	18	20	12	32	1.5	8	17	29	1.5
61° to 90°	9	20	20	16	35.5	2	8	18	32	2

Notes:
[1] Letters on paragraph correspond to parking lot elements on figure below.
[2] The access aisle shall have slope requirements of no greater than one-fourth inch rise per one foot of run (1:48).
[3] End spaces may be a minimum of 20 feet in length where no obstruction exists.

[834] Revised from 600 ft. (660 feet = 1/8 mile)
[835] Reference to R-2 re-inserted in Revised Public Draft.
[836] Drawing will be revised.
[837] Some dimensions for standard spaces have been reduced slightly to reflect current best practices.



C. Compact Spaces

Up to 40 percent of the required off-street parking spaces may be compact spaces. However, there shall be no limit on the number of compact spaces that may be provided as additional or surplus parking beyond those required by Sections 7.4.1003 and 7.4.1004. Required dimensions for compact spaces are shown in Table 7.4.10-E. Each compact parking space shall include a sign or pavement markings identifying it as a compact parking space.[838]

D. Driveways

1. Generally

a. Any driveways used to satisfy City Fire Code regulations for Fire Department vehicular access shall be designed to meet width, turning radius, and structural design features as required.[839]

b. Driveway width shall not exceed 24 feet at the front property line.

c. To provide proper clear distance for vehicles when parked on private property, the minimum driveway depth on a lot within the R-E, R-1 9, R-1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High zone districts shall be 20 feet. Driveway depth shall be measured from one of the following, whichever is closer to the garage door or carport entrance:[840]

(1) The front property line; or

(2) The nearest edge of sidewalk closest to the home in situations where the sidewalk is located on private property within a sidewalk easement.

2. Uses Other Than a One or Two-Family Dwelling[841]

a. Any driveway providing access to a parking area for a use other than a one-family or two-family, three-family, or four-family dwelling shall be a minimum of 20 feet in width where two-way traffic is allowed and a minimum of 12 feet in width where one-way traffic is allowed.

[838] Signage requirement is new.
[839] Existing content has been updated to translate it to regulatory language apply more broadly.
[840] Updated for clarity and to include "whichever is closer" clause. Reference to R-2 district re-introduced in Revised Public Draft. Since Module 2, references to R-4 and R-5 districts reinserted.
[841] Current requirement related to driveway aisle for mini-warehouse or self-storage facilities has been removed.

b. For a three-family or four-family dwelling, only one driveway with a maximum 20-foot width at the property line shall be used to provide access to a parking area.[842]

c. The location, design, and width of any driveway that intersects with a public street shall be subject to the specifications as outlined in the Traffic Criteria Manual.[843]

3. One- or Two-Family Dwelling Units

a. Lot Coverage

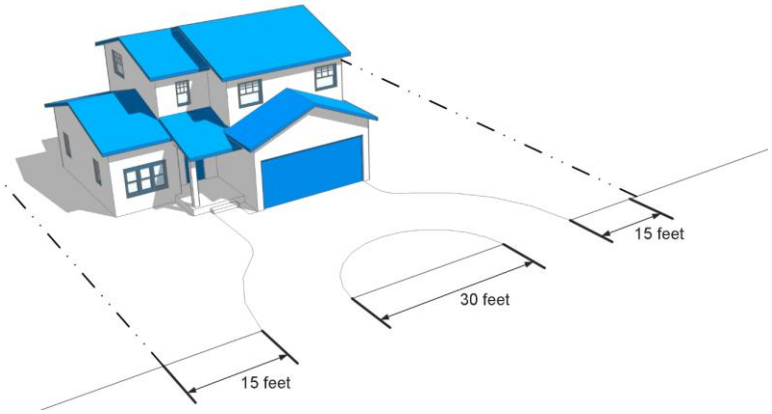
(1) On lots with widths (at the front setback line) of less than 75 feet no more than 45 percent of the required front yard, as measured from the front lot line to the front setback line, shall be used as driveway or parking area, unless further limited by Subsection 1 above.

(2) On lots with widths (at the front setback line) of 75 feet or greater no more than 40 percent of the required front yard, as measured from the front lot line to the front setback line, shall be used as driveway or parking area, unless further limited by Subsection 1 above.

b. Circular Driveways

(1) Ingress/egress points shall be separated by a minimum of 30 feet, at their closest points measured at the property line.

(2) The edge of the drive pavement at the point where it intersects with the street shall be located no closer than 15 feet from the adjoining property line.



(3) In areas subject to Section 7.2.502 (HS-O: Hillside Area Overlay), circular driveways shall be allowed if they do not result in a loss of significant vegetation and/or natural features. In administering this standard, consideration shall be given to quantity of loss compared to the vegetation/natural features that will remain on the lot or project area.

4. Administrative Relief[844]

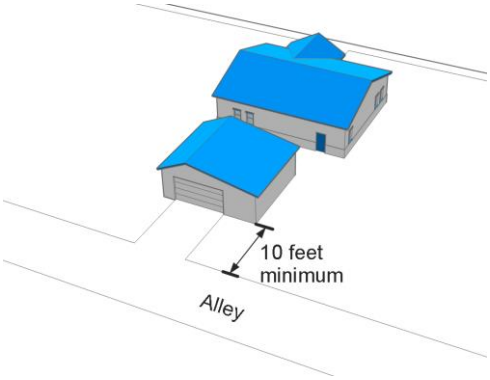
Administrative relief from this Subsection D may be requested in accord with Section <7.5.407> (Administrative Adjustment).

[842] New standard added to reduce curb cuts in Revised Public Draft.
[843] Reference document updated to reflect current practice.

[844] Carried forward to communicate intent; to be consolidated with other procedures in Article 7.5 as part of Module 3.

E. Garage Setback

A detached or attached garage where the doors providing vehicular access are adjacent to an alley or access easement shall be required to have a minimum setback of 10 feet from such alley or access easement or meet the zone district minimum setbacks in Section 7.4.2, whichever is greater.



F. Walkways

Parking areas containing 100 or more parking spaces shall contain walkways in accord with Section 7.4.404A.3.a(6).

G. Signs

Directional signs for parking, maneuvering or drive areas are subject to the provisions of Section 7.4.13 (Signs).

H. Tandem Parking[845]

A parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements unless the parking space is located in the R-4, R-5, R-Flex Medium, or R-Flex High zone districts.

I. Electric Vehicle Charging[846]

Each new parking lot or parking structure that is constructed after the Effective Date, and that contains more than 200 off-street motor vehicle spaces, shall equip at least two percent of the vehicle parking spaces with electric vehicle charging stations with a rating of 240 volts or higher.

7.4.1008 Off-Street Loading Location and Design[847]

A. Number of Required Off-Street Loading Spaces

Except for uses located in parking-exempt areas in Section 7.4.1002B above, all nonresidential uses with 25,000 square feet or more of gross floor area shall provide off-street loading spaces and related access and maneuvering areas pursuant to the table below and this Section 7.4.1008.

Table 7.4.10-F
Off-Street Loading Space Requirements

Use Category	Required Loading Spaces	Minimum Size of Required Loading Spaces
Uses in the Eating, Drinking, and Lodging; Office; and Retail Sales and Services categories	Minimum: 1 space / 50,000 s.f. ground floor GFA or part thereof	First required space: 12 ft. x 40 ft. Remaining spaces: 10 ft. x 25 ft. A minimum maneuvering aisle width of 40 feet shall be provided behind the off-street loading space.
Other nonresidential uses	Minimum: 1 space / 50,000 s.f. ground floor GFA or part thereof	

[845] Definition for Tandem Parking Space moved to Article 7.6. List of excepted districts added to provide additional flexibility in districts that encourage diverse housing options on smaller lots. Since Module 2, references to R-4 and R-5 districts reinserted.
[846] New.
[847] This Section has been carried forward and substantially reworked to reflect current goods distribution practices. Updated standards reflect the practice of using smaller delivery vehicles that make more frequent circuits and shorter stops to load and unload, which reduces the need for traditional loading spaces designed for use by heavy trucks.

B. Exemptions[848]

Developments containing less than 25,000 square feet of gross floor area are exempt from required off-street loading requirements.

C. Design, Location, and Layout of Off-Street Loading Spaces

1. Location

a. Loading spaces shall not be located in a front or side setback abutting a public right-of-way.

b. Loading spaces shall be located on the same lot or parcel as the use they serve, unless Subsection 3.b below applies.

c. Where a single customer entrance to a building is provided, customer loading areas shall not be located in front of the customer entrance or within 15 feet of the entrance.

2. Encroachment

Truck and loading operations shall not encroach into any pedestrian walkway, bicycle lane, public right-of-way, fire lane, or building setback.

3. Maneuvering and Access

a. Trucks using the loading area shall not be required or permitted to back into a public street to leave the site.

b. Maneuvering or access areas may be located on adjacent lot(s) as long as a recorded document is provided for common use and maintenance.

D. Joint Use of an Off-Street Loading Facility[849]

Joint use of an off-street loading facility may be approved by the Manager provided the applicant submits to the City documentation demonstrating the adequacy of the facility to sever anticipated loading needs.

7.4.1009 Stacking Lanes for Drive-Through Facilities[850]

A. Applicability

The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

B. Minimum Vehicle Stacking Lane Requirements[851]

Vehicle stacking lanes for drive-through uses shall be provided according to the table below.

Table 7.4.10-G
Required Vehicle Stacking Lane Requirements

Use	Stacking Lane Requirements
Automobile and Light Vehicle Wash	40 ft. behind each bay or stall
Financial institutions and/or financial transaction facilities (i.e., bill payment windows)	70 feet behind each window or transfer facility. If more than one window or transfer facility is provided, stacking lanes may be distributed in 20 foot increments among the various lanes.[852]
Restaurants	90 ft. behind each order and pick up window. If the functions are separated, 30 feet behind an order board, and 60 feet behind the pick-up window.

[848] New. Exemptions are intended to support reinvestment in buildings or areas that may not otherwise be able to meet these standards.
[849] Changed in Revised Public Draft to remove requirement for executed agreement for approval of joint facility.
[850] Carried forward as a standalone section for clarity.
[851] Existing standards translated to table format.
[852] Final clause requiring 30 ft. minimum lane width was deleted as unnecessary.

C. Design and Location

1. The minimum width of a drive-through lane shall be eight feet.
2. Required drive-through stacking lanes shall not intersect with pedestrian access to a public entrance of a building.
3. Each drive-through lane shall be striped, marked or otherwise distinctly delineated.
4. Driveways in conformance with this Section 7.4.10 shall be provided to all stacking lanes.

7.4.1010 Parking, Loading, and Stacking Area Maintenance[853]

A. Condition

Off-street parking and maneuvering areas in conformance with this Section 7.4.10 shall be permanently maintained with the use to which they relate so long as such use remains.

B. Striping of Spaces

1. Except for parking spaces for one-family, two-family, three-family, and four-family dwellings, all parking spaces shall be clearly delineated or striped and the striping shall be maintained so it is visible. Striping shall not be required for automobile display or storage areas.
2. All vehicle use areas that are not parking spaces, such as loading zones, emergency lanes, or spaces in front of doorways/entrances, shall be clearly delineated.[854]

C. Surfacing and Drainage

1. The surface of all parking spaces, drives, aisles, maneuvering and automobile outdoor sale and/or rental display or storage areas shall be paved. For the purpose of this section, “paving” shall mean covered with semi-permeable materials, asphalt, concrete, brick, pavers, or other similar surfaces which may be approved by the Manager.
2. Driveways and parking areas for single-family, two-family, three-family, and four-family dwellings shall be surfaced with semi-permeable materials, asphalt, concrete, brick, pavers, crushed stone, or other similar surfaces which may be approved by the Manager.
3. The Manager may require the paving of legal, nonconforming unpaved parking, maneuvering or access areas or automobile display or storage areas for any use except a one-family residence. The requirement to pave shall be made after evaluating such factors as the character of the neighborhood and the amount and type of traffic generated by the use. The Manager shall find and determine that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood. Paving shall be provided as required by Subsections 1 and 2 above.

7.4.11 Building Design and Site Features[855]

7.4.1101 Purpose

The intent of this Section 7.4.11 is to establish building design standards that foster high-quality and attractive development that is compatible with the Comprehensive Plan. The standards are further intended to:

A. Protect and enhance the long-term market value of property within Colorado Springs;

[853] New Section that consolidates related provisions.
[854] New.
[855] New. This section includes new basic design standards to prevent monotonous or pedestrian-unfriendly building designs, some of which may be refinements of current design guidance in scattered sections of the current regulations. In this draft, references to reinserted R-4 and R-5 districts added where appropriate.

B. Enhance the human and pedestrian scale of development and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;

C. Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings; and

D. Balance the community's economic and aesthetic concerns.

7.4.1102 General Applicability

A. The standards in this Section 7.4.11 shall apply to the following, unless otherwise stated:

1. All development of vacant land;

2. All construction of new structures; and

3. All expansions of the gross floor areas of an existing primary structure by 50 percent or more.[856]

B. The standards in this Section shall not apply to a one-family, two-family, three-family, or four-family dwelling.[857]

C. Alternate requirements may be included as a part of an FBZ regulating plan.[858]

7.4.1103 Mixed-Use and Non-Residential

A. Applicability

The following standards shall apply to all Mixed-Use zone districts, and the BP, APD, PF, and PK zone districts, unless otherwise stated in Subsections B through I below.

B. Exceptions

Multi-family dwellings within a single-use building shall not be subject to the standards of this Section 7.4.1103, and shall instead be subject to the standards in Section 7.4.1104.

C. Materials

1. All facades of a primary building visible from a primary arterial or freeway/expressway shall consist of one or more of the following materials:

a. Masonry;

b. Natural and cultured stone;

c. Precast concrete;

d. Split-faced block;

e. Stucco or synthetic stucco (including EIFS);

f. Architectural metal

g. Transparent glass;

h. Wood; or

i. Other products that replicate the appearance and durability of the above materials in Colorado Springs' climate, as approved by the Manager.

2. EIFS shall not be used to cover more than 50 percent of any façade of a building (excluding façade areas occupied by windows and doors) facing a highway or a public or private street,

[856] 50 percent standard reintroduced in Revised Public Draft for consistency with changes to similar applicability sections (e.g. landscaping).
[857] Added in Revised Public Draft because staff has confirmed that these standards were never intended to apply to one-family through four-family dwellings.
[858] Article 4, Part 1 extended to apply to this new topic.

unless the façade is not visible from that highway or public or private street due to changes in terrain or intervening permitted structures (not including landscaping, fences, and walls).

3. Architectural metal may be only be used as accent materials on no more than 10 percent of any building façade.

4. Highly reflective building materials shall not be used except as permitted for architectural metal above.

D. Facade Articulation

Blank walls devoid of architectural details are prohibited. Each facade greater than 100 feet in length abutting a public or private street or a residential zone district shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures, or window openings that visually interrupt the wall plane. No uninterrupted length of any facade shall exceed 100 horizontal feet.

E. Street-Level Transparency

1. When the primary use of the ground floor frontage of a structure is categorized as Restaurant, Bar, Office, Retail Sales, and Services in Table 7.3.2-A, a minimum of 20 percent of each facade area that faces a public street shall be composed of transparent materials (see [1] in the figure below).

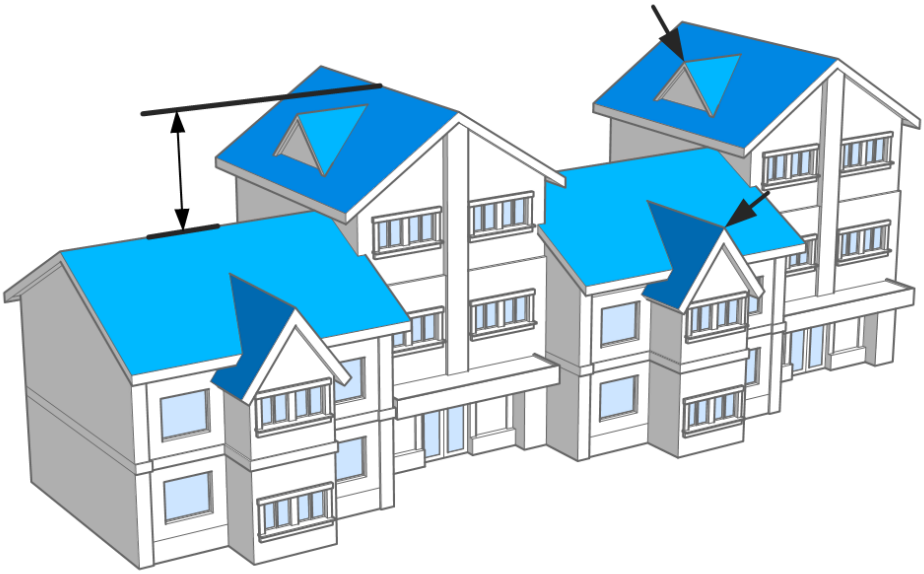
2. At least one-half (1/2) of the transparent materials required by Subsection 1 above shall be provided so that the lowest edge of the transparent materials is no higher than four feet above the street level (see [2] in the figure below).

3. If the Manager determines that transparent materials are not practical for security reasons or based on the nature of the permitted ground floor use, an alternative treatment providing equivalent or better visual interest may be approved.

F. Roof Design/Articulation

1. Sloped Roofs

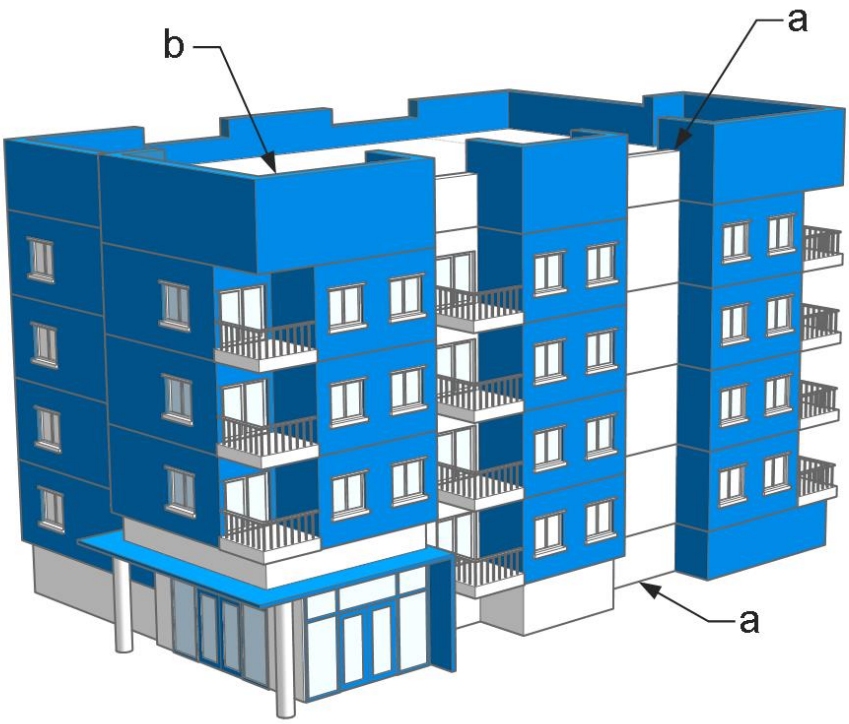
When the primary use of the building is not categorized as Heavy Commercial, Storage, and Industry in Table 7.3.2-A, and the building has a sloping roof, a variety of roof forms shall be incorporated to break up large roof planes. At minimum, one projecting gable, hip feature, or other break in the horizontal line of the roof ridgeline shall be incorporated for each 100 lineal feet of roof.



2. Flat Roofs

a. When the primary use of the building is not categorized as Heavy Commercial, Storage, and Industry in Table 7.3.2-A, and the building has a flat roof, the design or height of the parapet shall include at least one change in setback or height of at least three feet along each 100 lineal feet of façade.

b. Flat roofs shall be concealed by parapets that are in proportion to the overall building design and that are generally of sufficient height to conceal rooftop mechanical systems that are in view from public rights-of-way, residential zone districts, public parking areas, and/or adjacent properties. Where flat roofs are visible from above due to topographical features and changes in elevation, the Manager may determine that additional screening of mechanical systems is required.



G. Entrance Location/Design

Each principal building shall have one or more operating entry doors facing and visible from an adjacent public or private street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry, or foundation plantings around the entry.

H. Loading Dock and Delivery Areas

Loading dock doors and delivery areas shall be located at the rear of buildings to separate customer and employee traffic from loading and service vehicles, unless the Manager determines that such location is impracticable given the function and operating needs of the building.

I. Site Elements Adjacent to Certain Residential Uses[859]

If the development is in a Mixed-Use or Special Purpose zone district and abuts a lot in a Residential zone district or a lot designated for residential use in a PUD zone district, the following requirements apply:

1. Higher activity areas such as parking, circulation, loading, and delivery areas, shall be oriented away from the abutting residential zone district or PUD residential use lot to the maximum extent practicable.

2. Multi-story structures with balconies, patios, or other public gathering spaces more than 18 feet above grade shall orient those features to avoid direct views into rear yards of the abutting residential zone district or PUD residential lot.

[859] Limits on hours of operation removed from the Revised Public Draft at staff's direction.

7.4.1104 Multi-family Residential

A. Applicability[860]

The following standards shall apply to all multi-family residential buildings in the R-4, R-5, R-Flex Medium, R-Flex High, MX-N, MX-M, and MX-L zone districts, unless otherwise stated in Subsections B through H below.

B. Exceptions

Multi-family dwellings within a mixed-use building shall not be subject to the standards of this Section 7.4.1104, and shall instead be subject to the standards in Section 7.4.1103.

C. Materials

1. Primary exterior finish building materials used on multi-family residential dwellings shall consist of any of the following:

a. Wood or cementitious siding (including horizontal lap, tongue-and-groove, or board-and-batten siding)

b. Stucco or synthetic stucco (including EIFS);

c. Natural and cultured stone;

d. Brick, split face block, or ground face block;

e. Cast concrete;

f. Other materials that replicate the look and durability of the above materials, as approved by the Manager.

2. EIFS shall not be used to cover more than 50 percent of any façade of a building (excluding façade areas occupied by windows and doors) facing a highway or a public or private street, unless the façade is not visible from that highway or public or private street due to changes in terrain or intervening permitted structures (not including landscaping, fences, and walls).

D. Façade Consistency and Articulation

1. All sides of the façade of a multi-family residential building shall be designed to provide architectural and visual interest and shall provide consistent architectural treatment on all building facades. A consistent architectural treatment is one in which all building walls have defined levels of articulation and use different combinations of the same materials, although facades that face streets or that contain primary pedestrian entrances may include additional features such as doors, windows, canopies, awnings, or arcades.[861]

2. Each facade shall be articulated through variations in the following elements:

a. Color and use of materials;

b. Wall planes that are offset from the main building façade;

c. Window and door openings; or

d. Other elements that contribute to the visual interest of the building, as approved by the Manager.

3. No horizontal length of any façade that lacks variation in its material, color, and/or wall plane shall exceed 50 horizontal feet.

[860] Since Module 2, applicability to R-4 and R-5 districts reinserted.
[861] Clarification of current requirement that all facades have a similar level of quality and architectural detailing.

E. Variation in Building Models

1. Multi-family residential developments with five or more buildings shall incorporate a variety of distinct building designs in accordance with the table below.

Table 7.4.11-A Variation in Building Models

Number of Multi-family Buildings in a Development	Minimum Number of Distinct Multi-family Building Designs
6-10	2
11-15	3
16 or more	1 per every 5 buildings

2. Each distinct multi-family building design shall have a building footprint or length that is noticeably different, and shall have a building elevation that differs from other building elevations in the façade articulation measures listed in Subsection 7.4.1103D above. Mirror images of the same configuration do not meet the definition of distinct multi-family building design. Accessory and support buildings and other structures that do not contain residential units (e.g. club house, leasing office) shall not count towards the number of required distinct building designs.

F. Building and Entrance Orientation

The orientation of the primary entrance and building façade shall be oriented towards and accessed from the front yard and street. Multi-family residential development located along arterial roadways may orient primary entrances away from the arterial road if direct pedestrian connections are provided from primary entrances to all adjoining roadways.

G. Garage and Carport Standards

1. To the maximum extent practicable, detached garages, carports, and garage entries associated with multi-family buildings shall not be located between a multi-family building and an adjacent perimeter street, but shall instead be internalized in building groups so that they are not visible from adjacent perimeter streets.

2. Detached garages shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, color, and details.

H. Site Elements Adjacent to Certain Residential Uses[862]

If the property abuts a lot in the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or a lot designated for single-family, two-family, three-family, or four-family residential dwellings in a PUD zone district, multi-story structures with balconies, patios, or other public gathering spaces more than 18 feet above grade shall orient those features to avoid direct views into rear yards of the abutting R-E, R-1 9, R-1 6, R-2, R-Flex Low, or PUD residential lot.

7.4.12 EXTERIOR LIGHTING[863]

7.4.1201 Purpose[864]

The purpose of this Section 7.4.12 is to encourage lighting practices and systems that conserve energy and resources and to minimize light pollution, glare, and light trespass while maintaining nighttime safety, security, and enjoyment of property.

[862] New standards to reduce potential impacts on residential neighborhoods, and applicability to R-2 district, added in Revised Public Draft.
[863] This section expands the very basic lighting requirements in Article 4, Part 1. Unless otherwise noted, all content in this section is new.
[864] Clause about degradation of nighttime visual environment deleted as too vague to give guidance.

7.4.1202 Applicability and Exemptions

A. Applicability

1. The standards in this Section 7.4.12 shall apply to each of the following:[865]

a. All new building construction that requires a certificate of zoning compliance;

b. Any change in a primary use of property to a different use listed in Table 7.3.2-A. Changes of use for individual tenants in a commercial or mixed-use development with multiple nonresidential primary uses shall not require the individual tenant or the entire development to comply with the provisions of this Section;[866]

c. All expansions of the gross floor area of an existing primary structure, or the number of dwelling units, or the number of parking spaces, by 50 percent or more; and

d. All modifications, replacements, or additions of outdoor lighting fixtures constituting 50 percent or more of the permitted lumens for the parcel, regardless of the actual amount of lighting already on a site.

2. Alternate requirements for lighting may be included as a part of an FBZ regulating plan.[867]

B. Exemptions[868]

Notwithstanding Subsection A above, the standards in this Section 7.4.12 do not apply to:

1. Lighting for the Temporary Outdoor Festival or Amusement use, but such lighting shall be turned off within 30 minutes after the last event;

2. Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;

3. Traffic control lighting;

4. Outdoor lighted flags; and

5. Holiday lighting and seasonal decorations using typical unshielded low-intensity lamps.

7.4.1203 General Standards

All development subject to this Section 7.4.12 shall comply with the following standards.

A. Measurements

1. Initial Lumens

For the purposes of this Section 7.4.12, “lumens” means “initial lumens.” The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage.

2. Light Trespass Measurements

Measurements of light readings shall be taken from the midpoint of each property line of the subject property with a light meter at a height of five feet above grade and pointed at the light source, and the maximum reading shall be used to confirm compliance with this Section 7.4.12.[869]

[865] Thresholds for modifications to lighting changed from 25 to 50 percent in Revised Public Draft for consistency with changes to landscape requirements.
[866] Reworded for clarity.
[867] From Article 4, Part 1.
[868] Limitations of exemptions to incandescent lamps deleted as dated. Some content reorganized or relocated to other regulations in this Section 7.4.11.
[869] Wording revised to clarify midpoints of property line and orientation of light meter towards the light source.

B. Prohibitions

1. Laser Source Light

The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

2. Searchlights

The operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.

3. Towers

Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

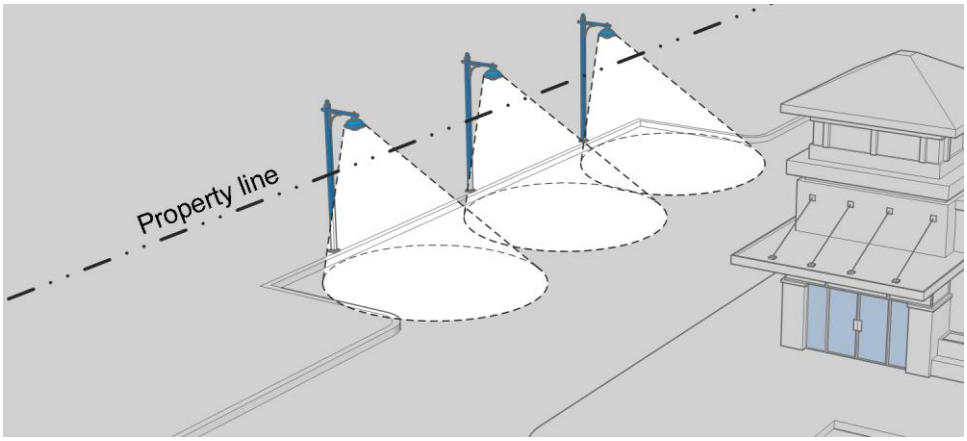
4. High Pressure Sodium Lights[870]

High pressure sodium lights shall not be used for any type of site lighting.

C. Lighting Standards[871]

1. Light Trespass

All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at the property line.[872]



2. Glare

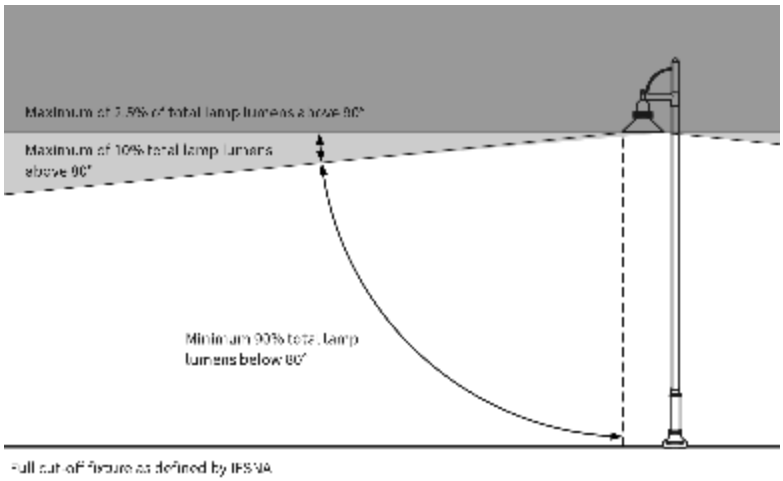
All lighting fixtures shall be installed so as not to cause glare at or beyond the property line, and shall not be aimed toward traffic.

3. Shielding[873]

a. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Section 7.4.12.

[870] Current prohibition from landscaping lighting made generally applicable.
[871] Standards specifying types of bulbs required for landscape lighting and prohibiting lighting of tree conservation areas were not carried forward.
[872] Revised to apply at the property line, rather than one meter beyond the property line, which Drawing will be revised to show 1 footcandle standard.
[873] Full cutoff clarification and illustration are new.

b. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed. Full cutoff light fixtures are those in which no more than 10 percent of emitted lumens can be detected at an angle more than 80 degrees from the vertical axis of the light fixture, and no more than 2.5 percent of emitted lumens can be detected at an angle more than 90 percent from the vertical axis of the light fixture, as shown in this figure.



c. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.

d. Full shielding is not required for:

(1) Motion detector activated lighting of less than 1,800 lumens, provided the light cycles off no more than 10 minutes after coming on;

(2) Underwater lighting in swimming pools and fountains.[874]

4. Floodlights and Spotlights

a. Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any property in a Residential zone district or used for residential purposes, and is not visible to an observer on any public right-of-way.

b. The centerline beam of a floodlight or spotlight shall be aimed no higher than 45 degrees above vertical; however, light fixtures that cast illumination over more than 90 degrees shall be aimed such that no light shall be cast above the horizontal.

5. Lighting Efficiency[875]

All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers' specifications for the fixture.

6. Parking Lot and Service Area Lighting[876]

The maximum height of light poles and wall-mounted light fixtures to illuminate parking lots and service areas shall comply with the following standards, unless Subsection 7 below requires a lower height:

a. In Residential zone districts, 20 feet;

b. In Mixed-Use zone districts, and the BP, LI, PF, and PK districts, 35 feet; and

c. In all other zone districts, 50 feet.

[874] Exemption from lamp type standards was not carried forward because there are no such standards.
[875] New. Inefficient outdoor lighting consumes significant amounts of energy.
[876] These are new standards. Parking lot lighting regulations from current Part 2 (Off Street Parking Standards) were not carried forward, because they simply restated the general light trespass standards.

7. Lighting Adjacent to Residential Lots[877]

The maximum height of light poles and wall-mounted exterior light fixtures shall not exceed 20 feet in the following circumstances:

a. Light fixtures on a lot containing a multi-family dwelling or a non-residential use that are located within 75 horizontal feet of any property line with an abutting lot in the R-E, R-1 9, R-1 6, R-2, or R-Flex Low zone districts or a lot designated for single-family, two-family, three-family, or four-family residential dwellings in a PUD zone district; and

b. Light fixtures on a lot in a Mixed-Use or Special Purpose zone district that are located within 75 horizonal feet of any property line with an abutting lot in a Residential zone or a lot designated for residential use in a PUD zone district.

7.4.13 SIGNS[878]

Note about Sign regulations: The current sign standards have been reformatted for internal UDC consistency, but have not been and will not be substantively revised as part of the RetoolCOS project.

7.4.1301 Purpose

The purpose of this Section 7.4.13 is to promote the public health, safety, and general welfare through reasonable, consistent, and nondiscriminatory sign standards. The sign regulations in this Section 7.4.13 are not content based, but rather regulate the adverse secondary effects of signs, particularly those that may adversely impact aesthetics and safety. In order to preserve and promote the City of Colorado Springs as a desirable community in which to live, visit, play, and do business in a pleasing, visually attractive environment, safe for motorists and pedestrians, these regulations are intended to:

A. Promote an attractive "built environment," successful commercial districts, and a healthy local economy while working to incorporate contemporary products, technology and marketing practices and improve understanding, application, flexibility and enforcement of sign regulations and standards.

B. Highlight the positive contribution signs can make to creating a sense of place in the community and ensure that new sign design standards will allow commercial businesses to function efficiently and effectively.

7.4.1302 Applicability

A. The provisions of this Section 7.4.13 shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City, unless otherwise exempted in whole or in part. All signs should be consistent with the standards and design considerations set forth in this Section 7.4.13 . If any provision of this Section 7.4.13 conflicts with any other adopted City code that regulates signs, the provisions in this Section 7.4.13 shall govern.

B. Alternate sign requirements may be included as a part of an FBZ regulating plan.

7.4.1303 Exemptions

The following signs shall be exempt from the provisions of this Section 7.4.13:

A. Works of art.

B. Official traffic signs, signals, and devices.

C. National, state, or City flags.

D. Official legal notices.

[877] New standards. Reference to R-2 district re-introduced in Revised Public Draft.
[878] From Article 4, Part 4 (Sign Regulations). This Article will be updated by the City as part of a separate process. It has been carried forward as is and reformatted for consistency with other parts of the UDC.

E. Public warning signs, traffic control and traffic directional signs erected by the City or another governmental agency.

F. Signs displayed within the interior of a building which are not visible from the exterior of the building.

G. Holiday decorations.

H. Human signs so long as the signs are not set down or propped on objects by the human.

I. Interpretative signs.

J. Street numbers or addresses.

K. Private notification signs.

7.4.1304 General Provisions

A. Uses[879]

1. Residential uses as referenced in this Section 7.4.13 refer to three-family, four family, and multi-family dwellings.[880]

2. The regulating plan for a FBZ district may outline or exempt criteria for signs related to uses within the FBZ area.

3. Signs on which copy is manually changed shall comply with the standards and regulations for wall signs or freestanding signs.

4. Any light source intended to illuminate a sign shall be so shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe visibility for pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas.

5. No sign obstructing sight visibility in any direction at the intersection of a street or within an alley or driveway shall be permitted. If a sign is placed at the intersection of two rights-of-way, the sign must not interfere with sight visibility as described in Section 4 of the Traffic Criteria Manual.[881]

6. A sign plan must accompany the sign permit for all new signs when required and be submitted to and approved by the Planning Department under criteria set forth in this Section 7.4.13 prior to being presented to the Building Official for issuance of sign permit. Sign permits must comply with the requirements of the Pikes Peak Regional Building Department.

B. Plan Requirements

The plan shall show the following information:

1. Building locations and dimensions;

2. Size, location and type of any existing sign and the proposed sign or signs. Show sign on building elevation if a wall sign;

3. Nearest street intersections;

4. Zoning of the subject property;

5. Name of applicant and sign installer;

6. Sight visibility as described in Subsection A.5 above, if applicable;

7. Sign type; and

[879] Subheading added for consistency.
[880] Text changed in Revised Public Draft to reflect addition of three-family and four-family dwelling uses, for internal consistency.
[881] Manual reference was updated.

8. Specifications on illumination for EMCs shall include the manufacturer's specifications, nit rating and the method of dimming.

C. Existence of Utility Facilities or Easements

The applicant is encouraged to contact Colorado Springs Utilities before design is complete to determine the existence of utility facilities or utility easements.

D. Owner Authorization

A sign shall not be placed on any property without written consent of the owner or the owner's authorized agent.

E. Shared Signage

A letter pertaining to shared signage must be signed by the property owner or the property owner's representative and submitted with the sign plan.

F. Existence of Illegal Signs

Sign plans will not be approved for new signs proposed on property where illegal signs exist.

G. Issuance of Building Permit

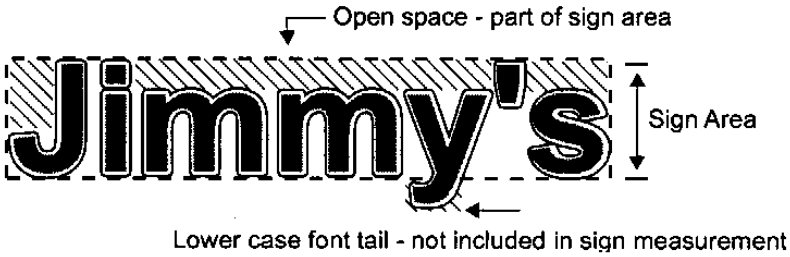
Sign plans will not be approved until a building permit for the site has been issued, if applicable.

7.4.1305 Sign Measurement and Orientation

A. Wall Sign Area[882]

Wall sign area shall include the entire face of the sign, frame, and artwork incidental to its decoration and includes any spacing between letters, figures, and designs but shall not include the bracing or structure. When the sign consists only of letters, designs, or figures, the total area of the sign shall be calculated by using no more than three standard geometric shapes within which all of the fixed lettering, spacing between letters, and/or artwork is inscribed. Standard geometric shapes include the square, rectangle, triangle, circle, oval, and half-circle. Proper font tails of lowercase letters will not be included in the sign area calculation. Customized or extended tails are included.

1. Measurement by One Geometric Shape



2. Measurement by Two Geometric Shapes

[882] Heading added in Revised Public Draft for clarify.

3. Measurement by Three Geometric Shapes

B. Freestanding Sign Area[883]

1. Freestanding Sign Area Elements

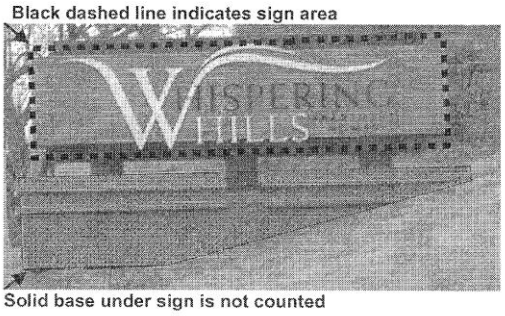
Freestanding sign area shall include the frame, if any, but shall not include:

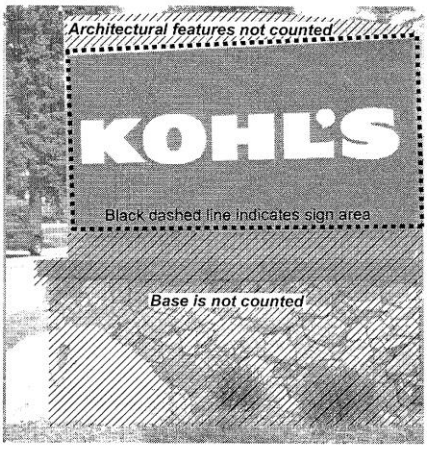
a. A pole or other structural support unless the pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

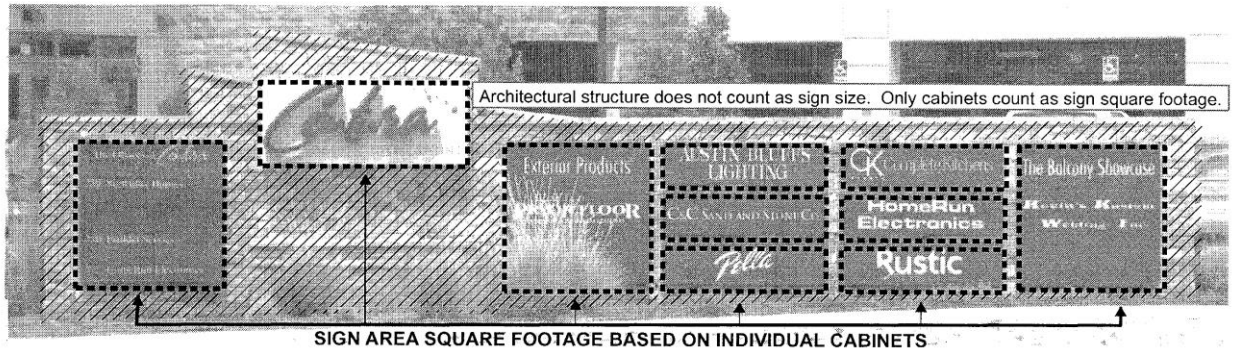
b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

[883] Heading added in Revised Public Draft for clarify.

2. Calculation of Freestanding Sign Area



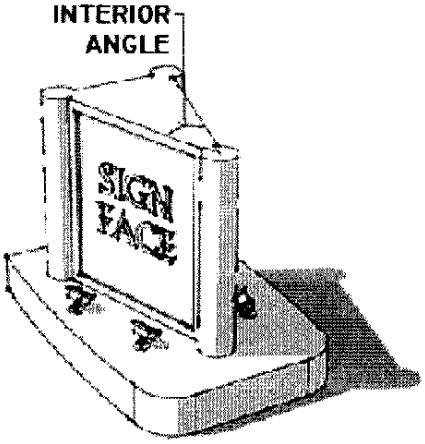




C. Additional Sign Measurement Provisions[884]

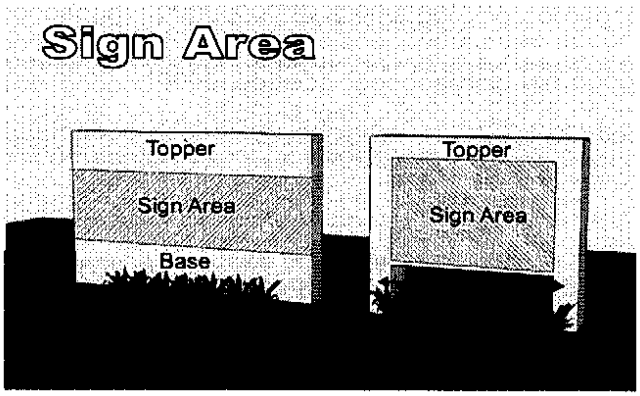
1. Clearance for projecting signs shall be measured by the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

2. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back to back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured. A back to back sign shall have parallel faces, separated by not more than four feet.

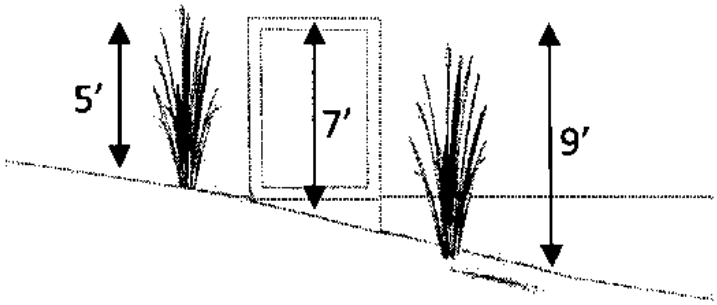


[884] Heading added in Revised Public Draft for clarify.

3. A line shall be drawn horizontally across the lowest point of copy or cabinet. The area below this is considered the base and will not be included as sign area. Above the base, lines shall be drawn across the top and bottom of each area of individual copy, continuous message, or cabinets. These lines shall extend to the edge of the sign on monoliths and to the poles or pole covers on other types of signs. The area within these lines shall be included in the sign area calculation. If blank areas or air spaces between the copy and/or cabinet are less than six inches then these areas shall also be included in the sign area calculation. Irregular spaces shall be measured at the median point. Any area above the highest point of copy or cabinet shall be considered a topper since it is not required for the support of any copy. The sign area calculation shall not include any portion of a topper so long as the topper portion does not exceed 25 percent of the total allowable sign area.



4. The height of any sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign. The grade may not be artificially changed to affect the sign height measurement. Signs on a slope are measured at the midpoint of the sign.



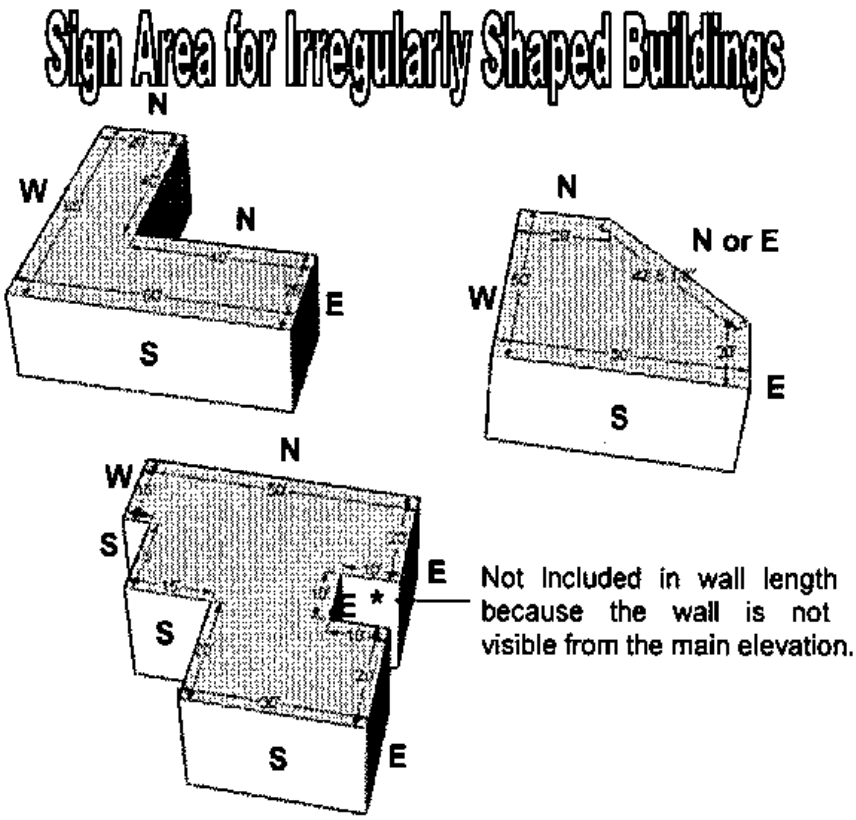
7.4.1306 Sign Allocation

A. Sign Allocation for Irregularly Shaped Buildings

1. Sign allocation is based on the use of the property, and linear frontage of exterior walls. Signs must be placed on the frontage from which they draw their allocation, unless otherwise approved with a CSP. For the purpose of this Section 7.4.13, all walls of a building shall be designated either north, south, east, or west.

2. Walls at a 45 degree angle must be designated as one of two directions. The signs allocated to the angle wall may be placed anywhere on the wall to which it is designated.

3. If a wall is not visible from a specific elevation, it does not contribute any sign allocation to that elevation.



B. Sign Allocation for a Commercial Center

1. The term "commercial center" is no longer a listed land use in Tables 7.3.2-A or 7.3.2-B, but is still used for purposes of sign regulation. For purposes of this Section 7.4.13, references to commercial center shall mean a grouping of three or more attached commercial, office and/or civic uses developed and maintained under unified control. A majority of the establishments in a commercial center share common walls and parking areas, but freestanding buildings may be included as part of a commercial center.[885]

2. In any commercial center in which sign allocation is part of a CSP for the center as a whole, signs may advertise properties located anywhere in the center and plan area subject to the following:

a. A recommendation from CDOT shall be required for signs along state or federal highways such as South Circle Drive, Nevada Avenue, Highway 24, and Interstate 25 and Powers Boulevard (State Highway 21).

b. CDOT does not necessarily recognize the same sign rights as the City. It is the responsibility of the property owner and applicant to determine the CDOT regulations as they apply to the property and ensure compliance with those regulations.

C. Shared Signage

1. In multi-tenant buildings, offices, and commercial centers, tenants are permitted to share or borrow signage within the building. If a tenant wishes to have a larger sign than what is entitled based on their leased building frontage, the tenant signage may borrow from the balance of the center. Signage may not be transferred between elevations or between buildings unless outlined

[885] New section to clarify relationship of sign terminology with defined land uses in the UDC.

in a CSP. No tenant may use shared signage beyond one and one-half (1½) times their allocation.

2. Within a commercial center, freestanding signage may be maximized by combining allowed freestanding signs to accommodate a larger sign for multiple uses in the center, as authorized by an approved CSP in accord with Section 7.4.1308.

7.4.1307 Sign Types and Criteria by Sign Category

A. Major Sign Types

Table 7.4.13-A
Wall Signs

Use	Permit Required	Maximum Size	Number	Maximum Height	Additional Criteria
Residential	Yes	40 sq. ft.	1	n/a	Allowance applies to properties with 3 or more units
Office	Yes	1 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	Shall not project over roofline	See Subsection B.1 below
Commercial	Yes	1.5 sq. ft. x building length 2 sq. ft. x building length when set back >200 ft. from public ROW	No limit, but shall not exceed max. total sq. ft. per elevation	Shall not project over roofline	See Subsection B.1 below
Industrial	Yes	1.5 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	Shall not project over roofline	See Subsection B.1 below
Mixed-Use	Yes	1.5 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	Shall not project over roofline	Shall be part of a CSP See Subsection B.1 below
Civic	Yes	1 sq. ft. x building length	No limit, but shall not exceed max. total sq. ft. per elevation	Shall not project over roofline	Walls adjacent to residential uses do not qualify for signage allowance See Subsection B.1 below

Table 7.4.13-B
Freestanding Signs

Use	Permit Required	Linear Property Frontage	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
Residential	Yes	All	32 sq. ft.	1	7 ft.	None	Allowance for 3 or more units
Civic	Yes	All	64 sq. ft.	1	7 ft.	None	Lighting impacts to adjacent residential properties shall be limited and reviewed through the sign permit.
Office	Yes	<160 ft.	34 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.25 sq. ft. per linear foot of lot frontage	1	0.06 ft. per linear foot of		See Subsection B.2 below

Table 7.4.13-B
Freestanding Signs

Use	Permit Required	Linear Property Frontage	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
					lot frontage, max. 25 ft.		
		≥ 1,000 ft.	0.25 sq. ft. per linear foot of lot frontage *Max. for all is 100 sq. ft.	2 plus 1 additional sign for every additional 1,000 ft. of lot frontage	25 ft.		
Commercial	Yes	<160 ft.	42 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.35 sq. ft. per linear foot of lot frontage	1	0.07 ft. per linear foot of lot frontage, max. of 30 ft.		See Subsection B.2 below
		≥ 1,000 ft.	0.35 sq. ft. per linear foot of lot frontage	2 plus 1 sign for every additional 1,000 ft. of lot frontage	30 ft.		
		≥ 1,500 ft.	0.35 sq. ft. per linear foot of lot frontage *Max. of 150 sq. ft.	2 plus 1 sign for every additional 1,000 ft. of lot frontage	35 ft.		
Industrial	Yes	< 160 ft.	34 sq. ft.	1	7 ft.	None	Size area and height rounded to the nearest whole number
		≥ 160 ft.	0.25 sq. ft. per linear foot of lot frontage	1	0.06 ft. per linear foot of lot frontage, max. of 25 ft.		See Subsection B.2 below
		≥ 1,000 ft.	0.25 sq. ft. per linear ft. of lot frontage	2 plus 1 sign for every additional 1,000 ft. of lot frontage	25 ft.		
		≥ 1,500 ft.	0.25 sq. ft. per linear foot of lot frontage *Max. of 150 sq. ft.	2 plus 1 sign for every additional 1,000 ft. of lot frontage	35 ft.		
Mixed-Use	Yes	The size, number and height of signs is defined by the CSP. See Section 7.4.1308.					

Table 7.4.13-C
Electronic Message Center (EMC)

Use	Type	Permit Required	Maximum Size	Number	Hold Time	Transition Duration	Transition Method	Additional Criteria
Residential	Integrated into freestanding sign	Not permitted	n/a	None	n/a	n/a	n/a	n/a
Office	Integrated intro freestanding sign	Not permitted	n/a	None	n/a	n/a	n/a	n/a
Commercial	Integrated into freestanding sign	Yes	Up to 50% of allowed sign area	1 per property	10 seconds	<1 second	Fade or dissolve	See Subsection B.3 below
Industrial	Integrated into freestanding sign	Not permitted	n/a	None	n/a	n/a	n/a	n/a
Mixed-Use	Integrated into freestanding sign	Yes – with CSP only	Up to 50% of allowed sign area	1 per property	10 seconds	<1 second	Fade or dissolve	See Subsection B.3 below
Civic	Integrated into freestanding sign	Not permitted	n/a	None	n/a	n/a	n/a	n/a

B. Additional Criteria for Major Sign Types

1. Wall Signs

a. The minimum sign area for each tenant shall not be less than 25 square feet.

b. Each tenant may have multiple wall signs per elevation so long as the total wall sign area does not exceed the allowance established for each elevation.

c. Additional building signs are permitted for a building with five or more floors, which is eligible for double the wall signage allotment. The additional allotment must be placed at the fifth-floor level or higher. All other wall sign criteria apply.

d. A wall sign extending more than 12 inches from the building shall be considered a projecting sign.

e. Projecting signs are permitted, as part of the allowance for wall signs when designed and placed for the purpose of identifying the businesses for a pedestrian walking along the same side of the street as the business they seek or under a canopy projecting from the building.

(1) Signs projecting under a canopy shall have a maximum area of eight square feet; the bottom of the sign shall be a minimum of eight feet above the sidewalk.

(2) A sign projecting over a vehicular area shall not be less than 14 feet above finished grade.

(3) A sign projecting over a pedestrian area shall not be less than eight feet above finished grade.

(4) The sign shall not project more than six feet from the wall of the building on which the sign is placed. Adjacent projecting signs shall not be closer than 20 feet.

2. Freestanding Signs

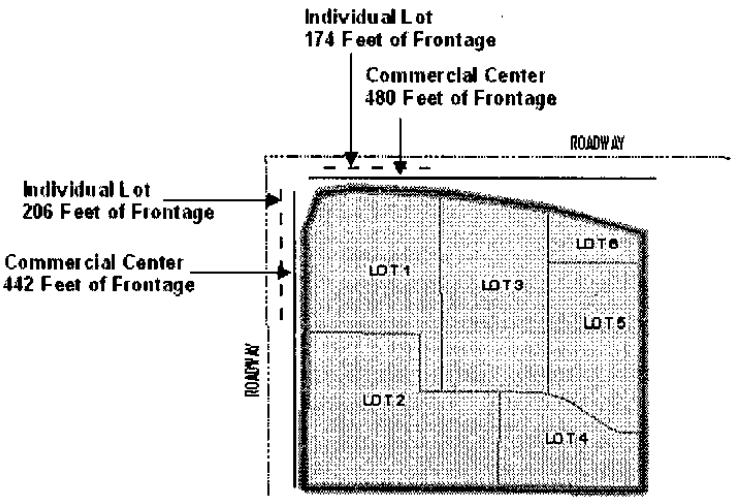
a. Each property or parcel of land is allowed a minimum of one freestanding sign with an area defined by the linear frontage of the property.

b. No portion of a freestanding sign shall be in or project over a public right-of-way. No freestanding sign shall be placed within an existing or proposed easement.

c. As part of a CSP, the total permitted sign area may be aggregated into fewer and larger signs, at the election of the property owner within a commercial center, provided that the size of any single sign does not exceed the standard permitted sign area by more than 30 percent.

d. Freestanding signage area is determined based on the primary frontage of the lot. The property owner determines the primary frontage and may place the sign accordingly. A commercial center may have two primary frontages approved by a CSP.

e. An individual corner lot can pick one primary frontage for freestanding sign calculation. In the example shown here, the 206 feet of frontage is used for its sign calculation.



f. A corner commercial center with a Coordinated Sign Plan can use two frontages for the freestanding sign calculation. In the example shown here, over 900 feet of frontage can be used for freestanding calculation.

3. Electronic Message Center (EMC)

Electronic Message Centers (EMCs) are allowed subject to the following:

a. Shall only be allowed as part of a freestanding sign.

b. Are prohibited for residential uses, but may be allowed as part of a mixed-use CSP.

c. Shall be limited to static messages only, changed only through dissolve or fade transitions which otherwise shall not have movement or the appearance or optical illusion of movement, on any part of the sign structure, design, or pictorial part of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity. The transition duration between messages shall not exceed one second.

d. Commercial messages displayed shall only direct attention to a business, product, service, activity, or entertainment that is conducted, sold, or offered on the premises on which the sign is located.

e. Shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard. Lighting shall not exceed 500 nits or 0.3 foot-candle between dusk to dawn as measured from the face of the sign.

f. Documentation shall be required from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.

g. Temporary signage shall be prohibited on any property that has an approved EMC (see Subsection E below).

h. Any property that wishes to add an EMC component to an existing freestanding sign must comply with current sign code standards before the EMC is approved.

C. Minor Sign Types

Table 7.413-D provides criteria for minor signage permitted provided that it meets the requirements of this Section 7.4.13 and all other applicable City regulations. See Subsection D below for additional information related to minor signs.

Table 7.4.13-D
Minor Sign Types

Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Awning	Yes	A max. of 0.5 sq. ft. for each linear foot	n/a	n/a	May extend 6 ft. from the face of the building	At least 8 ft. above pedestrian way or 14 ft. above vehicular way Valance may extend 1 ft. below awning Not permitted above first story level of building See Subsection D.1 below
All	Building Plaque	No	6 sq. ft.	1 per building	8 ft. attached to building	n/a	Built into building or mounted flat against the wall of a building Lighting permitted
All	Canopy	Yes	A maximum of 0.5 sq. ft. for each linear foot	1 canopy per elevation	n/a	n/a	Mounted flush on the face of the canopy Lighting permitted
All	Corporate Flags	No	Not to exceed 3 ft. x 5 ft.	1	Max. height of zone district	Must meet required setback for accessory uses	See definition of Corporate Flag in Section 7.6.203C.
All	Decorative Flags	No	Not to exceed 3 ft. x. 5 ft.	1 per 20 ft. of lot frontage	Max. height of zone district	Must meet required setback for accessory uses	See definition of Decorative Flag in Section 7.6.203C.
All	Directional Signs	Yes	6 sq. ft.	Per permit	4 ft.	None	On premises only
All	Directory (freestanding)	Yes	64 sq. ft.	2 per entrance	6 ft.	15 ft. from ROW	Additional directories may be approved through a CSP
All	External Use	No	40 sq. ft.	n/a	n/a	None	Area is total for all external uses on the site, may

Table 7.4.13-D
Minor Sign Types

Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
							be used in any combination
Commercial	Gas Island	No	32 sq. ft. total	1 per gas topper	n/a	n/a	Copy oriented to the ROW shall not exceed 2 in. in height
All	Historic Signs	Yes	Sign and structure must be at least 50 years old to qualify. See Subsection D.2 below				
Commercial	Menu board/ Drive-through	Yes	75 sq. ft. per drive-through lane	2 per drive-through lane	6 ft.	10 ft.	Readable only by traffic in the drive-through lane Lighting permitted
All	Monument Sign	Yes	128 sq. ft.	2 signs per access from a major arterial or collector	7 ft.	None	See Subsection 7.4.1307D.4 below.
All	Motor Vehicle Signs	Signs that are permanently painted or affixed to a vehicle for advertising purposes. See Subsection D.3 below					
All	Mural	No	Any portion of the mural which is considered a sign will deduct from the wall signage for that wall.				
All	Window Signs	No	25% of the window(s)	None	n/a	n/a	Permitted on the first floor windows only Lighting permitted
All	Yard/Wall	No	6 ft.	1	4 ft. when freestanding	n/a	

D. Minor Sign Types, Additional Criteria

1. Awning and Canopy

a. The sign or signs must be placed on the side of the awning or canopy from which it draws its allowed square footage.

b. Signs may not extend above, below, or beyond the awning or canopy.

c. Awnings and canopies may be backlit.

2. Historic Signs

May be kept, used, maintained, and displayed, subject to the following conditions:

a. The applicant must provide documentation that the sign has been at its present location for a minimum of 50 years prior to approval of a sign permit.

b. The sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. The property owner is responsible for making all structural repairs and restoration of the sign to its original condition.

c. The sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises.

d. Approved historic signs will not be considered abandoned so long as they continue to meet the conditions above.

e. Historic signs may be retained on a property in addition to new signs permitted by this Section 7.4.13.

3. Motor Vehicle Signs

Signs may be placed on motor vehicles provided:

a. Each sign must be permanently painted or affixed to the vehicle.

b. No sign shall project more than one foot above the roofline of the vehicle to which it is attached.

c. The vehicle upon which the sign is affixed must be used for the normal operation of the business and not primarily used to display signage.

d. The vehicle must be moved at least once every 72 hours.

e. When not in use, the vehicle must be parked on the premises of the business that it advertises.

f. The vehicle must be parked in a legal parking space.

g. The vehicle may not block any other legally permitted signs.

h. Special event vehicles are exempt from this Section 7.4.1307D.3.

4. Monument Sign or Subdivision Monument

Permanent subdivision monument signs must be incorporated into entryways from major arterials or collector streets. Monument or subdivision monument signs:

a. Shall include the name of the subdivision or development.

b. Shall be located at the principal street entrance to the subdivision or development.

c. Shall not be located in the public right-of-way without obtaining a revocable permit pursuant to Section 3.2.201 of this Code.

d. Shall be constructed of masonry or other substantial materials.

e. May be placed on a subdivision wall, or other background, provided a sign permit is approved.

f. Shall be limited to two signs per subdivision entrance (one sign on each side of the entryway).

g. Shall be insured and maintained by the homeowners' association or other appropriate entity. Adequate provisions to maintain the sign must be provided by covenant or through the homeowners' association.

E. Temporary Signage Criteria

Temporary signs shall be allowed per property in addition to the permanent signage permitted in this Section unless otherwise stated in this UDC. The following chart provides criteria for temporary signage permitted provided that it meets the requirements of this section and all other applicable City regulations. See Subsection F below for additional information related to temporary signs.

Table 7.4.13-E
Temporary Signage Criteria

Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
All	Banner	Yes					Not attached to T-posts, walls, or fences Not permitted in landscape areas See Subsection F.1 below
All	Con-struction	No	6 sq. ft.	5 per lot frontage	n/a	2 ft. From street or public sidewalk	Additional allowances based on low size and additional criteria See Subsection F.3 below
All	Election	No	6 sq. ft.	5 per lot frontage	n/a	2 ft. From street or public sidewalk	Additional allowances based on lot size and additional criteria See Subsection F.3 below
All	Garage sale	No	3 sq. ft.	1	n/a	n/a	Used only during the duration of the garage sale and used only on the lot where the garage sale occurs
	Non-residential Inflatable Displays	Yes	n/a	5 per commerci al event	Max. Height of the zone district	1.5 times the height of the display	See Subsection F.2 below
All	Model home sign	No	24 sq. ft.	1 per model	6 ft.	n/a	
All	Off premises open house	No	6 sq. ft.	4 per open house – put up 1 hour before and removed 1 hour after	4 ft.	n/a	Private property only, landowner permission required May not be placed in public-rights-of-way or medians without revocable permit
All	Off premises real estate	No	32 sq. ft.	1	4 ft.	n/a	Private property only, landowner permission required May not be placed in public rights-of-way or medians without revocable permit Removed 14 days after sale or lease
All	Pennants	No	n/a	n/a	n/a		
	Nonreside ntial portable A-frames	No	4 ft. X. 2 ft.	1 per individual storefront/ tenant or 1 per shared entrance	4 ft.	Within 10 ft. of the main entrance, on the ground surface and not on any vehicle or structure	Lighting not permitted Located only in front of the establishment to which the sign pertains Displayed only during business hours The sign cannot block a sidewalk
All	Real Estate	No	6 sq. ft.	5 per lot frontage	n/a	2 ft. From street or public sidewalk	Additional allowances based on the lot size and additional criteria See Subsection F.3 below
	Nonreside ntial	No	32 sq. ft.	1 wall or free-standing	7 ft.	None	Removed when the use ends Attached to a structure or mounted on posts which are

Table 7.4.13-E
Temporary Signage Criteria

Use	Type	Permit Required	Maximum Size	Number	Maximum Height	Setback	Additional Criteria
	Temporary Retail						anchored securely into the ground Copy on price signs for merchandise which is displayed outside shall be limited to 2 in. in height

F. Temporary Sign Types Additional Criteria

1. Banners

a. Banners associated with residential uses:

(1) Size shall not exceed 0.2 square foot for each linear foot of property line.

(2) May be displayed for a maximum of 90 days per calendar year. Display time may be any combination of consecutive days or equal weekend periods and is cumulative for all banners displayed on the property.

(3) Vertical banners attached to existing private light poles on residential properties shall be no larger than 24 by 48 inches and must be hung eight feet from the ground in pedestrian areas and 14 feet from the ground in vehicular areas.

(4) Each banner must be kept in good repair (not frayed, faded, or sagging) and must remain firmly attached to the building or structure from which it is displayed.

(5) Banners hung between T-posts, attached to fences, retaining walls and/or vehicles and banners in landscape areas are prohibited.

(6) No banner may be illuminated, animated, or constructed of reflective materials.

(7) All banners shall display a City permit approval sticker on the bottom left hand corner of the banner.

b. Banners associated with nonresidential uses:

(1) Banners attached to single-story buildings shall not exceed 0.75 square foot for each linear foot of exterior building wall. For multiple-story buildings, banners shall not exceed five percent of the area of the exterior building wall on which the banners are displayed. A banner must be attached to the exterior building wall from which it draws its allowed square footage. The allowed square footage can be split among several banners or allocated to one single banner.

(2) Vertical banners attached to existing private light poles shall be no larger than 24 by 48 inches and must be hung eight feet from the ground in pedestrian areas and 14 feet from the ground in vehicular areas.

(3) Banners may be displayed for a maximum of 90 days per calendar year. Display time may be any combination of consecutive days or equal weekend periods and is cumulative for all banners displayed on the property.

(4) Each banner must be kept in good repair (not frayed, faded, or sagging) and remain firmly attached to the building or private light pole from which it is displayed.

(5) All banners shall display the City permit approval sticker on the bottom left hand corner of the banner.

(6) No banner may be illuminated, animated, or constructed of reflective materials.

(7) Banners hung between T-posts, attached to fences, retaining walls or vehicles and banners located in landscape areas are prohibited.

(8) Banners shall be removed at the permittee's expense at the expiration of the applicable permit.

2. Inflatable Displays

a. Inflatable displays are not permitted for residential uses.

b. Inflatable displays may be displayed for 14 days per commercial event.

c. No more than two temporary sign permits for inflatable displays may be issued to a business, development, or property during a calendar year.

d. A maximum of five inflatable displays are allowed per commercial event.

e. Inflatable displays shall be securely anchored or attached to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, and to prevent undue hazards to motorists or pedestrians.

f. Ground mounted inflatable displays must be set back from the property line one and one-half (1½) times the height of the inflatable display.

g. Roof mounted inflatable displays must not exceed the maximum height for the zone district. A tether is required to secure the inflatable display and shall not exceed 15 feet in length.

h. Inflatable displays shall not be attached to fences, landscaping, utility poles or private light poles.

i. Inflatable displays that wave, lightly or rapidly, in an irregular manner and portable inflatable billboards are prohibited in all zone districts.

3. Election Signs, Construction Signs, Real Estate Signs

In addition to the allowances outlined in the temporary signs table in Subsection E above, the following allowances and standards apply to political/election, construction, and real estate signs:

a. Residential Uses/Property/Lots

(1) One to five acres: One sign per street frontage not to exceed 32 square feet per sign.

(2) Five to 10 acres: Two signs not to exceed 32 square feet per sign or one sign not to exceed 64 square feet.

(3) Greater than 10 acres: Three signs not to exceed 32 square feet per sign or two signs not to exceed 48 square feet per sign or one sign not to exceed 96 square feet.

b. All Other Uses/Property/Lots

(1) Less than one acre: One sign per street frontage not to exceed 32 square feet per sign.

(2) One to five acres: One sign per street frontage not to exceed 64 square feet per sign.

(3) Five to 10 acres: Two signs not to exceed 64 square feet per sign or one sign not to exceed one hundred 128 square feet.

(4) Greater than 10 acres: Three signs not to exceed 64 square feet per sign or two signs not to exceed one hundred 128 square feet per sign.

c. Removal

These signs must be removed not later than 14 days after:

(1) Sale, lease, or removal of the property from the market.

(2) Issuance of a certificate of occupancy or final building inspection.

d. Placement

(1) Landowner permission is required before placing one of these sign types on or within the right-of-way in front of private or publicly owned property in accord with Subsection 7.4.1304D.

(2) Signs may not be placed within City owned right-of-way unless a revocable permit has been granted in accord with Section 3.2.217D of this Code.

(3) Signs may not be placed within state right-of-way without the express approval of CDOT.

(4) Signs are not permitted to be attached to public or City owned infrastructure, facilities, utility poles or signposts.

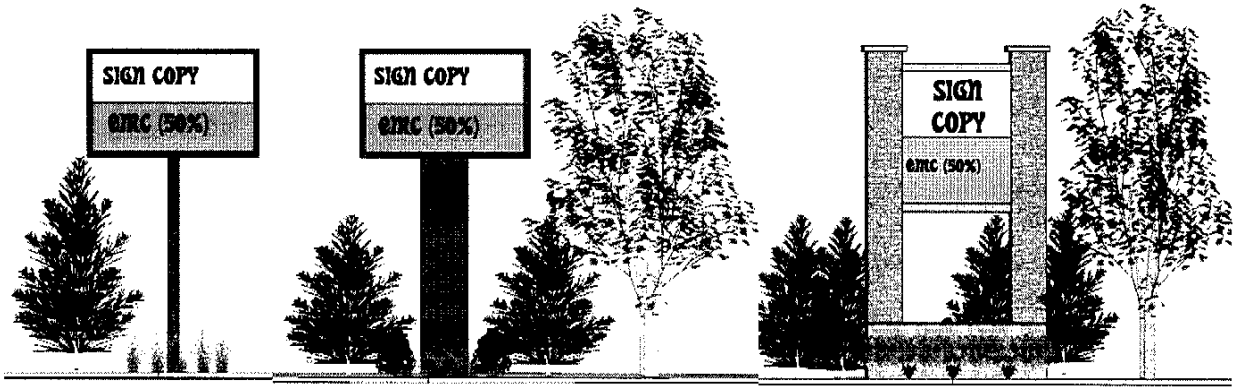
7.4.1308 Coordinated Sign Plan

A. Owners or developers of property that desire signage that varies from the requirements of this Sign Code or owners that would like unified commercial center signage may apply for approval of a coordinated sign plan (CSP) for the entire site. This plan will be reviewed and approved by Community Development staff and may be referred to Planning Commission for approval. A CSP shall include the design, color, size, height, lighting, location, number, and construction type of all signs in the area proposed for the CSP. Each CSP shall be subject to review and approval as required.

B. The coordinated sign plan shall be for the use of commercial centers only or three or more properties/lots together as a center with planned signage.

C. A CSP may be submitted that permits consideration of unique conditions, flexibility, and creativity. The application of such plan may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site and appropriate landscaping associated with the freestanding signs. The CSP bonus incentive for the commercial center shall not exceed 15 percent of the standards in Section 7.4.1307 without the approval of a nonuse variance. This may be applied to any sign standard and applied to multiple sign standards. Once a CSP has been approved subsequent sign permits shall be approved administratively when the proposed sign is in compliance with the approved CSP.

Examples of Signage that Qualifies for the CSP Bonus Incentive



Minimum Code Standard | CSP Better Example | CSP Best Example

CSP Signs Exceed Code Minimum

7.4.1309 Prohibited Signs

The following signs and sign types shall be prohibited:

A. Any sign erected or painted upon light poles, retaining walls, fences, rocks, trees, or natural features unless the sign meets the definition of a low profile or freestanding sign as described in Section 7.6.203C.

B. Any sign displaying flashing or intermittent lights or lights of varying intensity.

C. Any sign with a digital electronic message that changes in any manner except those permitted by Section 7.4.1307.

D. Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.

E. Signs which advertise activities that are unlawful and not recognized as permitted or conditional uses per Article 7.3 (Use Regulations).

F. Any private sign that is an imitation of an official government protective or warning sign, including signs using the words “Stop” or “Danger” to imply a need or requirement to stop or a caution for the existence of danger, and including signs that are copies of, or which are likely to be confused with, any official government protective or warning sign.

G. Any sign that obstructs a window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building as required by law.

H. The parking of any motor vehicle, recreational vehicle, trailer, or other movable device in a manner that the vehicle constitutes a billboard or off premises sign.

I. Any sign projecting over the facade of the building or attached directly to the roof of a building.

7.4.1310 Signs Along State Highways and Interstates

For the purpose of regulating signs visible from an interstate highway as defined by C.R.S. § 43-2-101(2), there are hereby created the following zones, each zone measured perpendicularly from the boundary of the interstate highway right-of-way. Frontage roads shall be considered as lying outside the interstate right-of-way.

A. Zone Number 1

This zone shall be the area within 220 feet of the interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the faces of which are visible from the highway, shall exceed 100 square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

B. Zone Number 2

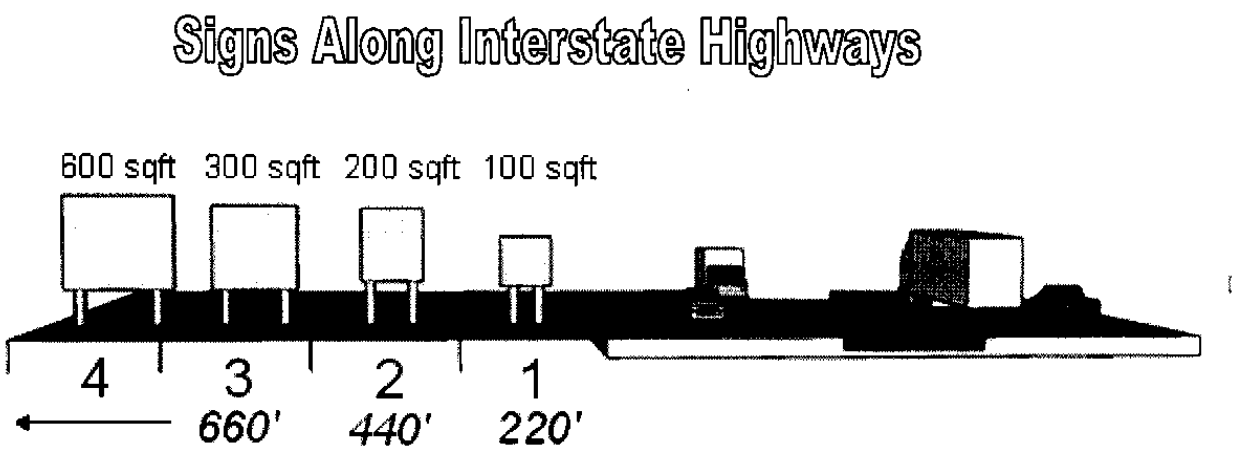
This zone shall be that area from 220 feet to 440 feet from the interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which are visible from the highway, shall exceed 200 square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

C. Zone Number 3

This zone shall be that area from 440 feet to 660 feet from the interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which is visible from the highway, shall exceed 300 square feet or the area specified in the applicable zone requirement, whichever is more restrictive.

D. Zone Number 4

This zone shall be that area more than 660 feet from the interstate right-of-way boundary. No freestanding, roof, projecting, or low profile signs, the face of which is visible from the highway boundary, shall exceed 600 square feet, or the area specified in the applicable zone requirement, whichever is the more restrictive.



7.4.1311 Nonconforming and Abandoned Signs

A. Any legally established sign in existence at the time of the enactment of this Section 7.4.13 is considered nonconforming and may remain. A nonconforming sign may continue so long as it is not enlarged, replaced, or abandoned. If a nonconforming sign is removed for any reason, it may not be replaced. If 50 percent or more of the sign area of a nonconforming sign is destroyed, the nonconforming sign may not be repaired or replaced and shall be removed.

B. Any nonconforming sign upgraded to incorporate an EMC component shall lose its legal nonconforming designation. Upgrading to an EMC will require the sign to comply with the provisions of this Section 7.4.13.

C. A nonconforming sign may continue in existence and function provided the sign is maintained in good condition.

D. An abandoned sign that is deemed to be in disrepair and structurally unsound with the potential to cause health, safety and welfare concerns must be removed and shall lose its nonconforming designation.

7.4.1312 Off Premises Advertising (Billboards)

All new billboards shall comply with the following:

A. Purposes and Intent

1. The purpose of this Section 7.4.1312 is to limit the impact of billboards on the community; to improve the appearance of the Interstate 25, Highway 24, Highway 24 bypass, and Municipal Airport entryway corridors; to enhance the urban design of the greater downtown area; to ensure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The City recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.

2. It is the intent of this Section 7.4.1312 to address the following specific concerns regarding the impact of billboards upon the community:

a. The citizens of Colorado Springs and others visiting or traveling through the City are very concerned about the urban design and visual integrity of the City.

b. Billboards are often incongruous with the City's natural setting and features due to their large scale figures, numbers, letters, and colors.

c. A billboard can dominate the view from vehicles and interfere with the occupants' enjoyment of the City's natural setting and features.

d. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.

e. Billboards of excessive size or height should be downsized within a reasonable time period.

f. Billboards are incompatible with residential uses.

g. The Interstate 25, Highway 24, Highway 24 bypass, and Municipal Airport entryway corridors are major entryways to the City which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.

h. The downtown planning area is an area in which urban design significantly influences the health and vitality of the total community.

B. Area, Height and Face Standards

All billboards shall be constructed in accord with the Uniform Sign Code as set forth in this Section 7.4.13 and shall conform to the following standards:

1. Sign Area

New billboard faces and supporting framework shall not exceed the following sign areas:

a. New billboards shall be a maximum of 245 square feet.

b. Replacement billboards, existing billboards 400 square feet or larger in face area may be replaced at a size up to 400 square feet; billboards with face areas between 399 and 245 feet shall be replaced at a size up to 245 square feet. Existing billboards of less than 245 square feet shall be restricted to their current size in the event they are relocated.

2. Height

Billboards shall not exceed the maximum height permitted for freestanding signs in the zone district in which they are located.

3. Faces

There shall be no more than two billboard faces per supporting structure.

C. Location Standards

All billboards shall be located in accord with the following standards:

1. Zones

After the Effective Date, billboards shall be allowed as conditional uses in the following zones: MX-L, LI, GI, and BP.[886]

2. Conditional Uses

All new billboards shall be required to obtain a conditional use approval in accord with Section <7.5.601>.

3. Location Standards

a. Billboards shall be set back the same distance required for freestanding signs in the zone district in which they are located.

b. No billboard shall be placed on the roof of any building or structure.

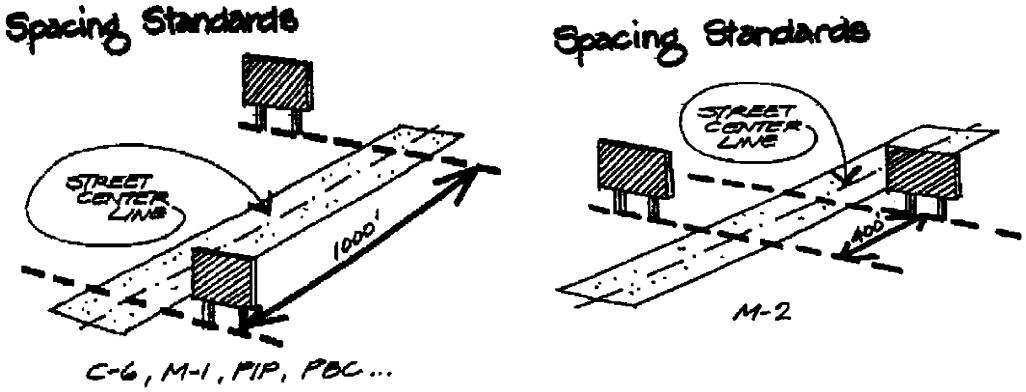
[886] Zone districts have been updated to reflect lineup of comparable districts, as proposed in Article 2.

c. No billboard shall cantilever over any building or structure.

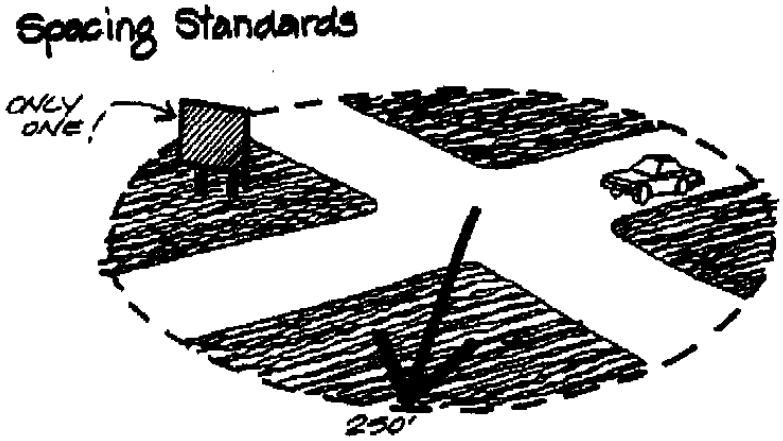
4. Spacing Standards

a. No billboards shall be spaced less than 1,000 feet from the nearest billboard, except billboards in GI zones[887] shall be spaced no less than 400 feet from the nearest billboard. In determining the physical spacing of billboards, the City will consider existing billboards and approved conditional use billboard locations.

b. Distances between billboards shall be measured horizontally along the centerline of the street or highway to which the sign is directed as set forth in the figure below.

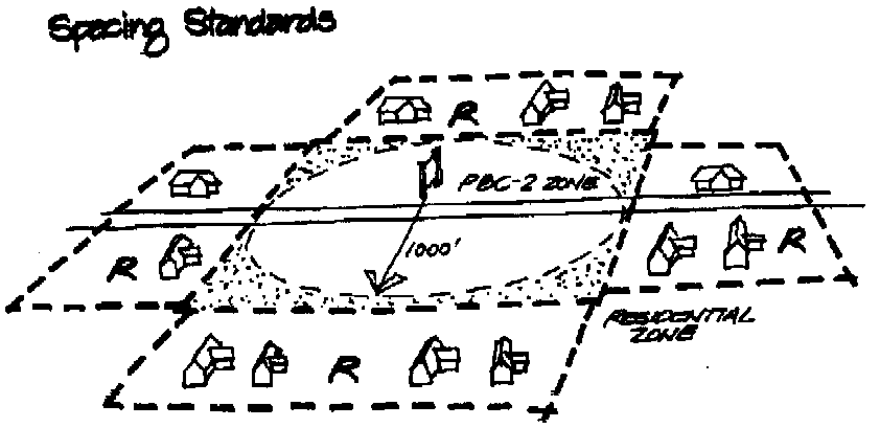


c. Only one billboard shall be placed within a radius of 250 feet from the center point of any street or highway intersection as set forth in the figure below.



d. No billboard shall be placed within 500 feet of any residential zone as set forth in the figure below.

[887] Currently applies to M-2, which has bene converted to the GI district.



5. Railroad Rights-of-way

a. New billboards shall not be allowed to be placed within any railroad rights-of-way.

b. Existing billboards within a railroad right-of-way shall be grandfathered and allowed to remain in their current locations.[888]

D. Maintenance and Discontinuance

1. Maintenance

All sign supports, braces, guys, and anchors shall be kept in good repair. Faces of all signs shall be kept neatly painted or posted at all times. The City shall notify the sign owner or its agent, of any sign which is not in proper state of repair. If corrective action is not taken within 30 days, the City official may order the removal of the sign.

2. Discontinuance

The City may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than 60 continuous days. The billboard shall be removed by the owner within 30 days of notification by the City.

E. Billboard Credit[889]

Permits to erect new billboards shall only be issued to those persons possessing a "billboard credit."

1. Billboard Credit

Billboard credits shall be issued by the City to those billboard owners who have removed a previously existing, lawfully erected billboard after the Effective Date. It shall be the responsibility of the permit applicant to show the ownership, location, and date of removal of the billboard.

2. Credit Basis

Billboard credits shall be issued on a per face and per structure basis. One credit shall be issued for each billboard face removed and one credit for each structure removed. If a billboard is not located upon a separate supporting structure, the building or other structure to which the billboard is attached shall constitute a single structure for the purpose of receiving one credit.

a. No credit shall be granted for the partial removal of faces.

b. No credit shall be granted for the removal of billboard faces which are less than 84 square feet.

[888] Revised to delete exception requiring removal of one billboard, which staff believes has been removed.
[889] Subsection requiring removal of billboards from within a mapped downtown area within 60 days of passage of a very old ordinance was deleted, as staff believes compliance with the provisions was achieved.

3. Credit Utilization

A billboard credit may only be used in a location which meets all standards of this UDC.

4. Transfer of Credits

Credits may be transferred between parties through legal means.

5. Size

Credits will allow billboards to be reconstructed in the following sizes:

a. A credit for a new 400 square foot billboard will be issued for billboards which are removed that are in excess of 399 square feet.

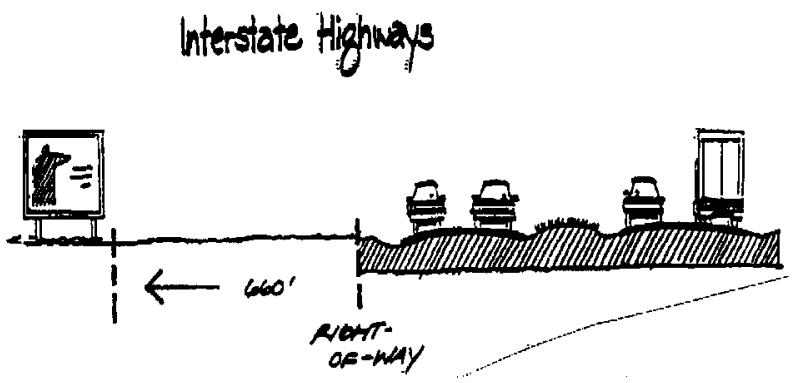
b. A credit for a new 245 square foot billboard will be issued for billboards which are removed that are between 245 and 399 square feet.

c. A credit will be issued for a new billboard of equal size for billboards which are removed that are less than 245 square feet.

F. Downsizing

1. Restricted Corridors[890]

All existing billboards which are directed toward and visible from and within 660 feet of Interstate 25, Highway 24, Highway 24 bypass, and airport entryway (Powers Boulevard between Fountain Boulevard and Milton Proby Parkway, Airport Entrance Road between Powers Boulevard and the airport terminal) corridors shall be downsized as follows:



a. Billboards larger than 400 square feet in face area before December 31, 1996, shall not exceed 400 square feet.

b. Billboards containing between 245 and 399 square feet in face area before December 31, 1996, shall not exceed 245 square feet.

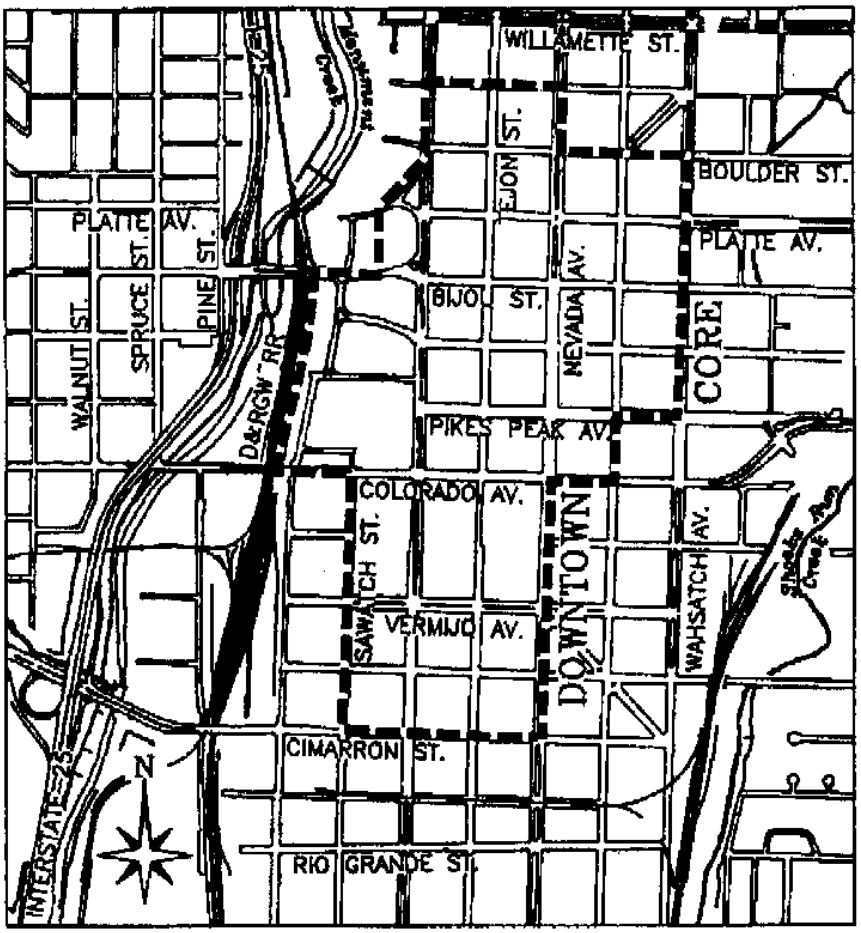
2. Downtown Planning Area

All existing billboards within the downtown planning area as illustrated below shall be downsized as follows:

a. Billboards larger than 400 square feet in face area before December 31, 1996, shall not exceed 400 square feet.

b. Billboards containing 245 and 399 square feet in face area before December 31, 1996, shall not exceed 245 square feet.

[890] Text revised to current tense because required downsizing was all required to occur before December 31, 1996, and staff believes compliance was achieved. Text now carries over only maximum sizes, not duty to downsize.



DOWNTOWN CORE

3. Nonrestricted Areas

All existing billboards, in areas other than the restricted corridors or downtown planning area, shall be downsized as follows:

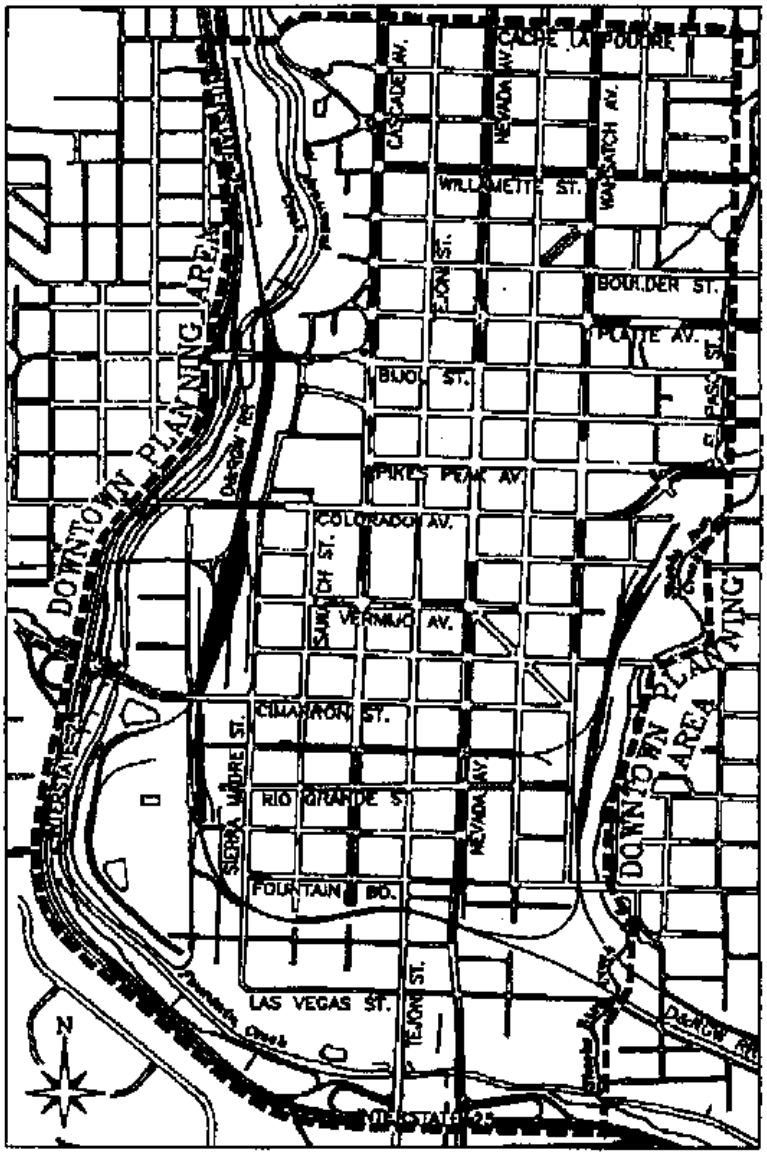
a. Billboards larger than 400 square feet in face area before December 31, 1996, shall not exceed 400 square feet.

b. Billboards containing between 245 and 399 square feet in face area before December 31, 1996, shall not exceed 245 square feet.

G. Cap on Number of Billboards

1. Restricted Corridors and Downtown Planning Area

There shall be a cap on the number of billboards within the restricted corridors or Interstate 25, Highway 24, Highway 24 bypass, Powers Boulevard (between Fountain Boulevard and Milton Proby Parkway) and the airport entrance road (between Powers Boulevard and the airport terminal) as well as within the downtown planning area. No new billboards shall be allowed within these areas except with the removal of an existing billboard from the same corridor/area. Permits for new billboards within the restricted corridors or downtown planning area will only be issued to those persons possessing a "billboard credit" indicating they have removed a billboard from the same corridor or downtown planning area. All new billboards within restricted corridors or the downtown planning area shall comply with the design standards as set forth in this Section 7.4.1312.



DOWNTOWN PLANNING AREA

2. Citywide Cap

There shall be a limit of 208 total billboard locations within the corporate limits.

H. Exemptions

This Section 7.4.1312 shall not pertain to the following types of off premises signs:

1. State approved signs within Colorado State highway rights-of-way.

2. Signs approved by the revocable permit process as set forth in Chapter 3, Article 2, Part 2 of this Code.

3. Off premises temporary signs which comply with the provisions of Section 7.4.1307F.

4. Signs announcing a "special event" as defined in Section 3.2.403 of this Code.

I. General Provisions

All billboards are subject to the applicable provisions for signs as set forth in this Section 7.4.13, except Section 7.4.1311 (Nonconforming and Abandoned Signs). All billboards are subject to the provisions set forth in Section <7.5.703> except that where any provision of this Section 7.4.13 imposes a more specific requirement than imposed by Section <7.5.703>, then that specific requirement shall govern.

7.4.14 BUILDING CODES[891]

7.4.1401 Title

This Section 7.4.14 adopts by reference the edition of the Pikes Peak Regional Building Code, 2017 edition, 2nd Printing, as published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, to include: National Electrical Code, 2017 Edition, appearing at 3 CCR 710-1 adopted and effective March 17, 2018; and the Federal Emergency Management Agency (FEMA) new Flood Insurance Rate Maps ("FIRM") and Flood Insurance Study ("FIS") adopted and effective December 7, 2018. Three copies of the Pikes Peak Regional Building Code, 2017 edition, 2nd Printing, are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Regional Building Code is being adopted as if set out at length.

7.4.1402 Applicability

The Regional Building Code as adopted in this Section 7.4.14 shall apply to every building or structure the use of which the City has jurisdiction and authority to regulate.

7.4.1403 Interpretation

The Regional Building Code shall be so interpreted and construed as to effectuate its general purpose to make uniform the local building regulations contained in the Regional Building Code.

7.4.1404 Code Adopted by Reference

There is hereby adopted by reference the edition of the Pikes Peak Regional Building Code, 2017 edition, 2nd Printing, as published by the Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, to include: National Electrical Code, 2017 Edition, appearing at 3 CCR 710-1 adopted and effective March 17, 2018; and the Federal Emergency Management Agency (FEMA) new Flood Insurance Rate Maps ("FIRM") and Flood Insurance Study ("FIS") adopted and effective December 7, 2018. Three copies of the Pikes Peak Regional Building Code, 2017 edition, 2nd Printing, are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Regional Building Code is being adopted as if set out at length.

1. The Regional Building Code is subject to the following additions and modifications:

a. RBC108.2. Add the following to the end:

A fee schedule shall be established by resolution of the City Council.

RBC302.4.1. Section 202.1. Add the following definitions:

(1) Composition Wood roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

(2) Solid Wood roofing products are roofing materials that are defined as "wood shakes," "wood shingles," or "wood shakes and shingles, fire-retardant (treated)." These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

[891] From Article 10, Building Code Administration, Part 1: General Provisions. Parts 2 through 4 will be carried forward as part of Module 3. Part 5, carried forward in 7.4.15. Provisions related to violations, enforcement, and appeals will appear with similar provisions in the Administration and Enforcement section in Module 3. Prohibition on removing, altering, or defacing a numeric address will appear in the violations section of Administration and Enforcement in Module 3.

b. RBC302.4.29. Insert a new section as follows:

Section RBC302.4.29.1. Section 1505.1. Add the following:

All buildings shall have a minimum roof covering of class B.

Exception: Buildings containing 20 percent or more of a group R fire area shall have a minimum roof covering of class A excluding solid wood roofing products.

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with section 1511 of the International Building Code, 20 15 edition, and section RBC104.4 of the Building Code.

RBC302.4.29.2. Table 1505.1. Delete.

RBC303.4.1. Section R202. Add the following definitions:

Composition Wood roofing is a roofing product composed of natural wood fibers and falls within the Underwriters Laboratories (UL) category of formed roofing.

Solid Wood roofing products are roofing materials that are defined as "wood shakes", "wood shingles", or "wood shakes and shingles, fire-retardant (treated)". These materials are cellulose based wood products that include non-treated and pressure impregnation by the full-cell vacuum-pressure process with fire retardant chemicals.

c. RBC303.4.61.1 Insert a new section as follows:

Section RBC303.4.61.1. Section R902.1. Amend the section as follows:

Delete the second sentence and replace with the following:

One- and two-family dwellings shall have a minimum roof covering of class A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of class B.

In the third sentence, delete "classes A, B, and C" and replace with "classes A and B".

Add the following to the end of the paragraph:

These requirements shall also apply when completely recovering or replacing a roof covering in accordance with section R90 8 of the International Residential Code, 20 15 Edition and section RBC104.4 of the Building Code.

d. RBC306.2. Amend this section as follows:

Section RBC306.2. Code Adopted By Reference. There is hereby adopted by reference the Colorado Plumbing Code adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Plumbing Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto made by such board, appearing at 3 CCR 720-1, entire rule effective February 14, 2016, rules 2.5.1.27, 4.1, 4.2, 4.5.4, 4.5.5, 4.6-4.13, 6.1, and 7.4 effective April 1, 2016. Three copies of the Code are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The code is being adopted in its entirety.

e. RBC307.2. Delete this section and insert a new section as follows:

Section RBC307.2. Codes Adopted By Reference. There is hereby adopted by reference the National Electrical Code, 2014 2017 edition, adopted by the Department of Regulatory Agencies, Division of Professions and Occupations, Colorado State Electrical Board, 1560 Broadway, Suite 1350, Denver Colorado, 80202, appearing at 3 CCR 710 -1 adopted and effective March 17, 2018 July 1, 2014. Three copies of the Code are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The code is being adopted in its entirety.

f. RBC310.3. Delete this section and insert a new section as follows:

Section RBC310.3. Codes Adopted By Reference. There is hereby adopted by reference American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1, 2013, including Table 2-3-2 of 7 CCR 1101-8 and all supplements thereto; the Safety Code for Existing Elevators and Escalators, ASME A17.3, 2005, and all supplements thereto, and the Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1, 2011, adopted by the Department of Labor and Employment, Division of Oil and Public Safety, 633 17th Street, Suite 500, Denver Colorado, 80202, along with all revisions, modifications and exceptions thereto, appearing in 7 CCR 1101-8, and effective April 1, 2017. Three copies of these Codes are now filed in the Office of the City Clerk and in the Office of the Regional Building Official and may be inspected during regular business hours. The codes are being adopted in their entirety.

g. RBC313.6. This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

h. RBC313.17.1. This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

i. RBC313.17.2. This section is subject to the additions, modifications, and/or deletions set forth in Section 7.4.802.

j. RBC313.18.5. This section is subject to the additions modifications, and/or deletions set forth in Section 7.4.802.

7.4.1405 Street Numbering[892]

A. Purpose

The purpose of this Section 7.4.1405 is to provide for the continuing assignment of property addresses in a logical and orderly manner and to ensure the efficient, timely, and convenient delivery of services and goods, public or private, to the people and their property.

B. Applicability

This Section 7.4.1405 shall be applicable to all property, including structures, and that are subject to the jurisdiction of the Building Official.

C. Designation

The Building Official may designate those employees as may be necessary to carry out the intent and purpose of this part.

D. Authority

The Building Official shall have the authority to carry out the duties and responsibilities of this part for all properties subject to the jurisdiction of the Building Official. This authority shall include, but is not limited to:

1. Authority to Assign Numeric Address

The Building Official shall have the authority to assign numeric addresses to property, including structures, in compliance with this part. In order to duly exercise this authority, the Building Official shall have the right to:

a. Enter upon any premises at any reasonable time for the purpose of making inspection of any premises necessary to determine the assignment of any numeric address;

b. Require site plans, building plans, listings of property owners, maps or any other information deemed necessary to determine the assignment of any numeric address;

[892] From Article 10, Part 5 of current ordinance. Wording revised slightly for internal consistency. Procedures for change of numeric address will appear in Administration and Enforcement in Module 3.

c. Determine the approval or disapproval of any application requesting an assignment of or change to the assignment of a numeric address;

d. Determine the existence of a significant interest on the part of any person, organization, group, governmental entity, or agency that may request a change in the assignment of a numeric address for property not owned by that person, organization, group, governmental entity, or agency;

e. In designating a numeric address, determine the direction of a street;

f. Designate numeric addresses on Final Plats and replats prior to the recording of such plats with the El Paso County Clerk and Recorder's Office.

2. Authority to Require a Street

The Building Official shall have the authority to require a street and/or a street name when there are no, or not enough, numeric addresses available on an adjacent street, so that numeric addresses cannot be assigned as required by this part.

3. Authority to Disapprove Building Permit Issuance

The Building Official shall have the authority to disapprove the issuance of a building permit until all requirements of this part are met.

E. Exception

The Building Official may issue a building permit prior to platting of property when waiver of the platting requirement has been approved in accord with this Code, as amended. The assigned numeric address for the property shall be designated on the Final Plat or replat.

1. Authority to Issue Change

The Building Official shall have the authority to issue official notice, including effective date, of a numeric address change.

2. Authority to Adopt Rules Of Procedure

The Building Official shall have the authority to adopt rules and regulations of procedure that are necessary to implement this part. The rules and regulations of procedure shall be approved as to form by the City Attorney's Office.

3. Authority to Act

The Building Official shall have the authority to determine or otherwise act upon the assignment of or a change to a numeric address, or any matter related thereto, which shall be deemed final agency action and not subject to further administrative review or appeal.

4. Authority to Require Fees And Costs

In addition to any fees, the Building Official shall have the authority to require payment in advance of any cost associated with a change to or assignment of a numeric address, including the recording of any necessary documents.

5. Authority to Enforce

The Building Official shall have the authority to require compliance with the requirements of this part and the provisions of the Fire Prevention Code and Standards. It shall be the responsibility of the property owner(s) to meet or cause to be met all applicable requirements. Upon due notification of noncompliance and failing to meet or cause to be met all applicable requirements, the property owner(s) shall be responsible for any and all incurred expenditures on the part of the City of Colorado Springs or any authorized agency in the enforcement of and compliance with applicable requirements. Any person who violates, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of this part or the Fire Prevention

Code and Standards shall be punished as provided in the general penalty provision of this Code, as amended.

F. General Regulations for Assignment of Numeric Address

1. Reference Point

Except for properties that have been historically distinguished by an independent numeric system prior to the adoption of this part, unless determined by the Building Official that any duplication of numeric address constitutes a hazard to the public health, safety, or welfare, all numeric addresses for property within the City of Colorado Springs shall be determined by the intersection of Pikes Peak Avenue and Cascade Avenue. At this reference point, all numeric addresses are the zero hundred block (00) series. From this reference point, all numeric addresses shall project in an outward direction. There shall be no more than 1,000 numeric addresses assigned to any one mile.

2. Frontage Interval of Standard Block

The frontage interval of a standard block is 550 feet. This interval shall be used in determining where hundred block (00) series numbers will be changed from one hundred (100) to the next higher or lower one hundred (100) block series. The existence of an intersection shall generally require a new hundred block series for numeric addresses. Variation from the frontage interval of a standard block shall be allowed to standardize the numeric addresses of parallel blocks at the same distance from the reference point.

3. Numeric Address Interval of Lots

Numeric addressing of property contained in any 100 block series shall be determined by the number of platted lots within that block; for example, but not by way of limitation, nine lots equal numeric addresses in increments of 10, such as 2010, 2020, 2030, etc.; 12 lots equal numeric addresses in increments of eight, such as 2008, 2016, 2024, etc.; 14 lots equal numeric addresses in increments of six, such as 2006, 2012, 2018, etc.

4. Determination of Even and Odd Numeric Addresses

Odd numeric addresses shall be assigned to property located on the south or east side of a street. Even numeric addresses shall be assigned to property located on the north or west side of a street. Numeric addresses shall not be changed to opposite sides of the street regardless of the direction the street may take; for example, but not by way of limitation, on a west-east loop street, the even numeric addresses will be located on the west side of the west half of the loop street and on the east side of the east half of the loop street.

5. Determination of Direction of a Street

A street shall be determined to be either an east-west street or a north-south street based upon the longest linear distance, in feet, of the major orientation of that street. For example, but not by way of limitation, a north-south street of many blocks in length may have a small portion of the street running in an east-west direction; this street shall be determined to be a north-south street.

6. Determination of Numeric Address

Numeric addresses shall be assigned consecutively. When a determination of the direction of the street has been made, property shall be assigned a numeric address that is consistent with the hundred block series for all parallel blocks equidistant from the reference point. All property located on the same street shall be addressed in either a north-south block series or in an east-west block series; in no event shall there be a combining of the two block series.

7. Determination of Exceptional Address

The use of subnumerics, such as one-half (1/2), or alphabetical suffixes, such as A, B, C, etc., is permitted only when whole numeric addresses are not available.

8. Determination of Officially Approved Numeric Address

The officially approved numeric address is that which is determined by the Building Official at the time of issuance of a building permit. Any numeric address assigned for any particular premises based upon a Preliminary Plat or Development Plan shall not be construed to be the officially approved numeric address and shall be subject to change, without prior notice, by the Building Official. Any numeric address designated for any particular premises based upon a Final Plat or replat that has been recommended for approval shall be subject to change, with notice to the El Paso County Clerk and Recorder's Office, by the Building Official when the designated numeric address as it appears on the recorded Final Plat or replat does not conform to the officially approved numeric address as finally determined by the Building Official at the time of issuance of a building permit for that premises.

G. Regulations for Residential Uses

1. Detached Single-Unit Residential Use

Except as described in this Section 7.4.1405, numeric addresses shall be assigned to any detached single-unit residential premises from the hundred block series of the street that abuts the premises.

2. Multi-Unit Residential Use

Numeric addresses shall be assigned to any multi-unit residential premises based upon a review by the Building Official of the following:

a. Location of development, especially with regard to proximity and access to public streets;

b. Density of development;

c. Lotting pattern of development;

d. Internal access of development;

e. Layout and type of structures, especially with regard to orientation and the type and number of entrances;

f. Nature of ownership of the units;

g. Availability of numeric addresses that are assignable;

h. Any other factor(s) deemed relevant by the Building Official.

3. Mobile Home Park or Mobile Home Subdivision

Numeric addresses shall be assigned to properties in a mobile home park or a mobile home subdivision as outlined in Subsection 2 above.

4. Through Lots or Corner Lots

Preliminary numeric addresses from both streets may be assigned to a through lot or corner lot. This preliminary assignment of a dual address shall not be construed as approval for access, curb cut(s), or driveway entrance(s) for such a lot. The officially approved numeric address of a through lot or corner lot shall be determined at the time of issuance of a building permit. This officially approved numeric address shall be determined as follows:

5. Detached Single-Unit Residential Structure

The numeric address shall be assigned from the block series of the street that is located parallel to the exterior face of the structure that contains, regardless of angle, the main, or commonly known front door, entrance into the structure.

6. Multi-Unit Residential Structure

The numeric address(es) shall be assigned upon a review of the factors outlined in Subsection 2 above.

7. Mobile Home Park or Mobile Home Subdivision

The numeric addresses shall be assigned upon a review of the factors outlined in Subsection 2 above.

8. No Parallel Street Determined

In the event that there can be no determination of a street that is clearly parallel to the exterior face of the structure that contains, regardless of angle, the main, or commonly known front door, entrance(s) into a structure, a numeric address shall be assigned from the block series of the street that would most reasonably and readily be identified as the street upon which the structure fronts. Factors that may be considered, but not limited to, include: lineal feet of property on each street; points of access into the lot; layout of structures on the lot; design of the structure(s) with regard to entrance(s); lineal feet of principal structure facing each street.

H. Regulations for Civic, Institutional, Public, Mixed Use, Commercial, and Industrial Uses[893]

1. Detached Single-Unit Commercial Use or Industrial Use

Except as set forth in Section 7.5.526 (Numeric Address Change), numeric addresses shall be assigned to any detached single-unit commercial or industrial premises from the hundred block series of the street that abuts the premises.

2. Multi-Unit Commercial Use or Industrial Use

Numeric addresses shall be assigned to multi-unit commercial or industrial premises in the following order of determination:

a. In the event that only one street abuts the premises, numeric addresses shall be assigned from the block series of that abutting street. This shall pertain to property containing any number of freestanding structures.

b. In the event that two streets abut the premises, numeric addresses shall be assigned based upon a review by the Building Official of the following:

(1) Location and lotting pattern of development;

(2) Access to development;

(3) Lineal feet of frontage of lot(s) on each street;

(4) Orientation of structure(s) and lineal feet of structural frontage;

(5) Any other factor(s) deemed relevant by the Building Official.

c. Numeric addresses shall be assigned for the potential maximum usage of the development. Unused numeric addresses shall be retained and reserved for future use.

3. Corner Lots or Through Lots

Preliminary numeric addresses from both streets may be assigned to corner or through lots. This preliminary assignment of a dual address shall not be construed as approval for access, curb cut(s), or driveway entrance(s) for such a lot. The officially approved numeric address of the property shall be determined at the time of issuance of a building permit. The officially approved numeric address shall be determined as follows:

[893] Expanded to address Civic, Institutional, Public, and Mixed-Use development for internal consistency.

a. Detached Single-Unit Commercial Structure or Industrial Structure

The numeric address shall be assigned from the block series of the street that is located parallel to the exterior face of the structure that contains, regardless of angle, the main, or commonly known front door, entrance into the structure. Should no street parallel said face, then the numeric address shall be assigned from the block series of the street that most reasonably and readily identifies the location and situation of that structure. Factors that may be considered, but not limited to, include: lineal feet of property on each street; points of access into the lot; design of the structures, including orientation, windows, signage, and entrance(s); lineal feet of structure facing each street.

b. Multi-Unit Commercial Use or Industrial Use

The numeric address(es) shall be assigned upon a review of the factors outlined in Subsection 2 above.

I. Numeric Address Required on Plats

The Building Official shall designate assigned numeric addresses in a legible manner on Final Plats and replats. All corner lots or through lots shall be designated at the discretion of the Building Official.

J. Temporary Posting of Numeric Address

In order to ensure the timely and effective delivery of private and public services, including, but not limited to, emergency services and assistance, utilities provision and required inspections, it shall be the responsibility of that person, company, firm, business, agency, or corporation in whose name the building permit is issued to ensure the temporary posting of the officially approved numeric address. The temporary posting of this address shall occur prior to the making of any required inspection. The numeric address posting shall be of any material that is weather resistant, shall be plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure, and shall be maintained until such time as the officially approved numeric address is permanently displayed.

K. Reporting of Number and/or Letter Identifiers

1. The reporting of any number and/or letter identifier is required for any unit, but not by way of limitation, in a multi-unit residential, commercial, office, or industrial structure, or any combination of those structures, or a space or lot in a mobile home park as follows:

a. Upon any change to number and/or letter identifier in existence at the time of this requirement;

b. Upon the assignment of any such number and/or letter identifier for any such unit constructed subsequent to this requirement; or

c. Upon determination by the Building Official that there exists a hazard to the public health, safety, or welfare.

2. Compliance with this requirement is required within 15 days of such change, assignment, or determination.

3. The reporting shall be made to the Colorado Springs Utilities, meter reading division, in writing and shall include, for any change, the original identifier and the new identifier.

4. The Building Official may require the submittal to the Colorado Springs Utilities, meter reading division, of a floor plan for each floor of the structure upon which shall be designated a number and/or letter identifier for each unit of the floor.

L. Regulations for Numbers on Buildings

1. Officially approved numeric addresses shall be placed on all new and existing structures, including single-unit and multi-unit residential structures, in such a location and position as to be

plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure.

2. Except as stated in this Section 7.4.1405, the officially approved numeric addresses shall be represented by numbers that are a minimum of five inches in height with no less than one-half (1/2) inch stroke so as to be plainly visible and legible from a distance of at least 100 feet from the structure.

3. The following are exceptions to the requirement in Subsection 2 above.

a. Nonconforming as to size numeric addresses that were lawfully existing upon a single-unit or multi-unit residential structure at the time this dimensional requirement became effective[894] may be continued in use except:

(1) When a determination is made by the Building Official that the requirements of Subsection 1 above are not met; that is, the approved numeric address is not plainly visible and legible from the street, road, fire lane or other right-of-way, or easement fronting the structure or is not plainly visible and legible from a distance of at least 100 feet from the structure; or

(2) When a building permit for any purpose whatsoever is issued for a single-unit or multi-unit residential structure with a numeric address of a nonconforming size; or

(3) When a determination is made by any enforcement officer that a change in use, either in whole or in part, has occurred in a single-unit or multi-unit residential structure such that the use of that structure is no longer exclusively residential.

b. Any area occupied by tenants of a mall or shopping center, the main entrance to which is from the inside of the mall or shopping center, or any area used for other than single-unit or multi-unit residential occupancy that abuts a public courtyard or other public space shall be identified by numbers that are a minimum of four inches in height with no less than one-half (1/2) stroke so as to be plainly visible and legible from a distance of at least 50 feet from the main entrance to the area.

c. If access to a premises is provided by a private drive or easement; or if a structure or portion of a structure is obscured by another structure or other feature, either natural or manmade; or a premises is located on the interior of a lot or block, then the numeric address shall, in addition to meeting the requirements of this Section 7.4.1405, be posted in a permanent manner and forever maintained at a location in the nearby vicinity of the intersection of the private driveway or easement with a public street, or at a location such that the numbers are plainly visible and legible and the existence of the premises or structure is reasonably indicated. The numbers shall be on a sign that is attached to a ground stake that does not exceed 30 inches in height or shall be on a portion of a permanent structure designed and used to house the mailbox. Numbers painted or stenciled on a curb shall not serve to meet this requirement.

4. Officially approved numeric addresses shall be represented by numbers that are contrasting in color with their background, face the street named in the address and are plain block numerals.

5. Such officially approved numeric addresses shall not, in any event, be represented by numbers that are affixed to any tree or obscured by vegetation or any other feature, natural or manmade.

6. It shall be the responsibility of the property owner(s) to meet or cause to be met all of the requirements of this Section 7.4.1405. All numbers shall be forever maintained in such a manner as to comply with the requirements of this Section.

[894] Question: What was the adoption date of this section; we should insert it for clarity.

7. A numeric address change shall be requested and may be approved by the Building Official in accord with this Section 7.4.1405. It shall be the responsibility of the property owner(s) to ensure that within 15 days of the official notice of determination of numeric address as issued by the Building Official, the officially approved numeric address is posted in accord with the requirements of this Section.

8. It shall be unlawful for any person to alter, deface, or remove any number placed on any premises in accord with the requirements of this Section 7.4.1405, except for repair or replacement of such number. Upon notice, actual or otherwise, repair or replacement of any number shall be completed within a 24 hour time period.

Article 7.5 Administration and Enforcement[895]

This Article 7.5 describes the procedures used by the City to administer the provisions of this UDC, including but not limited to which City official, department, agency, or appointed or elected officials will make the decision, the criteria by which the decision will be made, and who will hear and decide appeals of those decisions. It also addresses how uses and buildings that were legally created, but that no longer meet the requirements of this UDC, will be treated, and how the provisions of this UDC will be enforce.

7.5.1 Introduction and Summary Table of Procedures

Table 7.5.1-A identifies the development procedures authorized by this UDC and establishes whether public notice is required, whether pre-submittal activities are required, and the role of City review and decision-making bodies and whether public hearings are required during each process.[896]

Table 7.5.1-A Summary of Development Review Procedures
R = Review and/or Recommendation
D = Decision A = Appeal
* = Public Hearing Required

		Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
Procedure	**Code Reference**	**Published**	**Mailed**	**Posted**	**Pre-Application Meeting**	**Land Development Technical Committee**	**Neighborhood Meeting**	**Staff / Manager**	**Stormwater Enterprise Manager**	**City Engineer**	**Building Official**	**Historic Preservation Board**	**Planning Commission / FBZ Review Board**	**City Council**
Administrative Decisions														
Permits														
Building Permits and Certificates of Occupancy	7.5.502										D			
Building Permits on Unplatted Lands	7.5.503							D					A	
Minor Site Plan	7.5.504							D					A	
Temporary Use Permit	7.5.505							D					A	
Home Occupation Permit	7.5.506							D					A	
Short-Term Rental Unit Permit	7.5.507							D					A	
Grading and Erosion Control Permit	7.5.508								D				A	
Stormwater Permit	7.5.509								D					
WCF Eligible Facilities Requests	7.5.510							D						
WCF Permit	7.5.511							D					A	
Adult Use Permit	7.5.512							D					A	
Sign Permit	7.5.513							D					A	
Coordinated Sign Plan	7.5.514		✓	✓				D					A	

[895] New Module 3 begins here.
[896] Procedure for a second round of administrative appeals to City Council were deleted as not reflective of best practices or large city land use governance.

Table 7.5.1-A Summary of Development Review Procedures

R = Review and/or Recommendation
D = Decision A = Appeal
* = Public Hearing Required

		Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
Procedure	**Code Reference**	**Published**	**Mailed**	**Posted**	**Pre-Application Meeting**	**Land Development Technical Committee**	**Neighborhood Meeting**	**Staff / Manager**	**Stormwater Enterprise Manager**	**City Engineer**	**Building Official**	**Historic Preservation Board**	**Planning Commission / FBZ Review Board**	**City Council**
Concept Plans and Development Plans														
Concept Plan	7.5.515													
With Zoning Map amendments	---	✓	✓	✓	✓		✓	R					R	D
With Conditional Use Permit	---	✓	✓	✓	✓		✓	R					D	
With modification to development standards	---				✓			R					D	
All others								D						
Development Plan	7.5.516				✓		✓	D					A	
Subdivision-Related Procedures														
Preliminary Plat	7.5.517	✓	✓	✓	✓			D					A	
Final Plat, Plat Modification Prior to Recording, and/or Replat	7.5.518		✓	✓	✓			D					A	
Vacation of Plat	7.5.519													
Including public streets and rights-of-way		✓	✓	✓	✓			R						D
All others		✓	✓	✓	✓			D					A	
Property Boundary/Lot Line Adjustment	7.5.520		✓	✓	✓			D					A	
Preservation Area Boundary Adjustment	7.5.521	✓	✓	✓				D					D/A [2]	
Plat Restriction Modification	7.5.522	✓	✓	✓				D					A	
Waiver of Replat	7.5.523							D					A	
Other Procedures														
Historic Resource Alteration or Demolition[897]	7.5.524	✓	✓	✓				D				A		
Street Name Change	7.5.525	✓	✓	✓									D	
Numeric Address Change[898]	7.5.526										D			
Interpretation of UDC	7.5.527							[1]		[1]				
Minor Variance	7.5.528				✓			D						
Decisions Requiring a Public Meeting or Hearing														
Conditional Use Permit	7.5.601	✓	✓	✓	✓			R					D*	
Major Variance	7.5.602	✓	✓	✓				R					D*	

[897] Revised to clarify current practice that Staff now makes all decisions of this type, subject to appeal to the Historic Preservation Board.
[898] The need to list this technical decision as a separate type of development application is under discussion, and this procedure may be deleted in the Consolidated Draft.

Table 7.5.1-A Summary of Development Review Procedures

R = Review and/or Recommendation
D = Decision A = Appeal
* = Public Hearing Required

		Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
Procedure	**Code Reference**	**Published**	**Mailed**	**Posted**	**Pre-Application Meeting**	**Land Development Technical Committee**	**Neighborhood Meeting**	**Staff / Manager**	**Stormwater Enterprise Manager**	**City Engineer**	**Building Official**	**Historic Preservation Board**	**Planning Commission / FBZ Review Board**	**City Council**
Certain Concept Plans	7.5.603													
Decision Referred to Planning Commission	7.5.604							R					D*	
Appeals	7.5.605	✓	✓					R					D*	
Policy Decisions														
Amendment to UDC Text	7.5.701	✓	✓					R					R*	D*
General Amendment to Zoning Map	7.5.702				✓			R					R*	D*
Site-Specific Amendment to Zoning Map	7.5.703	✓	✓	✓	✓		✓	R					R*	D*
Historic Preservation Zoning or Designation	7.5.704							R				R*		D*
Initiated by property owner or with property owner consent		✓	✓	✓	✓			R				R*	R*	D*
Initiated by Historic Preservation Board without property owner consent		✓	✓	✓				R				R+	R*	D*
Vacations of Public Streets or Rights-of-Way	7.5.705	✓	✓	✓	✓									D
Annexation of Land	7.5.706	✓	✓	✓	✓									D
Appeals from Planning Commission, FBZ Review Board, or Historic Preservation Board	**Error! Reference source not found.**													D*

NOTES:

[1] The City Engineer is responsible for interpretation of the engineering provisions in the text of the UDC; the Manager is responsible for all other interpretations.

[2] Decision by Manager if application concerns three or fewer lots; decision by Planning Commission if application concerns four or more lots.

7.5.2 REVIEW AND DECISION-MAKING BODIES[899]

7.5.201 City Council

In addition to the powers granted by the City Charter and the City Code, the City Council shall perform the functions specified in this UDC and shown in Table 7.5.1-A.

7.5.202 Planning Commission[900]

A. Appointment, Terms, and Service

1. The Planning Commission shall consist of nine members appointed by City Council. Two of the nine members may reside out of but within three miles of the corporate limits of the City.
2. Each member shall be appointed for a term of three years. Terms of office shall be staggered so that no more than three members are scheduled to expire at the same time. Vacancies shall be filled by appointment only for the unexpired portion of a term.
3. All members shall serve without compensation but shall be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.
4. No member of the Commission or staff shall participate in any matter before the board in which the person has a direct or indirect financial interest.

B. Meetings and Organization

1. The members of the Planning Commission shall select a chair and vice chair to serve for one year and until their successors have been selected.
2. The Commission shall meet at least once per month at a time and place they fix by resolution and may hold special meetings called at any time by the chair, vice chair, or any other member designated by the chair. Minutes shall be kept of all commission proceedings.
3. A majority of the Commission shall constitute a quorum for the transaction of business.

C. Powers and Duties

The Planning Commission shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

1. Engage in cooperative and joint planning programs with the planning agencies, officials and representatives of other governmental units and with private agencies and organization to encourage, coordinate, and unify planning of the urban metropolitan area centering on the City.
2. Call upon any officer or employee of the City for any services, advice, or consultation the commission deems necessary.
3. Employ outside consultants or other entities to assist the commission in performing its functions, provided City Council has appropriated funds for those expenses.

[899] This section establishes the bodies that review and decide on applications submitted pursuant to this UDC. The membership, appointing authority, and duties of the existing bodies are unchanged. We have revised language to be consistent and to ensure that members of different boards are held to similar standards – for example, the prohibition on participating on a matter in which the person has a direct or indirect financial interest originally applied only to the Historic Preservation Board, but has been applied to other boards. The Grading Board of Appeals is not listed because the Storm Drainage Board is currently assigned all of the board's functions, and all references to the Grading Board have been replaced by the Storm Drainage Board.

[900] This builds on Section 7.5.103 (City Planning Commission (PC)) and Article 6, Part 1(Planning Commission) of the current zoning and subdivision ordinance, with minor revisions for clarity and internal consistency.

7.5.203 Planning Manager[901]

A. General

The Manager of Planning and Development ("Manager" or "Planning Manager") is the City official responsible for administering provisions of this UDC.

B. Powers and Duties

The Manager shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

1. Establish priorities for the abatement of zoning violations and implement appropriate procedures to abate each category of violations in accordance with Section 7.5.9 (General Enforcement).
2. Manage the comprehensive planning and development review process.
3. Maintain data relating to this UDC including the official zoning map.

7.5.204 Form-Based Zoning Review Board[902]

A form-based zoning (FBZ) review board is a body of citizens and/or property owners that is appointed or recognized by City Council in conjunction with the adoption of an FBZ regulating plan (see Section 7.2.305) and assists in implementation of the plan. The powers and duties of an FBZ Review Board are set forth in the regulating plan adopted by City Council. The Downtown Review Board is an FBZ Review Board.

7.5.205 Historic Preservation Board[903]

A. Appointment, Terms, and Service

1. The Historic Preservation Board shall consist of seven members appointed by City Council. In making appointments to the Board, the Council shall attempt to balance the interests and skills of board members on the basis of, among other qualifications, their training, experience, knowledge, or demonstrated interest in any one or more of the following fields: landscape architecture, architecture, history, archaeology, general contracting, building trades, urban planning, mortgage lending, real estate, urban design, fine arts, law, business, economics, and engineering.
2. All members shall serve without compensation but shall be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

B. Meetings and Organization

1. The members of the Historic Preservation Board shall select a chair and any other officers it deems necessary.
2. The Board shall conduct business at regular meetings or at any special meeting called by the chair. The Board shall hold an annual meeting in June and establish a schedule of its regular meetings.
3. Four members of the Board shall constitute a quorum for the transaction of business, and the concurring vote of a simple majority of the quorum is necessary to constitute an official act of the Board.
4. No member of the Board or City staff shall participate in any matter before the Board in which the person has a direct or indirect financial interest.
5. The Manager shall provide support to the Board as needed.

[901] This builds on Section 7.5.10 of the current zoning and subdivision ordinance, with reorganization for clarity.
[902] New section that summarizes the potential powers and duties of an FBZ review board, based on the current zoning and subdivision ordinance.
[903] Carries forward Section 7.5.1601 (Historic Preservation Board) of the existing zoning and subdivision ordinance with revisions for clarity and internal consistency. Materials repetitive of general UDC provisions were not carried forward.

C. Powers and Duties

The Historic Preservation Board shall perform the functions specified in this UDC and shown in Table 7.5.1-A and shall have authority:

1. To survey, inventory, and identify historically and architecturally significant structures and areas within the City.
2. To make recommendations to City Council regarding historic structures and areas for historic preservation zoning.
3. To review and take action on applications for rehabilitation, alteration, or demolition of historic buildings, or construction of new buildings and other structures including signs in historic preservation zones.
4. To advise Planning Commission and City Council on amendments to the zoning map and Comprehensive Plan involving historic resources or areas.
5. To engage in educational programs and activities;
6. To make recommendations regarding City Code provisions pertaining to historic preservation;
7. To develop and possibly adopt design guidelines to identify characteristics of resources worthy of preservation and identify policies which will assist in the preservation and enhancement of those resources;
8. To prepare a historic preservation plan;
9. To make recommendations to the Planning Commission on relief to preserve historic resources as set out in Section 7.5.524.
10. To develop and recommend for Council adoption design standards to establish criteria for use by the board in the consideration of an application for a report of acceptability for properties with HP historic preservation overlay zoning.

7.5.206 Parks and Recreation Advisory Board[904]

The Parks and Recreation Advisory Board is that body established by Chapter 4, Article 1 of the City Code and shall perform those functions specified in this UDC, and Chapter 4 (Parks, Recreation and Cultural Services) and other applicable provisions of the City Code.

7.5.207 Storm Drainage Board[905]

A. General

The Storm Drainage Board is established pursuant to the agreement between the City of Colorado Springs and the Board of County Commissioners of El Paso County dated November 22, 1983.

B. Appointment, Terms, and Service

1. The Storm Drainage Board shall consist of seven members appointed by City Council and the Board of County Commissioners of El Paso County. The membership of the Board shall include:
   - **a.** One banker;
   - **b.** One land developer experienced in the subdivision and development of land;
   - **c.** One registered practicing engineer qualified in the subdivision and improvement in land;

[904] New section.
[905] Carries forward Section 7.7.910 (Subdivision Storm Drainage Board) of the existing zoning and subdivision ordinance with revisions to simplify and conform to the format of this UDC. This provision from Subsection E is not carried forward: "The City and County agree that subdivision regulations adopted by the City and County for the drainage and control of flood and surface waters within the City and County shall be as nearly as is practicably possible the same" because it is not regulatory and is unrelated to the description of this body.

d. One registered practicing engineer qualified in drainage matters incident to the subdivision and development of lands;

e. One person actively engaged in the construction and sale of housing; and

f. Two at-large members who reside in El Paso County.

2. The County Engineer and City Engineer shall serve as board secretaries but shall not have a vote.

3. Each member shall be appointed for a term of three years. Terms of office shall be staggered so that no more than three members are scheduled to expire at the same time. Vacancies shall be filled by appointment only for the unexpired portion of a term.

4. All members shall serve without compensation but shall be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

5. No member of the Board or City staff shall participate in any matter before the Board in which the person has a direct or indirect financial interest.

C. Powers and Duties[906]

The Storm Drainage Board shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

1. Arterial roadway bridge cost determination pursuant to Section 7.4.305 (Arterial Roadway Bridges).

2. To advise the County Engineer, City Engineer, and other City and County officials on implementation of provisions of the City and County regulations for the creation, modification, or vacation of subdivisions of land or related plats as they relate to drainage and control of flood and surface waters within the City and County;

3. To administer the subdivision storm drainage funds;

4. To recommend to the City Council and Board of County Commissioners:

a. Changes to the City and County regulations for the creation, modification, or vacation of subdivisions of land or related plats as they relate to drainage and control of flood and surface waters within the City and County;

b. Investment of surplus funds that may temporarily accumulate in the storm drainage funds;

c. Repayments to be made from a storm drainage fund; and

d. Depositing of drainage fees to the City or County storm drainage fund; each jurisdiction shall maintain its own jurisdictional fund.

5. To recommend that studies be conducted for all drainage basins within the City and County on a periodic basis.

7.5.208 Regional Building Department and Commission[907]

A. The Pikes Peak Regional Building Department ("Regional Building Department") is a multijurisdictional entity created pursuant to a resolution of the City dated April 27, 1976, and a resolution adopted by the El Paso County Commissioners on April 22, 1976. The resolutions authorized the execution agreements between the City and County entered into on April 17, 1976,

[906] References to advising the Grading Board of Appeals were deleted because the Storm Drainage Board serves as the Grading Board of Appeals. If a draft ordinance changing the appeal decision-maker to the Public Works Director is approved by City Council, the Consolidated Draft will reflect that change throughout this Section.
[907] Carries forward Article 10, Part 2 (Building Department) of the existing zoning and subdivision ordinance with revisions for clarity and internal consistency.

and December 10, 1985, in accord with C.R.S. § 26-6-102. The current agreement, including any amendments, is hereby incorporated by reference.

B. The Regional Building Department shall be administered by a governing body of the Department to be known as the Regional Building Commission. The Regional Building Commission has the power and functions set forth in the agreements establishing the Regional Building Department that include the appointment of the Administrator of the Regional Building Department.

C. The cost of operation of the Regional Building Department shall be as set forth in the agreements establishing the Regional Building Department. A budget shall be prepared annually by the Building Official and approved by the Regional Building Commission. At the end of each year a report shall be submitted by the Building Official of all income received. Any deficit in operation of the Department shall be made up in accord with the agreements establishing the Regional Building Department.

7.5.209 Building Official[908]

A. Appointment

The Administrator of the Pikes Peak Regional Department shall be the Building Official.

B. Powers and Duties

The Building Official is authorized and directed to enforce all provisions of the Building Code. In addition, the Building Official has the following powers and duties:

1. To perform those responsibilities listed in this UDC, and to exercise enforcement powers pursuant to Section 7.5.13 (Building Code Enforcement);[909]

2. To serve as Deputy Plumbing Inspector for the County Board of Health and, as Deputy Plumbing Inspector, to:

a. Enforce all provisions of the Plumbing Code adopted by the City and County; and

b. Submit periodic reports upon request concerning the public health aspects of plumbing inspections to the County Board of Health.

3. To appoint officers, inspectors, assistants, and other employees as may be authorized from time to time, and to deputize such employees as needed to carry out the functions of the Building Department.

4. To enter, or authorize a representative to enter, at reasonable times and upon presentation of proper credentials any building, structure, or premises in the City, or the zoned areas of El Paso County, to perform any duty imposed upon the Building Official by this UDC or the City Code.

5. To request and receive as may be necessary the assistance and cooperation of other officials of the City and the County of El Paso in the discharge of the Building Official's duties.

C. Reporting and Recordkeeping Requirements

1. At least once per year, Building Official shall submit a report to the Building Commission covering the work of the Regional Building Department during the preceding period. The Building Official shall incorporate in this report a summary of recommendations of desirable amendments to this Code.

2. The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this Code and for each fee received shall record the name of the account on which the payment is made, date and of the payment, and location of the building or premises to which they relate.

[908] Carries forward Article 10, Part 3 (Building Official) of the existing zoning and subdivision ordinance with revisions for clarity and internal consistency.
[909] New, to reflect current practice. Specific enforcement powers were relocated to Section 7.5.13.

3. The Building Official shall cause a permanent record of all meetings of the Board of Review using a skilled stenographer as secretary of the board. The record shall constitute the minutes of any official meeting and shall be kept in the Office of the Building Department as a public record accessible at all times.

7.5.210 Board of Review and Building Code Committees[910]

This Section establishes a Board of Review and four subordinate advisory committees – the Building Committee, the Electrical Committee, the Mechanical Committee, and the Fire Board of Appeals.

A. Appointment, Terms, and Service

The following provisions apply to the Board of Review, the Building Committee, the Electrical Committee, and the Mechanical Committee:

1. The Board of Review and each advisory committee shall consist of members jointly appointed by City Council the Board of County Commissioners of El Paso County.

2. Each member shall be appointed for a term of three years and shall serve for an additional two years as an alternate member. In the event a quorum cannot be established, prior to a scheduled meeting the alternate member may be asked to attend.

3. The Board and each advisory committee shall elect a chair and vice chair as its first official act and shall meet as necessary to conduct its business.

4. A majority of the entire membership of each Board or advisory committee shall constitute a quorum for the transaction of business.

5. A member of a Board or advisory committee shall be removed from the Board or advisory committee for failure to attend at least 60 percent of the scheduled meetings of their board or advisory subcommittee in a 12 month period.

6. All members shall serve without compensation but shall be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.

7. No member of the Board or an advisory committee or staff shall participate in any matter before the board in which the person has a direct or indirect financial interest.

8. Minutes shall be kept of all Board and advisory committee meetings and shall be a public record.

B. Liability of Members

Members of the Board or advisory committees who act in good faith and without malice for the City or the County in the discharge of their duties shall not thereby render themselves personally liable. Members are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reasons of any act or omission related to the discharge of their duties. Any suit brought against a member or because of such act or omission performed by them in the discharge of their duties, shall be defended by the City or the County according to the location of the property that is the subject of the act or omission that resulted in the suit, until final termination of the proceedings.

C. Board of Review

1. Membership

The Board of Review shall consist of five members. The membership of the board shall include:

a. One registered engineer (structural, electrical or mechanical);

b. One architect;

c. One building contractor A or B (commercial work)l;

[910] Carries forward Article 10, Chapter 4 (Board of Review) with revisions for clarity and internal consistency.

d. One building contractor A, B or C (home builder); and

e. One citizen at-large experienced in building construction.

2. Powers and Duties

The Board of Review shall perform the functions specified in this UDC and shown in Table 7.5.1-A as well as the following:

a. To propose rules and regulations necessary to accomplish the purposes and objectives of the Building Code to be adopted by the appropriate legislative body of the City or the County. All rules and regulations upon adoption shall be reduced to writing and kept available for public inspection in the Regional Building Department and the City Clerk.

b. To grant and revoke all licenses provided for in the Building Code.

c. To interpret all codes adopted by the City and County that are administered by the Regional Building Department and to authorize minor variances that are consistent with the intent of the codes and the standards specified relating to quality, design of materials, and construction.

D. Advisory Committees

1. Powers and Duties

Each advisory committee shall have the authority to:

a. Review all appeals with power to interpret and grant minor variances from the Building Code; and

b. Examine all applicants and attest as to their fitness and qualifications for licenses.

2. Building Committee

a. The Building Committee shall be primarily responsible for testing and reviewing all applicants for licenses and the performance of work required under the Building Code, the Uniform Code for Building Conservation, the Sign Code, and applicable provisions of the Energy Conservation and Mobile and Manufactured Home Codes.

b. The Building Committee shall consist of seven members. The membership of the committee shall include:

(1) One registered structural engineer;

(2) One architect;

(3) One building contractor A or B (commercial work);

(4) One building contractor A, B or C (home builder);

(5) One building contractor D or subcontractor;

(6) One citizen at-large experienced in the building industry; and

(7) One banker.

3. Electrical Committee

a. The Electrical Committee shall be primarily responsible for review of all applicants for registration and the performance of work done under the Electrical Code.

b. The Electrical Committee shall consist of seven members. The membership of the committee shall include:

(1) One registered engineer (electrical);

(2) One architect;

(3) One electrical contractor with a state license;

(4) One building contractor A or B (commercial work);

(5) One building contractor A, B or C (home builder);

(6) One journeyman electrician with a state license; and

(7) One citizen at-large experienced in the electric industry.

4. Mechanical Committee

a. The Mechanical Committee shall be primarily responsible for any testing for licensing under the Mechanical Codes and review of applicants for registration under the Plumbing Codes and the performance of work under both codes, the Safety Code for Elevators, and applicable provisions of the Energy Conservation and Mobile and Manufactured Home Codes.

b. The Mechanical Committee shall consist of seven members. The membership of the committee shall include:

(1) One registered engineer (mechanical);

(2) One architect;

(3) One building contractor A, B or C (home builder);

(4) One licensed heating contractor A;

(5) One state-licensed master plumber;

(6) One licensed heating contractor B; and

(7) One state-licensed journeyman plumber.

5. Fire Board of Appeals

The Fire Board of Appeals is that body established by Chapter 8, Article 3 of the City Code and shall perform those functions specified in Chapter 3 (Public Safety) and other applicable provisions of the City Code, and shall be responsible for any testing or certification requirements regarding fire suppression contractors.

7.5.3 TYPES OF PLANS RELATED TO DEVELOPMENT APPLICATIONS[911]

This Section clarifies the differences between, and the intended use of, three types of plans that the City may require to be submitted and approved before different types of development may proceed. It does not address plans prepared by or at the direction of the City, such as comprehensive plans, neighborhood plans, transportation corridor plans, or facility master plans.

[911] New Section. After discussion with staff, the current references to Master Plans have not been carried forward. Instead, all plans that are required to propose basic layouts of land uses, development intensities, circulation networks, open space network – but do not need to provide the level of detail required by a Development Plan or Minor Site Plan – are now referred to as Concept Plans. Instead of defining different types of framework plans (which have proven confusing to both citizens and property owners), the revised Concept Plan regulations allow for tailoring of required submissions and levels of required detail to match the specific purpose of the plan being required.

7.5.301 Concept Plan[912]

A Concept Plan is a plan required in some circumstances to show the proposed layouts of land uses, development intensities, circulation systems, open space networks, potential needs for public land dedications, and other aspects of proposed development at a conceptual level. The purpose of a Concept Plan is to provide the City the information needed to evaluate how a proposed development may impact surrounding neighborhoods, circulation systems, utility systems, open space systems, and environmentally sensitive lands without requiring the applicant to provide the levels of detail required on a Development Plan or a Minor Site Plan. The Manager may waive or modify the level of detail required based on the type and scale of the proposed development and the type of application involved. Concept Plans are generally required in connection with applications for annexation of land, applications to rezone land (with some exceptions), and subdivisions of large parcels of land, and may be required in other circumstances where a proposed Development Plan affects other adjacent land owned by the applicant. Details about Concept Plans and the Concept Plan review process are in Section 7.5.515.

7.5.302 Development Plan

A Development Plan is a detailed plan for development on a platted lot that is used to confirm that proposed development will comply with all applicable requirements of this UDC and related regulations adopted by the City. Among other things, it is used to confirm compliance with the requirements in Article 7.2 (Zone Districts), Article 7.3 (Use Regulations), and those provisions of Article 7.4 (Development Standards and Incentives) applicable when a specific development is proposed. Development Plans are generally required for all proposed development of primary land uses and primary structures except those that include only Single-family Detached, Two-family (Duplex), Three-family (Triplex), and/or Four-family (Fourplex) Dwellings (with exceptions). Development Plans are also generally required for significant expansions of existing buildings, significant changes of property use within an existing building, and conversions of vacant land for development (with exceptions). Development Plan review may indicate that most appropriate land use development is one that is less intensive than the maximum allowed by the zone district and that the most appropriate site design is one that requires greater than the applicable minimum standards. Details about Development Plans and the Development Plan review process are in Section 7.5.516.

7.5.303 Minor Site Plan

A Minor Site Plan is a plan for development on a platted lot that will include only Single-family Detached, Two-family (Duplex), Three-family (Triplex), and/or Four-family (Fourplex) Dwellings (with exceptions). A Minor Site Plan may also be required in cases where this UDC contains an exception to the requirement to submit a full Development Plan. Minor Site Plans are less detailed than Development Plans and are used to confirm that proposed development will comply with all applicable requirements of this UDC and related regulations adopted by the City that were not reviewed and approved as part of a subdivision approval for individual lots. Details about Minor Site Plans and the Minor Site Plan review process are in Section 7.5.504.

[912] From Section 7.5.501 of the current zoning and subdivision ordinance with significant revisions to allow Concept Plans to be tailored to the level of detail needed for different applications, and to replace the need for a confusingly similar Master Plan tool and process.

7.5.4 General Procedures

7.5.401 Pre-Application Meeting[913]

A. Purpose[914]

The purpose of the pre-application meeting is to allow City staff to meet with applicants before an application has been prepared and submitted to introduce staff to the project, to provide an initial informational review, and to:

1. Identify and discuss with the applicant specific planning issues which might be associated with the project;
2. Determine whether a neighborhood meeting should be held prior to application submittal; and
3. Determine whether the project will require review by the Land Development Technical Committee.

B. Applicability[915]

A pre-application meeting is required for those applications identified in Table 7.5.1-A. An applicant may voluntarily request a pre-application meeting before submission of all other applications. Such a voluntary pre-application meeting shall not begin the running of the time limitations on any applications where federal or state law or regulations requires that the City decide on an application within a limited period of time. The time limitations shall begin when a completed application is submitted in accord with Section 7.5.403 and determined to be complete in accord with Section 7.5.405.

C. Effect[916]

Any information or discussions held during the pre-application meeting shall not be binding on the City or the applicant.

7.5.402 Neighborhood Meeting[917]

A. Purpose

The purpose of a neighborhood meeting is to allow residents, business, and neighborhood groups in the area surrounding a proposed development project an opportunity to learn about the proposed land uses, size, height, and layout of the project at an early stage of the development process and to communicate directly with the City and the applicant about their issues, concerns, or comments before significant funds have been spent on project design and engineering.

B. Applicability

A neighborhood meeting is required as indicated in Table 7.5.1-A.

C. Notification[918]

1. The applicant shall send written notification of the required neighborhood meeting, at least 10 days before the scheduled meeting date, to all neighborhood associations and property owners

[913] Builds on Section 7.5.202D (Filing Applications – Preapplication Conference) of the existing zoning and subdivision ordinance.
[914] New
[915] Applicability section is new. The third section makes clear that should an applicant request a pre-application meeting not required under this UDC, the meeting will not start the clock running on procedures with time limits established in state or federal law such as wireless communication facilities.
[916] New; makes clear that any statements by City staff during this informal meeting shall not commit the City to a particular interpretation or course of action.
[917] This builds on the neighborhood meeting procedure in Section 7.5.902C.4 of the existing zoning and subdivision ordinance and establishes general standards for the procedure – neighborhood meetings are now required for applications as established in Table 7.3.2-A. All standards are new.
[918] Text revised to reflect current practice.

within 500 feet of the project site and to each neighborhood organization whose boundaries contain the project site.

a. For larger or more complex projects, the Manager may require notice be sent to property owners and neighborhood organizations within 1,000 feet of the subject property. Larger and more complex projects generally include but are not limited to applications for General Amendments to the Zoning Map, Annexations of Land, and those involving development or redevelopment of more than more than five acres of land.

b. For smaller projects where the Manager expects no or minimal impacts on surrounding areas, the Manager may require that notice only be sent to property owners and neighborhood organizations within 150 feet of the subject property.

2. The notice shall identify the street address of the proposed project, a description of the project, and the date, time, and location of the meeting. Each neighborhood association shall be responsible for ensuring that the contact information and neighborhood boundary information on file with the City are accurate. A neighborhood meeting conducted in compliance with this Section shall not be invalid and shall not be required to be repeated because of inaccurate neighborhood association contact or boundary information in the City's records.

D. Location

The neighborhood meeting shall take place at a location that that is accessible to persons with disabilities and approved by the Manager.

7.5.403 Application Submission[919]

A. Authority to Submit Applications

Unless expressly stated otherwise in this UDC, applications reviewed under this UDC shall be submitted by:

1. The property owner or owners;

2. Agents of the property owner(s) authorized in writing;

3. Persons under contract to purchase the property subject to the application; or

4. The City Council, Planning Commission, Historic Preservation Board, Manager, or any other City department, division, section, or appointed board.

B. Application Timing[920]

Applications shall be submitted within 180 days of any pre-application meeting held in accord with Section 7.5.401 above. If the application is not submitted within 180 days, the City may require another pre-application meeting and/or neighborhood meeting in order to ensure that information provided regarding City requirements and neighborhood input are current.

C. Application Content[921]

1. Applications shall be submitted to the Manager in the format required by the City. Application requirements are available from the Planning and Development Department or the City's website, and in some cases this UDC requires the submission of additional information, documents, or materials. In addition, the Land Development Technical Team, Manager, Planning Commission, or City Council may require that additional material be submitted with the

[919] Carries forward Section 7.5.202A (Filing Applications – Application) of the existing zoning and subdivision ordinance in part with revisions as noted below.
[920] New; when a pre-application meeting is required, ensures that the application is submitted in time so the discussion is not stale. Otherwise, a new pre-application meeting would be required.
[921] Carries forward remainder of Section 7.5.202A of the existing zoning and subdivision ordinance. The materials on Landscape Plans from the current landscaping section were not carried forward, because that is a type of document that can be required by the City with different types of applications.

application if they determine that such additional information is necessary to evaluate the impacts of the actions that are the subject of the application.

2. Upon written submission prior to application submittal, an applicant may request the Manager waive or modify certain application submission requirements by demonstrating to the Manager that the required material is not necessary for review of the application. The Manager's decision as to required materials may not be appealed.

D. Multiple Applications[922]

1. An applicant for a project that would require the filing of more than one application for a development approval or permit may file all related applications concurrently and pay all applicable fees as required by Section 7.5.404 (Fees).

2. Processing and review of more than one related application shall be concurrent and the final decision on all of the related application shall be made by the highest level of review authority required to approve any of the applications, and actions by lower-level review authorities shall be treated as recommendations to the higher-level review authority.

E. Withdrawal of Application[923]

A development application shall be deemed withdrawn and the review terminated if:

1. The applicant requests that the application be withdrawn; or

2. The applicant fails to respond or submit revised plans, reports, or correspondence to the Manager for more than a 180 days following a request from the Manager. The Manager may extend the response period for good cause shown by the applicant.

7.5.404 Fees[924]

An application shall be accompanied by payment of the application fee required for that type of application, including but not limited to appeals of decisions made under this UDC. Application fees are established by City Council and are available from the Planning and Development Department or on the City's website. The Manager may waive or modify fees if the applicant submits forms proscribed by the Manager that demonstrate the applicant's indigence.

7.5.405 Determination of Application Completeness[925]

A. Completeness Review

Upon receiving a development application, the Manager shall determine within four days whether the application is complete. A complete application is one that:

1. Contains all information and materials required by Section 7.5.403 (Application Submission);[926]

2. Is in the form required by the Manager for submittal of the particular development application; and

3. Is accompanied by the fee established for the particular development application.

[922] Carries forward with minimal changes Section 7.50202C (Filing Applications – Multiple Applications) of the existing zoning and subdivision ordinance. Materials on concurrent review of Preliminary and Final Plats was not carried forward here, because that information is provided in the specific procedures related to subdivisions.
[923] Carries forward Section 7.5.202F (Withdrawal of Applications) of the existing zoning and subdivision ordinance.
[924] Carries forward and condenses Section 7.5.203 (Fees) of the existing zoning and subdivision ordinance.
[925] This new section establishes rules and timelines for the determination of whether an application is complete and resubmitting incomplete applications. All provisions are new.
[926] Test allowing staff or the Technical Committee to request additional information was not carried forward, since that is covered in Section 7.5.404.

B. Incomplete Application[927]

1. Upon determining that a development application is incomplete, the Manager shall notify the applicant of the submittal deficiencies within 15 business days of receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Manager determines the application is complete.

2. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 45 calendar days after being notified of submittal deficiencies, the application shall be considered abandoned. No fee shall be refunded.

3. No development application shall be reviewed for compliance with this UDC or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

C. Complete Application

Upon determining that an application is complete, the Manager shall accept the application for review in accordance with the procedures and standards of this UDC.

7.5.406 Land Development Technical Committee Review[928]

A. Purpose

Review by the Land Development Technical Committee, an ad hoc group of representatives from multiple City departments, provides an opportunity for multidisciplinary review of proposed projects and identification and discussion of issues and concerns at an early stage of project development.

B. Applicability

City staff will determine whether review by the Land Development Technical Committee is necessary during the pre-application meeting (Section 7.5.401) based on the complexity of the project and projected impacts on the natural and human environment.

7.5.407 Administrative Adjustment[929]

A. Purpose

The Administrative Adjustment procedure is intended to allow for flexibility in the application of UDC regulations and allow for small adjustment or deviations from specific UDC standards during the review of an initial application for a development approval or permit where strict application of the UDC would result in practical difficulty or an inferior design solution. Deviations from UDC standards that are not available under this Section 7.5.407 may be available under Section 7.5.528 (Minor Variance) or Section 7.5.602 (Major Variance).

B. Applicability[930]

1. The Administrative Adjustments in this Section 7.5.407 are available for consideration by the Manager during review of a Development Plan, Site Plan, Preliminary Plat, or Final Plat, in all zone districts, and for all types of development, unless limited by another provision of this UDC.

2. An Administrative Adjustment may be approved for one lot, or for up to three contiguous lots, subject to the approval criteria in Subsection C.1.d below. Administrative Adjustments may not be used for more than three contiguous lots, considered in combination with any previously

[927] The timelines in this Section are under continued discussion and may be revised.
[928] This builds on the provision in Section 7.5.202D.2b which states that during the preapplication conference with the applicant, the staff will "[d]etermine whether the project should be forwarded to the Land Development Technical Committee." Text revised to reflect current practice.
[929] From Article 5, Part 11 (Administrative Relief), unless otherwise noted, and with changes as noted. The provisions of Sections <> (minor subdivision administrative procedure) and 7.4.208 (administrative relief to save valuable trees) have been consolidated into this section, with significant simplification. Provisions in Section 7.5.1106 and 7.4.208 of the current zoning and subdivision ordinance regarding appeals of applications for administrative relief and from decisions for administrative relief to preserve existing trees are consolidated with other appeal provisions in Section 7.5.418.
[930] Subsections 1, 2, and 4 are new.

approved administrative adjustments for abutting property, or for an entire development or phase of development containing more than three contiguous lots.

3. Alternate requirements and procedures for administrative relief may be included as a part of an FBZ regulating plan.

4. An Administrative Adjustment is not available if a similar adjustment or exception to a UDC standard is available to the applicant pursuant to Section 7.4.202 (Incentives), unless the applicant has already provided the benefit required by Section 7.4.202D (Additional Allowances for Incentive Developments). Administrative Adjustments are available to supplement, but not to replace or to avoid the need to provide those benefits required in return for additional allowances available under Section 7.4.202D.[931]

5. Applications to modify development approvals and permits after initial approval or approval with conditions are not eligible for Administrative Adjustments but are instead reviewed under Section 7.5.417 (Modification of Approved Plans and Permits).

C. Administrative Adjustment Process

1. Available Administrative Adjustments[932]

An application for an Administrative Adjustment may only request the types of adjustment shown in Table 7.5.4-B: Available Administrative Adjustments.

Table 7.5.4-B
Available Administrative Adjustments

UDC Standard	Allowable Modification (maximum percentage)
District Standards	
District area (minimum)	25%[933]
Lot Standards	
Lot area (minimum)	15%
Lot width (minimum)	15%
Lot coverage (maximum)	15%
Building Setbacks or Build-Tos	
Setback (minimum)	15%
Build-to (maximum)	15%
Building Height	
Building height (maximum)	15%, provided that no adjustment may be approved for a building that would have the effect of allowing an additional floor of development if an additional floor of development is available through the use of one or more of the incentives in Section 7.4.202.
Landscaping, Fences, and Walls	
Parking lot interior landscaping (minimum)	Up to 50%, provided that trees planted along the site perimeter also serve to screen and shade the interior of the parking lot, or if a low decorative wall or fence is installed along the parking area perimeter that also serves to screen the parking area from public view.[934]
Fence or wall height (maximum)	Residential zone districts: 1 foot Mixed-Use and Non-Residential zone districts: 2 feet[935]
Other adjustments not listed above	As permitted in Section Article 7.1 (Alternatives and Adjustments)

[931] New.
[932] From Section 7.5.1103 of the current zoning and subdivision ordinance, organized as a table and with changes as noted. Detailed height adjustments for current MU zones were not carried over because those zones have never been used.
[933] New.
[934] From Section 7.5.1103.B.3. of current zoning and subdivision ordinance.
[935] One and two foot limits replace current 15% limit.

Table 7.5.4-B
Available Administrative Adjustments

UDC Standard	Allowable Modification (maximum percentage)
Parking	
Number of vehicle or bicycle parking spaces required or permitted[936]	As permitted in Section 7.4.1004 (Adjustments to Minimum Motor Vehicle Parking Requirements) or If necessary to preserve valuable trees and other available administrative adjustments will not achieve that result: 20%.
Other standards in Section 7.4.10 (Parking and Loading)[937]	If necessary to preserve one or more trees 8 inches or larger in diameter at breast height: (1) allowance for 100% compact spaces; and/or (2) allowance for parked vehicles to back across a property line into an alley if the unparking vehicle is visible from both directions in the alley; and/or (3) adjustments to prohibition of tandem parking spaces.
Fair Housing Act	
Pursuant to a request for Reasonable Accommodation under the federal Fair Housing Amendments Act	The minimum adjustment necessary for compliance with the federal Fair Housing Amendments Act, as determined by the Manager.
Subdivision Standards[938]	
Standards in Section 7.4.3 (Subdivision Standards)[939]	The minimum adjustment necessary to respond to terrain, soils, engineering, utility, and access constraints.

a. Application[940]

A separate application for an administrative adjustment is not required. Instead, the requested administrative adjustment shall be described in detail on the application for a Development Plan, Site Plan, or Preliminary or Final Plat.

b. Public Notice[941]

No public notice for a requested administrative adjustment is required unless approval of the underlying application requires public notice, in which case the required public notice shall summarize the type of standard for which an administrative adjustment is requested.

c. Decision by Manager[942]

The Manager shall decide whether to approve, approve with conditions, or deny a request for administrative adjustment pursuant to the criteria in Subsection d below. If approved or approved with conditions, the applicable adjustments and conditions shall be noted on the Development Plan, Site Plan, Preliminary Plat, or Final Plat. If approval of the underlying application by Planning Commission is required, administrative adjustments approved or approved with conditions shall be deemed part of the application to be reviewed and on which a decision is to be made by the Commission.

[936] The current 15% administrative relief allowance was not carried forward because of the large number of parking adjustments available in Section 7.4.1004 (Adjustments to Minimum Motor Vehicle Parking Requirements).
[937] From Section 7.4.208.C.1 and C.2 of the current zoning and subdivision ordinance (Preservation of Valuable Trees). This allowance may be broadened to allow administrative parking adjustments to protect other types of valued land and features.
[938] This partially replaces the current Subdivision Waiver process, which is not currently used as a process. Instead, requests for deviation from UDC standards for subdivisions are addressed administratively, subject to Planning Commission approval in some cases. This codifies current practice.
[939] This permits the Director to approve minor adjustments to subdivision regulations for all submitted plats. In the case of a minor plat or Final Plat, the Director incorporates the change into the approved plat. In the case of a major plat, the adjustment is considered as part of the Preliminary Plat to be reviewed by the Planning Commission, but the Planning Commission retains authority to approve the Preliminary Plat with conditions that modify or disapprove the adjustment.
[940] Replaces Section 7.5.1104 of the current zoning and subdivision ordinance, which requires a separate application – for administrative efficiency.
[941] Clarifies Section 7.5.1105 of the current zoning and subdivision ordinance and adds criteria to guide the Manager's decision.
[942] New.

d. Criteria for Approval

(1) General[943]

If Subsections (2) and (3) below do not apply, requested administrative adjustment may be approved, with or without conditions, if the Manager determines that all of the following criteria are met.

(a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district and such conditions will not allow a reasonable use of the property in its current zone in the absence of relief.

(b) The intent of specific regulation in question is met.

(c) The granting of the administrative relief will not result in an adverse impact on surrounding properties.

(d) The granting of the administrative relief will not allow an increase in the number of dwelling units on a parcel. Administrative relief shall not be used to create or modify lots to the extent that they no longer meet the minimum lot size for the zone district in which they are located.

(2) Preserving Valuable Trees[944]

If the request is for an administrative adjustment to the provisions of Section 7.4.10 (Parking and Loading), the requested administrative adjustment may be approved if the Manager determines that all of the criteria in Subsection (1) above are met, and that all of the following additional criteria are also met.

(a) The City Forester has determined that each tree to be preserved is healthy; is eight inches or larger diameter at breast height; is heigh value and/or rare, and that necessary measures to ensure continued tree health will be used in site design and construction.

(b) The strict application of parking standards in Section 7.4.10 will cause the removal or destruction that meets the criteria in Subsection (a) above.

(c) The Traffic Engineer has determined that the surrounding property will not be adversely affected by the requested administrative adjustment.

(3) Subdivision Regulations[945]

If the request is for an administrative adjustment to the provisions of Section 7.4.302 (Design Standards) related to approval or modification of a Preliminary Plat or Final Plat, the provisions of Subsection (1) above do not apply. Instead the Manager, after consultation with the City Engineer, Public Works Director, Fire Department, and other relevant City officials involved in subdivision review, may approve the request if the Manager determines that the adjustment is the minimum adjustment necessary to respond to terrain, soils, engineering, utility, and access constraints, while conforming with the purposes of Section 7.4.301A (Subdivision Standards Purpose) and

[943] From Section 7.5.1102 of the current zoning and subdivision ordinance, reworded for clarity with changes as noted. Requirement for consistency with the intent of the UDC was deleted because that is usually too general to provide meaningful guidance to approval of adjustments and variances.

[944] From Section 7.4.208 of the current zoning and subdivision ordinance, with significant simplification for better integration into this general administrative adjustment process. Provisions for Appeals in Section 7.4.208.d were not carried forward, and standard appeal provisions will apply. Criteria for compliance with the intend of the comprehensive plan was not carried forward, since that document seldom provides effective guidance for minor site decisions.

[945] This replaces the current subdivision minor administrative procedure and reflect current practice to approve minor deviation from subdivision standards without the use of a separate procedure.

complying with other applicable standards in this UDC to the maximum extent practicable.

e. Validity and Expiration[946]

An approved administrative adjustment shall be noted on the Development Plan, Site Plan, Preliminary Plat, or Final Plat to which it relates, and shall run with the land, shall have the same period of validity, and shall be subject to expiration on the same terms as the Development Plan, Site Plan, Preliminary Plat, or Final Plat to which it relates.

7.5.408 Public Notice[947]

A. Applicability

Public notice shall be published, posted, or mailed, and may also be sent electronically, as indicated in Table 7.5.1-A and in accord with the standards of this Section 7.5.408.

B. Content of Notice

The content of the notice shall be established by City staff during the application review process. At minimum, the notice shall include:

1. The address(es) of the land subject to the development application.
2. An area map of the development proposal.
3. A description of the development proposal.

C. Types of Notice

1. Published

When required, notice shall be published in a newspaper or newspapers available in the City as designated for that purpose by the City Council. Notice shall be published between 10 and 30 days prior to the date of the hearing, decision, or other event for which notice is being provided.

2. Posted

a. When required, at least one poster providing notice shall be placed upon each street or right-of-way frontage of the property subject to the development application. The property shall be posted at least 10 days prior to the date of the hearing, decision, or other event for which notice is being provided.

b. The required poster shall be placed along the perimeter of the subject property in locations that are visible from adjacent public ways. Posting may be outside the actual boundary of the project site if the Manager determines the alternative posting location offers more visibility for public notice.

3. Mailed

When required, the applicant shall send written notification of the required neighborhood meeting, at least 10 days before the scheduled meeting date, to all neighborhood associations and property owners within 500 feet of the project site and to each neighborhood organization whose boundaries contain the project site.

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[946] From Section 7.5.1107 of the current zoning and subdivision ordinance. Current sections 7.5.1107.A (requiring action based on the administrative relief provision within 12 months) and 7.5.1107.C (requiring reconstruction of damaged buildings on a site for which administrative relief was previously approved within 4 years after damage) were not carried forward as unnecessary. Since these minor adjustments are tied to the approved plat or plan, reconstruction should be subject to the same rules applicable to other reconstruction in accordance with an approved plan or plat – they should not be treated as non-conforming properties.

[947] Builds on Section 7.5.902 (Public Notice) of the existing zoning and subdivision ordinance. The provision regarding email notice (7.5.902C.5) has been simplified. The notification radius for mailed notice has been simplified to 300 feet or 1,000 feet, at the Director's discretion.

a. For larger or more complex projects, the Manager may require notice be sent to property owners and neighborhood organizations within 1,000 feet of the subject property. Larger and more complex projects generally include but are not limited to applications for General Amendments to the Zoning Map, Annexations of Land, and those involving development or redevelopment of more than more than five acres of land.

b. For smaller projects where the Manager expects no or minimal impacts on surrounding areas, the Manager may require that notice only be sent to property owners and neighborhood organizations within 150 feet of the subject property.

4. Electronic

Notice may be sent electronically to property owners at the discretion of the Manager.

7.5.409 Meetings and Decisions[948]

A. Applicability

A development application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 7.5.1-A.

B. Discussions[949]

During consideration of a potential development or application, City staff or the Planning Commission may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, regulations, or governing court decisions. Discussions of potential conditions to mitigate impacts do not reflect actions by the City or the Planning Commission unless and until the City or the Commission take formal action to attach that condition to a development approval.

C. Hearings

1. Hearings shall be held at the date, time, and place on which public notice was provided in accordance with Section 7.5.408. A hearing may be continued provided that prior to the adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which the hearing will be continued.

2. Any person may present evidence or testimony during a public hearing.

D. Meeting and/or Decisions

1. Manager

The Manager's decision on an application shall be deemed final and shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety and welfare.

2. Planning Commission, FBZ Review Board, or Historic Preservation Board[950]

a. After receiving testimony, the Planning Commission, FBZ Review Board, or Historic Preservation Board shall announce its decision at the conclusion of the public hearing. The decision shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

b. The decision of the Planning Commission, FBZ Review Board, or Historic Preservation Board regarding matters over it has authority according to Table 7.5.1-A shall be deemed to be final agency action.

[948] New section; sets forth general procedures for staff review and decision-making bodies' hearings and decisions on applications submitted under this UDC.
[949] New.
[950] Section revised to include Historic Preservation Board for internal consistency. Provisions related to appeals were not carried forward here, because they are addressed in Section 8.6.417.

3. City Council

a. Without further public notice or hearing, the City Council may refer back to the Planning Commission, FBZ Review Board, Historic Preservation Board, or may affirm, reverse, or modify any decision of the Planning Commission, FBZ Review Board, or Historic Review Board that appears on the City Council agenda as an item that has not been appealed in accord with Section 7.5.418 (Appeals).

b. In all matters before the City Council relating to the actions of the Planning Commission, FBZ Review Board, or Historic Preservation Board, the entire file of the Department pertaining to the matters shall be made a part of the record of the City Council. The file shall include, but not be limited to, the minutes from Planning Commission, FBZ Review Board, or Historic Preservation Board; maps; drawings; departmental reports; and applications.

7.5.410 Referral to Planning Commission[951]

A. The Manager may refer any application listed as an Administrative Decision in Section 7.5.5 to the Planning Commission for a decision if the Manager determines that the size, scale, location, character, or complexity of the proposed activity creates potential adverse impacts on surrounding properties, or that a public hearing regarding potential impacts of the proposal is necessary to evaluate whether the application complies with the criteria for approval in this UDC.

B. When an administrative Decision is referred to the Planning Commission, the Commission shall hold a public hearing and make a decision pursuant to Section 7.5.409 (Meetings and Decisions) based on the same criteria that would have applied if the Manager had made the decision.

7.5.411 General Criteria for Approval[952]

When Sections 7.5.5 (Administrative Decisions), 7.5.6 (Decisions Requiring a Planning Commission Hearing), and 7.5.7 (Policy Decisions), or another provision of this UDC does not provide more specific review or decision-making criteria, or refers to the criteria in this Section , the review or decision-making bodies shall evaluate applications for compliance with the general review criteria below. The Manager or decision-making body may waive or modify the requirement to comply with one or more of the criteria in this Section 7.5.411 if the application under consideration (for example, a Concept Plan or Preliminary Plat) is not required to include the level of detail needed to evaluate compliance with that criteria.

A. Compliance with this UDC

The proposed use and development shall comply with all applicable standards in this UDC, unless the standard is lawfully modified or varied.

B. Compliance with Other Applicable Regulations

The proposed use and development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

C. Compliance with Engineering Standards and Utilities

The proposed use and development shall comply with standards for roadway design and construction, access, drainage, water, sewer, emergency/fire protection, and others promulgated by federal, state, county, service district, City, Colorado Springs Utilities, and other regulatory authorities. Utility services must be connected as required by this UDC.

D. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not

[951] New.
[952] New, to reflect current practice.

proposed to be changed. This includes consistency with any Annexation Agreement, Concept Plan, or approved phasing plan for development and installation of public improvements and amenities.

7.5.412 Conditions on Approvals[953]

A. General

In conjunction with approval of a development application under this UDC, the decision-making body may require conditions which are reasonable and necessary in order to further the purpose of this UDC as provided in Subsection B below.

B. Conditions

1. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other plans adopted by City Council, and this UDC.

2. Any condition of approval that requires a petitioner to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of petitioners shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

3. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

C. Effect of Violation of Conditions

Violations of conditions attached to an approved development application or permit is a violation of this UDC.

7.5.413 Final Decisions

A. Administrative Decisions made pursuant to this Article 7.5 shall be final unless the decision is referred to the Planning Commission pursuant to Section 7.5.410 or appealed to the Commission pursuant to Section 7.5.418. The date of final administrative decision shall be the date of the approval or denial letter on the application.

B. Decisions made by the Planning Commission, FBZ Review Board, or Historic Preservation Board pursuant to this Article 7.5 .The date of final decision of the Planning Commission, FBZ Review Board, or Historic Preservation Board shall be the date of the final action taken. If the decision is subject to conditions, the date of final decision shall be the date of the decision-maker's final approval and will be so noted on the permit, application approval letter, and/or plan once the conditions have been met.

[953] Builds on Section 7.5.904 (Conditions and Modifications of Regulations), reflects current practice, Subsections 1 and 2 restate Colorado law, state and federal court decisions, and text from Variance provisions of current zoning and subdivision ordinance elated to the limits of regulation. Subsection 3 clarifies the distinction between discussions and approved conditions. Changes authority to impose conditions from Manager to the decision-making body for the particular application.

7.5.414 Vested Rights[954]

A. Establishment of Vested Rights

1. A "vested property right," as used in this Section, means the right to undertake and complete development and use of property under the terms and conditions of approval at the time of vesting.

2. A vested property right shall accrue following approval of a Development Plan or Final Plat as set forth in the table below, and shall be subject to any terms and conditions imposed at the time of approval.

Table 7.5.4-C
Schedule of Property Rights Vesting

Zone District	Development Plan	Final Plat
A	x	x
R-E	x	x
R-1 9	x	x
R-1 6	x	x
R-2	x	x
R-4	x	x
R-5	x	x
R-Flex Low	x	
R-Flex Medium	x	
R-Flex High	x	
MX-N	x	
MX-M	x	**x**
MX-L	x	**x**
MX-I	x	
FBZ	x	**x**
BP	x	
LI	x	**x**
GI	x	**x**
APD	x	
PF	x	
PK	x	
Conditional Use Permit	x	
Use Variance approved before the Effective Date of this UDC	If vested at time of approval	

B. Additional Provisions

1. Failure to abide by the terms and conditions of the final Development Plan or Final Plat shall result in the forfeiture of the related vested right related to that approval.

2. The vesting period for a Development Plan shall be six years. The vesting period for a Final Plat shall be four years from the recordation date.[955]

[954] Carries forward Article 9, Part 1 (Vested Property) of the existing zoning and subdivision ordinance with small changes for clarity and updates to reflect changes to the zone districts.
[955] Revised from four to six years.

3. Vested property rights may be changed through a Development Plan between the City and affected landowner and also for public health, safety, and welfare reasons as determined by the City Council in its legislative capacity.

4. Establishment of vested property rights shall not preclude the application of ordinances, resolutions, or regulations which are general in nature and are applicable to property subject to land use regulation by the City.

5. The following types of approvals do not result in a new vested right or a change in the effective date of an approved vested right: [956]

   a. Approval of a Minor Modification (pursuant to Section 7.5.416) or Minor Variance (pursuant to Section 7.5.528) of a Development Plan or a Final Plat

   b. Approval of a modification to a Final Plant pursuant to Sections 7.5.518G (Repats), 7.5.519 (Vacation of Plat), 7.5.520 (Property Boundary/Lot Line Adjustment), 7.5.521 (Preservation Area Boundary Adjustment), 7.5.522 (Plat Restriction Modification), or 7.5.523 (Waiver of Replat).

7.5.415 Limitation on Similar Application[957]

If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within 12 months after the date of denial. The applicant may apply to the Manager for an exception to this limitation by showing that because of a change of circumstances, the existing zoning precludes the use of the property for any purpose to which it may be reasonably adapted, and that because of a change in circumstances, the landowner is deprived of all reasonable uses of the land and that the land is not susceptible to any reasonable use under the existing zoning.

7.5.416 Development Agreements[958]

A. The Manager may require, or the applicant may request and the City may agree, that the City and the applicant enter into a Development Agreement related to any proposed application when necessary or desired to ensure that the proposed development or related improvements, amenities, conditions, or other matters are completed as required at the time of approval of a development approval or permit or as required by this UDC or other plans, policies, regulations of the City.

B. A Development Agreement may include the parties agreement on any matter related to the proposed development or related improvements, amenities, conditions, or other matters, including without the timing and phasing of development or improvements and the duration of any vested rights beyond the time period stated in Section 7.5.414, that are within the City's authority pursuant to the City's charter, applicable ordinances, and the provisions of state and federal law.

C. Development Agreements shall be approved by the Manager following referral to any City departments or agencies whose facilities, services, or duties are affected by the content of the proposed Development Agreement.

7.5.417 Modification of Approved Plans and Permits[959]

A. Purpose

This Section describes how an approved plan or permit may be modified after approval, and distinguishes between Minor Modifications that can be approved by the Manager and Major Modifications that can be approved by the Planning Commission.

[956] New.
[957] Carries forward and generalizes to all applications requiring a public hearing – not just requests for zone changes, conditional uses, or variances – the limitation on filing an application similar to one that was rejected, in Section 7.5.907 (Limitation on Further Application) of the existing zoning and subdivision ordinance.
[958] New.
[959] From Section 7.5.503 of the current zoning and subdivision ordinance, revised for clarity and with changes as noted. Current distinction between minor modifications and amendments was revised to minor/major modifications for internal consistency.

B. Applicability

This Section applies to all applications to modify a development approval or permit granted under this UDC. Requests to deviate from the standards in this UDC prior to granting of an initial development approval or permit are reviewed pursuant to Sections 7.5.407 (Administrative Adjustment), 7.5.528 (Minor Variance), or 7.5.602 (Major Variance).

C. Decision-Making Body

1. Following City approval of a development application and issuance of a permit or other approval:

a. A Minor Modification of the permit or approval may be approved by the Manager as described in this Section 7.5.416, unless a condition of the permit or approval requires that the type of modification being requested be heard by the Planning Commission or City Council.

b. A Major Modification to the permit or approval may only be approved by the decision-making body that approved the original permit or approval, using the same procedure used for the original permit or approval.

2. While the approval of new use variances is not permitted, modifications of use variances approved before the Effective Date may be approved through the Minor Modification process, unless a condition of the permit or approval requires that the type of modification being requested be heard by the Planning Commission or City Council.

D. Minor and Major Modifications

The following criteria shall be used to categorize a request to modify a development approval or permit as a Minor or Major Modification.

1. Minor Modifications

Minor Modifications are those that include only:[960]

a. An addition to an existing structure that increases gross floor area by less than 15 percent;

b. The minor relocation or reorientation of buildings, lot lines, and/or easements;

c. Relocation of points of access which the Traffic Engineer determines will improve traffic circulation on adjacent public rights-of-way;

d. Relocation of internal access and circulation;

e. Reduction of permitted square footage and/or density, unless the development received a TOD incentive pursuant to Section 7.4.202C;[961]

f. Increases of building setbacks that are consistent with any required maximum building setback in the zone district, unless the development received a TOD incentive pursuant to Section 7.4.202C;[962]

g. Increases of landscape or modifications or relocations of landscaping or the plant schedule that do not delete any approved landscaping, and modifications to landscaping that could have been approved by the Manager at the time of original development approval pursuant to Section 7.4.913 (Alternatives and Adjustments);[963]

[960] Current lists of minor modifications and minor amendments have been combined for user-friendliness, with changes as noted. Similar topics have been consolidated, and cross-reference other relevant sections of the UDC have been added. Wording has been revised for clarity and internal consistency.
[961] Last phrase is new; reductions of approved density in TOD areas should require Planning Commission approval.
[962] Last phrase is new; increases in setbacks intended to be street-oriented should require Planning Commission approval.
[963] Last phrase is new; the Director should be able to approve modifications that the Director could have approved at the time of original development approval.

h. Renewal of an expired Development Plan for which no major design changes are needed to comply with current development standards.

i. Small changes to lighting plans such as the addition or relocation of a pole or wall pack;

j. Relocation of parking areas or spaces or accessible parking spaces, aisles and ramps, but not an increase in parking lot area;

k. Modifications of the location of approved retaining walls;

l. Modifications of trash dumpster relocation that do not impact site layout, landscaping or parking area;

m. Minor relocation or modification to landscaping or the plant schedule, but not the deletion of landscape;

n. Minor corrections or modifications to plan notes such as clarification of allowed uses;

o. Additions or modification of the locations of small accessory structures such as generators, sheds, video drop boxes and ATMs;

p. Modifications to permitted rooftop equipment or mechanical systems and rooftop screening requirements;

q. Minor additions and modifications to the location of sidewalks;

r. Addition of phase lines for required landscape and specific site improvements;

s. Modification of use variance approved prior to the Effective Date, but not including any type of modification listed in Subsection 2 below; and

t. Other modifications that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.407 (Administrative Adjustment).[964]

2. Major Modifications

Major Modifications include any modification that includes any of the following:

a. The creation of new freestanding buildings;

b. An increase in gross floor area of the established square footage by 15 percent or more;

c. The major relocation of buildings, lot lines, and/or easements;

d. Relocation of points of access that do not clearly improve traffic circulation on adjacent public rights-of-way, as determined by the Traffic Engineer;

e. Changes to allow a land use not included in the development approval or permit;[965]

f. Increase of maximum building heights in the development approval or permit, except those that could have been approved by the Manager at the time original development approval pursuant to Section 7.5.407 (Administrative Adjustment);[966]

g. A decrease in or building setbacks, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.5.407 (Administrative Adjustment);[967]

[964] New. The Director should have the ability to approve modifications that could have been approved as development standard adjustments at the time the development was approved.
[965] Revised from “established” land uses for clarity.
[966] Revised from “established” building heights for clarity; and last phrase is new for internal consistency..
[967] Last phrase added for internal consistency.

h. Decrease of required perimeter landscape, except those that could have been approved by the Manager at the time of original development approval pursuant to Section 7.4.913 (Alternatives and Adjustments); and[968]

i. Renewal of an expired Development Plan in which major design changes are necessary to comply with current development standards.

3. Consistency with Conditions on Modification[969]

If the development approval or permit proposed to be modified includes a condition that one or more types of modification may only be approved by Planning Commission or by City Council, the modification shall be treated as a Major Modification and may only be approved by the decision-making body named in that condition.

4. Combination of Minor or Major Modifications[970]

a. More than one request for a Minor or Major Modification, or a combination of Minor and Major Modifications, may be included in a single application.

b. If an application includes requests for both Minor and Major Modifications, the Manager's decision on Minor Modifications shall be considered a recommendation until a decision on the Major Modification has been made by the Planning Commission or City Council, as applicable.

c. In order to promote consistent decision-making on the application, the decision of the Planning Commission or City Council on the Major Modifications shall state whether the recommendations of the Manager regarding each requested Minor Modification is accepted, accepted with conditions, or denied.

E. Criteria for Approval[971]

An application for modification of a development approval or permit may be approved if the decision-making body identified in Subsection B above determines that the criteria for a Minor or Major modification, as applicable, have been met:

1. Minor Modification

A Minor Modification may be approved if the Manager determines that the requested Minor Modification:

a. Complies with the provisions of this UDC and all applicable City regulations;

b. Is consistent with any conditions in the approval or permit proposed to be modified; and

c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.

2. Major Modification

A Major Modification may be approved if the applicable decision-making body determines that the requested Major Modification:

a. Complies with the provisions of this UDC and all applicable City regulations

b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;

[968] Last phrase added for internal consistency.
[969] New, to match current practice.
[970] New.
[971] New, to guide the decision-makers' review and approval of proposed modifications.

c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified.

d. The requested modification is consistent with the Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.[972]

F. Development Plan Requirement[973]

Following approval of a Minor Modification or Major Modification to a Development Plan, the applicant shall be required to submit a revised Development Plan that reflects the site conditions modified. This requirement shall not apply to administrative relief requests granted for single-family residential or duplex uses.

G. Effect on Prior Approvals[974]

An approved Minor or Major Modification shall have the following effects on prior approvals.

1. An approved modification of a Development Plan or Preliminary Plat shall be treated as a modification of a Concept Plan affecting the same property, and no submission of a revised Concept Plan shall be required, provided that the modified Development Plat or Preliminary Plat includes a clear statement that it serves as a modification of the affected Concept Plan as of the date on which the modification was approved.

2. An approved modification of a Development Plan shall be treated as a modification of a Preliminary Plat affecting the same property, and no submission of a revised Preliminary Plat shall be required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Preliminary Plat as of the date on which the modification was approved.

3. After a Minor or Major Modification to a Development Plan or Preliminary Plat is approved, any future modifications of a related Concept Plan shall be consistent with any approved modifications of a related Development Plan or Preliminary Plat.

7.5.418 Appeals[975]

A. Decisions of the Manager or Other City Official

1. Right to Appeal

a. An Affected Party aggrieved by an appealable administrative decision made by the Manager or other City official under this UDC may appeal the decision.

b. For purposes of appeals under this UDC, an Affected Party is:[976]

(1) The applicant for the decision being appealed; and

(2) The owner of a lot or parcel of land located within 500 feet of the subject lot; and

(3) Each neighborhood association whose boundaries include the applicant's lot or parcel, as those boundaries are shown on the City's records on the date the application was determined to be complete by the Manager.

[972] This criterion is only included for major modifications, because adopted plans and zone district intent statements seldom provide meaningful guidance for the types of small changes included in minor modifications.
[973] Relocated from current ordinance provisions on administrative relief.
[974] New, to avoid the need to revise and resubmit previous approval documents to align with more specific approvals and permits related to the same property.
[975] From Section 7.5.906 of the current zoning and subdivision ordinance, with changes as noted, with significant reorganization and wording changes for clarity and internal consistency. The current text allowing "any person" to file an appeal was not carried forward, as it allows appeals by persons and parties that are not significantly affected by a decision under the UDC, and on some cities has been used as a delaying tactic for applications that meet all applicable requirements. Instead, appeals are limited to Affected Parties, which is now a defined term.
[976] New, and reflecting general practices regarding appeals in newer development codes.

c. The Affected Party shall file with the City a written notice of appeal within 10 days from the date of the final decision.

d. The notice of appeal shall specifically:

(1) Identify the specific provisions of this UDC that are have been mis-interpreted or mis-applied by the Manager or other decision-making body;

(2) Identify in detail which one or more of the following criteria for reversal or modification of the administrative decision have been met.[977]

(a) The decision is contrary to the express language of this UDC;

(b) The decision is erroneous; and/or

(c) The decision is clearly contrary to law; and

(3) Describe how the burdens placed on the appellant outweigh the benefits accrued by the community by identifying the benefits and adverse impacts created by the decision and describing the distribution of the benefits and impacts between the community and the appellant.

e. Appeal shall be made to the Planning Commission except in the following cases:[978]

(1) If the appeal relates to an FBZ regulating plan, the appeal shall be made to an FBZ Review Board.

(2) If the appeal relates to a decision made by the Stormwater Enterprise Manager pursuant to Section 7.5.508 (Grading and Erosion Control Permit) the appeal shall be made to the Public Works Director.[979]

(3) If the appeal relates to a decision made pursuant to Section 7.5.509 (Stormwater Permit), the appeal shall be reviewed and a decision made pursuant to those appeal procedures and criteria applicable to stormwater in Section 7.5.1102D.

(4) Except as noted in Subsection (3) above, if the appeal relates to a decision made by the City Engineer pursuant to this Code, the appeal shall be made to the Storm Drainage Board pursuant to those procedures for appeals of City Engineer decisions in Section 7.5.1006.

(5) If the appeal relates to a decision of the Manager related to a WCF Small Facility or a WCF Eligible Facilities Request, the appeal shall be to subject to review by the courts under rule 106 of the Colorado Rules of Civil Procedure and other applicable rules and statutes.[980]

f. Any person pursuing an appeal subject to this Section 7.5.418 shall be responsible for completion of all forms pursuant to Section 7.5.403 and the payment of all fees required by Section 7.5.404. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal.

g. The failure to appeal the decision of the Manager within 10 days of the Manager's decision shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the courts under rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.

[977] Current text allowing appeals based on a claim the decision is against the intent of the UDC or is unreasonable were deleted as overly broad, subject to misuse, and likely to expand the number of appeals.
[978] Text revised to reconcile current ordinance provisions affected by recent administrative changes regarding grading, stormwater, and wireless communications regulations. The accuracy of this Section is being reviewed by the City Attorney.
[979] If a pending ordinance to change the appeal procedures related to GEC Permits and Stormwater Permits is approved by City Council, those changes will be included in the Consolidated Draft.
[980] New.

2. Procedure and Effect of Appeal

a. In all cases except appeals of decisions under Sections 7.5.508 (Grading and Erosion Control Permit) or 7.5.509 (Stormwater Permit), the Manager shall place the appeal on the calendar of the Planning Commission or FBZ Review Board, as applicable, for the next regularly scheduled meeting that is more than 20 days and less than 48 days after the City's receipt of the notice of appeal.

b. In the case of an appeal of a decision under Section 7.5.508 (Grading and Erosion Control Permit), the Stormwater Enterprise Manager shall refer the appeal to the Public Works Director.

c. In the case of an appeal of a decision under Section 7.5.509 (Stormwater Permit), the Manager shall refer the appeal to the Storm Drainage Board, which shall make a decision on the appeal within 30 days of receipt of the notice of appeal using the procedures and criteria applicable to stormwater in Section 7.5.1102D.

d. Except as noted in Subsection c above, in the case of an appeal of a decision made by the City Engineer pursuant to this Code, the City Engineer shall refer the appeal to the Storm Drainage Board, which shall make a decision on the appeal within 30 days of receipt of the notice of appeal using the procedures and criteria applicable to stormwater in Section 7.5.1006.

e. A perfected appeal shall operate as a stay of the administrative decision unless the Manager certifies in writing that one of the following apply:

(1) A stay would cause or result in an imminent hazard to public health, safety, and welfare; or

(2) The appeal or violation of this UDC relates to a current or proposed activity that is of such a short term nature that by the time an appeal hearing is held, the activity or violation will have been concluded, terminated, or moved to another site. The time frame in which violations of this nature operate is such that a stay of proceedings will make the enforcement process ineffective. Examples of short term violations include, but are not limited to, temporary vendors, promotional events, and temporary signs.

3. Review Criteria and Decision

The decision-making body shall affirm or modify the administrative decision being appealed based on whether the applicant's notice of appeal clearly demonstrates that the criteria in Subsection 1.d above have been met:

B. Decisions of the Planning Commission, FBZ Review Board, or Historic Preservation Board[981]

The decision of the Planning Commission, FBZ Review Board, or Historic Preservation Board shall be a final decision, and shall be subject to review by the courts under rule 106 of the Colorado Rules of Civil Procedure and other applicable rules and statutes, unless the matter is remanded to the body that made the appealed-from decision.

7.5.5 ADMINISTRATIVE DECISIONS[982]

7.5.501 General

A. This Section 7.5.5 describes the types of applications under this UDC that may that may be approved administratively by the Manager in some circumstances without the need for a public hearing.

[981] Current provisions for appeals of Planning Commission, FBZ Review Board, and Historic Preservation Board to City Council were not carried forward as not reflective of current best practices for large city land use governance.
[982] This Section consolidates numerous provisions for administrative approvals under the current zoning and subdivision ordinance, with changes as noted. Introductory text is new.

B. This Section 7.5.5 also describes the circumstances under which an application listed in this Section may require approval by the Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council because of the size or complexity of the proposed development, the combination of related applications submitted for the development, or the context in which the application was submitted. In such cases, the listing of the application as an "administrative decision" in this Section shall not be deemed a substantive inconsistency with text or flowcharts requiring higher level review, and the provisions for review by the Planning Commission, FBZ Review Board, Historic Preservation Board, or City Council shall apply.

C. Unless otherwise stated in this Section 7.5.5, the General Provisions in Section 7.5.4 apply to these administrative decisions without being restated in this Section. In the event of a conflict between the General Procedures in Section 7.5.4 and more specific procedures in this Section 7.5.4, the provisions in this Section 7.5.5 shall apply.

Permits

7.5.502 Building Permits and Certificates of Occupancy[983]

A. Purpose

The purpose of the Building Permit and Certificate of Occupancy procedure is to ensure that the construction, alteration, repair, or conversion of a structure or the initiation or reestablishment of a legally permitted use within a legally established or legal, nonconforming structure complies with all applicable provisions of this UDC, the Building Code, and any applicable Utility and Fire Codes.

B. Applicability

1. It is unlawful to commence the excavation for or the construction of any building or other structure including accessory structures, to store building materials, to construct entrances or parking lots, or to commence the moving, structural alteration, conversion, extension, enlargement, alteration or repair of any structure including accessory structures except repairs that consist only of painting, wallpapering, or changing of fixtures until a Building Permit for such work has been issued.

2. A Building Permit shall not be issued for the construction or reconstruction of structures upon any land, or the addition to any building or structure situation on any land, unless at least one of Subsections a through e below applies:[984]

a. The lot is platted;

b. A waiver of replat was issued for the land (see Section 7.5.523);

c. The applicant has acquired an administrative approval under Section 7.5.503 (Building Permits on Unplatted Lands);

d. The property is a Lot of Record and at least one of the following apply:

(1) The proposed alteration is limited to repair or modification of the interior of the structure, commonly known as an interior remodel, or modification of other structural elements exterior to but attached as part of the structure, such as roofing, windows, doors, siding, porch, stoop, and stairway;

(2) The addition to the principal structure is no larger than 50 percent of the principal structure gross floor area; or

[983] Carries forward Article 5, Part 3 (Building Permits and Certificates of Occupancy) of the existing zoning and subdivision ordinance with revisions for consistency and consolidation as noted below.
[984] Carries forward Article 7, Part 14 (Building Permits) of the existing zoning and subdivision ordinance regarding platting requirements for building permits and consolidates with this Section. Revised for internal consistency.

(3) The addition of a detached accessory structure(s) is no larger than 100 percent of the principal structure footprint; or the addition of a deck(s) or patio/porch cover(s) or both; or

e. The construction takes place on public park lands and all of the following apply:

(1) The property is in the PK or PF zone district;

(2) The park was deeded to the City prior to January 1, 1990;

(3) A detailed site plan with required dimensions is submitted with the Building Permit application and shows the existing site improvements and the proposed improvements in relation to the site and adjacent properties;

(4) The proposed structure benefits the public in general; and

(5) The structure will not require a street extension.

f. A Building Permit may be withheld until utilities critical to the site are installed.

g. It is unlawful to commence occupancy of a structure unless a Certificate of Occupancy has been issued.

C. Building Permit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

Applications for Building Permits shall be submitted to the Building Official. If a Development Plan is required for the development in accordance with Section 7.5.516, an approved Development Plan shall be submitted with the application.

3. Decision by Building Official

The Building Official shall approve an application for a Building Permit only upon determining that the application complies with all applicable requirements of this UDC and the Building Code and the construction is taking place on land that has been subdivided and platted in accordance with this UDC. No Building Permit shall be issued until all applicable utility and subdivision fees have been paid.

D. Certificate of Occupancy Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

Applications for Certificates of Occupancy shall be submitted to the Building Official.

3. Decision by Building Official

The Building Official shall issue a Certificate of Occupancy if the Official determines that the structure complies with all City codes and ordinances and the relevant provisions of the Building Code, including RBC110.

7.5.503 Building Permits on Unplatted Lands[985]

A. Purpose

The purpose of this Section is to allow the issuance of Building Permits for construction on unplatted lands in certain circumstances.

B. Applicability

1. This Section applies only to land that meets any of the following conditions:

a. Land that was developed and within the City on February 13, 1951.

b. Land that was annexed to the City after February 13, 1951, but unplatted because platting was not required at the time that the land was developed.

c. A parcel of land that was created no later than September 1, 1972.

d. Land that is owned by the City and used for park and recreation purposes.

2. Building Permits shall be issued without requiring platting only for a structural addition where:

a. The addition will comply with the provisions of this UDC;

b. The addition constitutes no change in land use;

c. The addition will not require street extension;

d. The addition will not intrude upon setback lines determined by the Traffic Engineer to accommodate any proposed rights-of-way;

e. Drainage fees are paid if the proposed addition or previous additions results in a floor area which exceeds by 50 percent the area of the structure existing on July 18, 1975, or the date of annexation if annexation is after July 18, 1975; and

f. The owner agrees to dedicate any rights-of-way that would normally be required as a condition of a platting. If dedication is required, the owner shall dedicate the right-of-way by a separate deed and pay for the preparation and recording of the deed after such deed is approved by City Real Estate Services.

C. Building Permit Process

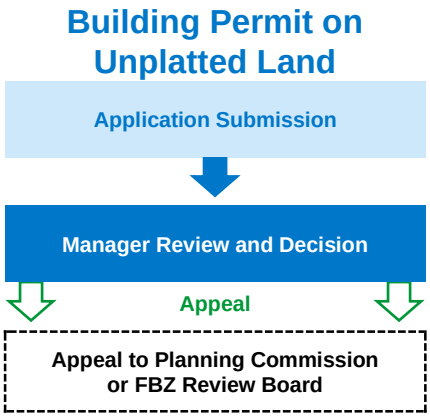
1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission[986]

In addition to complying with Section 7.5.403, the applicant shall submit the number of copies of a site plan with dimensions as required by the Manager, each of which shall include:

a. The legal description of the property, taken from the deed to the property, and the recording information



[985] From Section 7.7.504 currently categorized as one of the Minor Administrative Procedures. Reorganized for clarity and internal consistency. All provisions on appeals are relocated to Section 7.5.418 (Appeals). Statement that Manager may not vary from these eligibility requirements and criteria was not included, since that applies throughout the UDC.
[986] This list of submittal materials may be relocated to the City's website.

(book and page or reception number) of that deed.[987]

b. All existing lot lines and easements with dimensions.

c. All existing utilities located on the site, clearly labeled.

d. Adjacent rights-of-way with dimensions.

e. Location, dimensions and setbacks of all existing and proposed structures, if any, and their floor area.

f. Owner's name, address, and phone number.

g. North arrow and scale.

h. Information on all survey monuments recovered or set and used in determination of property boundaries.[988]

i. A statement reading as follows:

"Under the provisions of Section 7.5.503 of the Code of the City of Colorado Springs the ownership configuration detailed on this site plan is eligible for the issuance of a Building Permit on unplatted land. Compliance with all other applicable requirements of the City of Colorado Springs and the Regional Building Department is required. Approval of this request pertains only to the application submitted and does not release the applicant from complying with other requirements."

3. Referral[989]

The Manager shall date and file the application and shall transmit copies of the site plan to those agencies having an interest in the proposed Building Permit for their review and comments.

4. Manager Action

The Manager shall either approve or deny the request if the request complies with requirements of this Section and no reviewing agency objects to the issuance of the Building Permit. If the Manager approves the request, the applicant will be provided a signed copy of the submitted plan. If the Manager denies the request, the Manager shall notify the applicant with all reasons for denial clearly specified.

7.5.504 Minor Site Plan[990]

A. Purpose

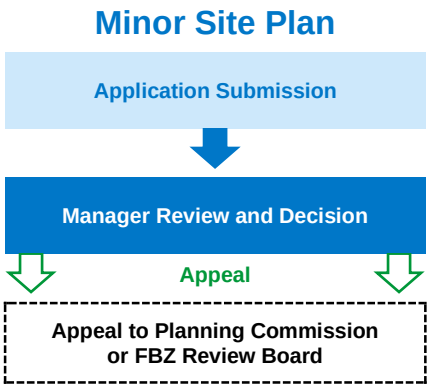
The purpose of the Minor Site Plan procedure is to provide a mechanism to ensure that proposed small-scale development complies with the standards of this UDC before issuance of a Building Permit.

B. Applicability[991]

A Minor Site Plan is required before issuance of a Building Permit for new construction or an addition to an existing Single-family Detached, Two-family (Duplex), Three-family (Triplex), and/or Four-family (Fourplex) Dwellings or an accessory dwelling unit and accessory structures upon an existing platted lot where a Development Plan has not been approved. It may also be required when the Manager determines that a Development Plan is not necessary to required to document minor site or building improvements or changes to existing site or building improvements.

[987] Last phrase added at request of staff.
[988] New, at the request of staff.
[989] Restated for internal consistency.
[990] Following discussions with staff regarding current practice, new section that establishes a minor site plan process to memorialize the Planning and Community Development Department's role in reviewing site plans for residential development for compliance with the UDC prior to the issuance of a building permit.
[991] Second sentence is new to reflect current practice.

C. Minor Site Plan Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

In addition to the application submission requirements in Section 7.5.403 and any other requirements promulgated by the Manager, a Minor Site Plan application shall include a site plan that shows, among other elements, specific land uses, lot lines, buildings, square footage, locations and footprints, setbacks, internal circulation, parking areas and spaces, points of access, landscaping, contours, easements, public utilities and facilities, and land dedication areas.

3. Manager's Action

The Manager shall either approve or deny the request if the request complies with this Section 7.5.4 and no reviewing agency objects to the approval. If the Manager approves the request, the applicant shall be provided a signed copy of the submitted plan. If the Manager denies the request, the Manager shall notify the applicant with all reasons for denial clearly specified.

7.5.505 Temporary Use Permit[992]

A. Purpose

The Temporary Use Permit procedure is intended to provide a mechanism for enforcement of the temporary use regulations that apply to short-term, seasonal, and/or transient uses such as community festivals, fresh produce standards, and temporary promotions by permanent businesses, but does not apply to short-term rental units.

B. Applicability

1. A Temporary Use Permit shall be required prior to the establishment of any temporary use unless otherwise exempted in Subsection 2 below.

2. The following uses are permitted and shall not be regulated as temporary uses under this UDC:

a. Exemption 1

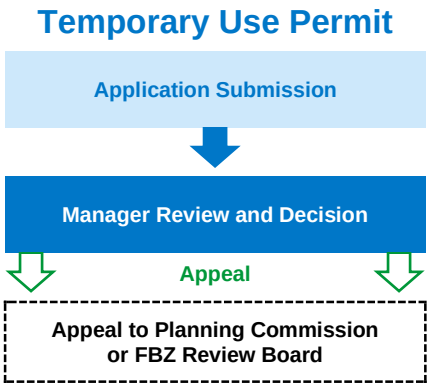
b. Exemption 2

c. Exemption 3[993]

[992] Based on Article 5, Part 14 (Temporary Uses) of the existing zoning and subdivision ordinance with reorganization and changes for consistency

[993]

C. Temporary Use Permit Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Manager's Decision

The Manager shall review the Temporary Use Permit application and within 10 business days after the determination of application completeness shall approve, approve with conditions, or deny the application based on its compliance with the standards applicable to temporary uses generally in Section 7.3.304 (Accessory and Temporary Uses), any use-specific standards applicable to that particular temporary use, and the following criteria:[994]

a. The use will not be determinantal to the public health, safety, and general welfare, and is compatible with the purpose and intent of this UDC and the zoning district in which it will be located;

b. The use is compatible in intensity, characteristics, and appearance with existing land uses in the immediate vicinity of the proposed location, and the use, value, and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control, and hours of operation shall all be considered.

c. The use is not be on publicly owned property unless the applicant first obtains approval of a revocable permit per Chapter 3, Article 2, Part 2 of the City Code authorizing such use.

d. Display of merchandise for sale need not comply with the yard and setback requirements of this UDC provided that no merchandise shall be displayed within 30 feet of the intersection of the curb line of any two streets or within the required landscaped setback area.

e. Adequate off street parking is provided to serve the use and the use does not displace the required off street parking spaces or loading areas of any principal permitted uses on the site.

f. Before a temporary use involving the sale of merchandise may begin, a sales tax license is obtained from the City's sales tax office.

7.5.506 Home Occupation Permit[995]

A. Purpose

This Section is intended to accommodate the desire of owners or occupants of residential dwelling units to operate accessory home occupations within their residences while mitigating their impacts on neighboring residents and ensuring that there are no adverse effects on the residential character of the residential zone district.

B. Applicability

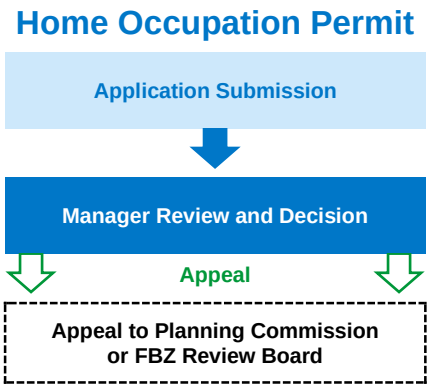
1. A Home Occupation Permit shall be required prior to the establishment of any temporary use unless otherwise exempted in Subsection 2 below.

[994] Carries forward current requirements but does not include criteria requiring compliance with sign code as redundant.
[995] Based on Article 5, Part 15 (Home Occupations) of the existing zoning and subdivision ordinance with changes for internal consistency. The review criteria were previously updated and added as use-specific standards in Section 7.3.304K (Home Occupation, Accessory). The current section regarding unlawful home occupations (Section 7.5.1502) does not impose regulatory requirements and has not been carried forward.

2. The following uses are permitted and shall not be require a Home Occupation Permit under this UDC:

a. Exemption 1

b. Exemption 2[996]



C. Home Occupation Permit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Manager's Decision

The Manager shall review the Home Occupation Permit application and within 10 business days after the determination of application completeness shall approve, approve with conditions, or deny the petition in accordance with Section 7.5.409D.1 (Manager), the standards applicable to home occupations in Section 7.3.304K (Home Occupation, Accessory), and the review criteria in Section 7.5.411 (General Criteria for Approval).

7.5.507 Short-Term Rental Unit Permit[997]

A. Purpose

The purpose of this Section is to facilitate the permitting of short-term rental units subject to appropriate restrictions and standards and to allow for varied accommodations and experiences for visitors while retaining the character of residential neighborhoods.

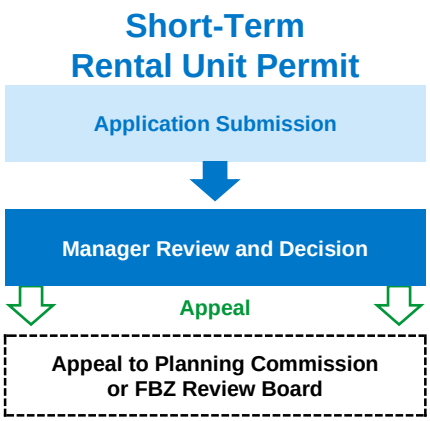
B. Applicability

A Short-Term Rental Unit Permit shall be required prior to the operation of any short-term rental unit.

C. Short-Term Rental Unit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.



2. Application

In addition to the requirements of Section 7.5.403, an application for a Short-Term Rental Unit Permit shall include the following:

a. A safety self-inspection certification;

b. A Sales Tax license customer ID;

c. The name, address, and contact information, including a 24-hour contact phone number for the owner, the owner's property manager or agent within El Paso County, or a Colorado Springs resident who can be contacted in the event of an emergency and respond within one hour;

[996]

[997] Carries forward the administrative provisions that apply to short-term rental units in Article 5, Part 17 (Short Term Rental Unit) of the existing zoning and subdivision ordinance including Section 7.5.1702 (Short Term Rental Unit Permit Required) and 1703 (Application), The provisions that establish standards for short-term rental units are in Section 7.3.301C, and enforcement provisions have been relocated as discussed below. Includes changes for internal consistency.

d. Proof of insurance;

e. Proof that the use-specific standards that apply to a short-term rental unit in Section 7.3.301C will be met; and

f. A statement that the owner has read and understands the rules and regulations for a short-term rental unit.

3. Manager's Decision

The Manager shall review the Short-Term Rental Unit Permit application and within 10 business days after the determination of application completeness shall approve, approve with conditions, or deny the petition in accord with Section 7.5.409D.1 (Manager), the standards applicable to short-term rental units in Section 7.3.301C (Short-Term Rental Unit), and the review criteria in Section 7.5.411 (General Criteria for Approval).

4. Post-Decision Actions and Limitations

The Manager's decision on a Short-Term Rental Unit Permit application is subject to the following:

a. Expiration

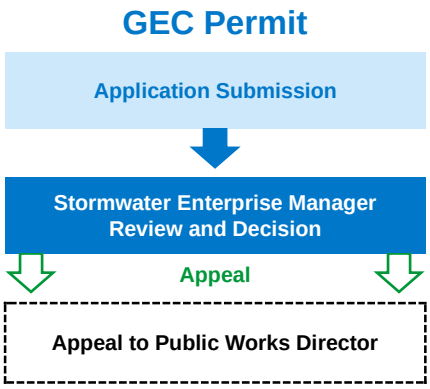
(1) The Short-Term Rental Unit Permit is valid for one year from the date of issuance and may be renewed for additional one-year periods.

(2) The Short-Term Rental Unit Permit does not run with the property, but is issued to the specific owner of the property. The permit shall expire upon sale or transfer of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address, but may be managed by a third party on behalf of the owner.

b. Permit Suspension or Revocation

A Short-Term Rental Unit Permit may be suspended or revoked in accord with the enforcement provisions of this UDC including Section 7.5.910 (Short-Term Rental Unit Permit Suspension or Revocation).

7.5.508 Grading and Erosion Control Permit[998]



A. Purpose

The purpose of this Section allows for review of a plan for land disturbance or other activity on a property that will have impacts to grading and erosion control and to assure compliance with Section 7.4.6 (Grading and Erosion Control).

B. Applicability

The provisions of this Section apply to all construction activities within the City.

C. Grading and Erosion Control Permit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

[998] Establish the process for issuance of a GEC or Associate GEC Permit, based on the standards in Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of the existing zoning and subdivision ordinance as significantly modified by staff; the substantive standards (and the GEC and Associate GEC Permit) are described in Section 7.4.6.

2. Application Submission

In addition to the application submission requirements in Section 7.5.403, the application shall include all materials required in the Stormwater Construction Manual.

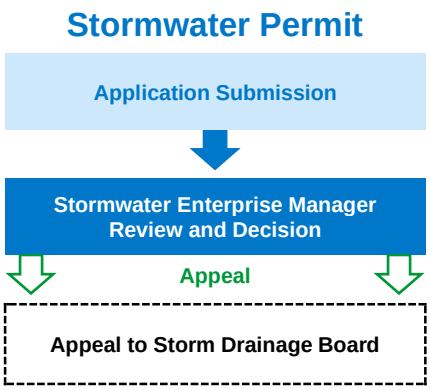
3. Meetings and Decision

The Stormwater Enterprise Manager shall review the grading and erosion control application and approve, approve with conditions, or deny the application for a GEC Permit or an Associate GEC Permit based on the review criteria in Section 7.5.411 (General Criteria for Approval) and compliance with the standards in Section 7.4.6 (Grading and Erosion Control) and the SCM.

7.5.509 Stormwater Permit[999]

A. Purpose

The purpose of this Section is to provide for review of plans to assure compliance with all stormwater requirements, policies, and procedures.



B. Applicability

The provisions of this Section apply to all construction activities within the City.

C. Stormwater Permit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

In addition to the application submission requirements in Section 7.5.403, the application shall include all materials required in the Stormwater Construction Manual.

3. Meetings and Decision

The Stormwater Enterprise Manager shall review the Stormwater Permit application and approve, approve with conditions, or deny the application based on the review criteria in Section 7.5.411 (General Criteria for Approval) and compliance with the standards in Section 7.4.6 (Grading and Erosion Control) and the SCM.

7.5.510 WCF Eligible Facilities Requests[1000]

A. Purpose

The purpose of this Section is to provide a mechanism for evaluating whether a change to an Existing Tower or Existing Base Station is an Eligible Facilities Request and for approving Eligible Facilities Requests.

B. Applicability

This Section applies to all proposed changes to Wireless Communication Facilities that the applicant seeks to qualify an Eligible Facilities Request.

[999] Establish the process for issuance of a stormwater permit, based on the standards in Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of the existing zoning and subdivision ordinance as significantly modified by staff; the substantive stormwater standards are described in Section 7.4.7.
[1000] Carries forward the procedural provisions of Chapter 4, Part 7 (Eligible Facilities Requests) of the existing zoning and subdivision ordinance, primarily Section 7.4.703, with changes for internal consistency. All applicable definitions are included in the definitions section. No substantive changes are intended.

C. Eligible Facilities Request Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

The applicant shall submit the application on a form provided by the City that is limited to the information necessary for a determination of the eligibility for an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation. Such information may include, without limitation, whether the project:

a. Would result in a Substantial Change; or

b. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

3. Determination of Application Completeness

a. Applications shall be subject to a review period of 60 days. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the Applicant, or in cases where the Manager determines that the application is incomplete. If the Manager determines that the application is incomplete:

(1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application and specifically identify all missing documents or information required in the application.

(2) The timeframe for review continues running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

(3) Following a supplemental submission, the City shall notify the applicant within 10 days that the supplemental submission did not provide the missing information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection (1) above. In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.

b. For purposes of determining if a constructed Tower or Base Station is Existing, the Tower or Base Station shall be presumed to have not been approved under a zoning or siting process, or other regulatory review process, unless a Building Permit or other proof of such process is provided by the applicant or by the City.

4. Manager's Decision

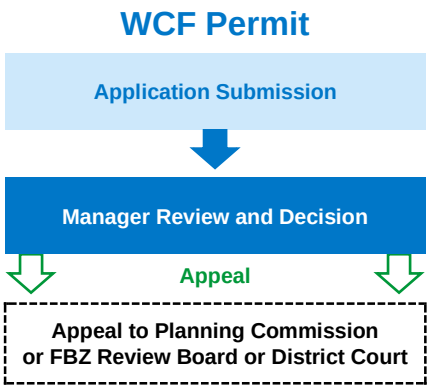
If the Manager determines that the request is an Eligible Facilities Request, the Manager shall approve the application. If the Manager determines that the Applicant's request is not an Eligible Facilities Request, the Manager shall deny the application, and, notwithstanding any other provision in this UDC, the applicant may immediately submit an application for modification of the WCF. Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

5. Post-Decision Actions or Limitations

If the Manager denies an application for an Eligible Facilities Request at least 15 days prior to the expiration of the review period, the applicant may request reconsideration of the application

by submitting a written objection that identifies clear error on the part of the Manager at least 10 days prior to the expiration of the review period. If the Manager does not approve the application in writing upon reconsideration, the original denial shall stand as the final decision of the Manager.

7.5.511 WCF Permit[1001]



A. Purpose

The purpose of this Section is to ensure that Wireless Communication Facilities that are installed within the City comply with the standards of this UDC, including the use-specific standards in Section 7.3.303J.1 (Wireless Communication Facility).

B. Applicability

The WCF Permit procedure applies to all WCFs that are subject to the standards of Section 7.3.303J.1 (Wireless Communication Facility).

C. WCF Permit Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

a. In addition to the appropriate application form identified in Table 7.5.5-A, the applicant shall submit with the application:

(1) A Signal Non-Interference Letter.

(2) A Radio Frequency Emissions Letter.

(3) A lease, license, or other written permission from the owner of the site.

(4) A scaled site plan, photo simulations (before and after), scaled elevation view, and line-of-sight drawing/rendering.

(5) If the application is for a new WCF, a Collocation Letter.

(6) Other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Manager to be necessary to assess compliance with this Section.

(7) Except for Small Cell Facilities in the right-of-way, prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of 12 months.

b. For the first WCF application submitted to the City in a calendar year, the applicant shall provide to the Manager a narrative and map description of the applicant's existing or then-currently proposed WCFs within the City. If possible, this will include a before-and-after

[1001] Carries forward the procedural provisions of Article 4, Part 6 (Commercial Mobile Radio Service (CMRS) Regulations) of the existing zoning and subdivision ordinance, including the procedures in Ord. 20-28, with changes for internal consistency. No substantive changes are intended.

graphic or map showing coverage changes by the installation of the WCF. This provision is not intended to be a requirement that the applicant submit its business plan or proprietary information, or make commitments regarding locations of WCFs within the City. It is intended to allow all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users. The requirement of any inventory of existing sites may be satisfied for Small Cell Facility applications through a master license agreement or similar authorization executed with the City.

c. The Manager may share such information with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

Table 7.5.5-A
WCF Application Forms

Facility Type [1]	Application
Residential Zoning Districts	
Nonstealth freestanding facility [2]	CM1 [3]
Roof/wall mount: [4]	
10 feet or less above roofline [5]	CM3 [6]
More than 10 feet above roofline and less than the maximum height of zoning district	CM2 [7]
Located on single- and two-family dwelling units	CM1 [3]
Stealth freestanding facility [2]	CM2 [7]
Mixed-Use and Nonresidential Zoning Districts	
Broadcasting tower	CM1 [3]
Collocation on existing facility [8]	CM3 [6]
Nonstealth freestanding facility [9]	CM1 [3]
Roof/wall mount:	
10 feet or less above roofline [5]	CM3 [6]
More than 10 feet above roofline	CM2 [7]
Stealth freestanding facility: [2]	
Equal to or less than maximum height of zoning district	CM2 [7]
Located within utility substations or within utility easements and exceeding the height of other vertical infrastructure by more than four feet	CM1 [3]
Small Cell Facilities in the right-of-way	CM5 [10]

NOTES

[1] Eligible Facilities Requests application requirements are addressed in Section 7.5.510.

[2] Within residential zones, applications for freestanding facilities (stealth and nonstealth) shall only be considered on multi-family, institutional, or nonresidential sites such as churches, schools, museums, etc. Except for Small Cell Facilities, freestanding facilities are not permitted in conjunction with a single- or two-family building.

[3] Conditional use (CM1) applications shall be subject to Planning Commission review as a conditional use in accordance with Section 7.5.601 (Conditional Use Permit).

[4] Except with respect to Small Cell Facilities, roof/wall mount on single- and two-family buildings shall only be permitted as a conditional use where the design, materials, color, and location of the facilities blend in architecturally with the wall and substantially conceals the antennas and equipment.

[5] The 10-foot extension above the building is allowed to exceed the maximum height limitation of the zone district if screened by existing screens or parapets as provided for in the design standards.

[6] WCF Development Plan (CM3) applications shall be subject to expedited administrative review in accord with the procedures in Section 7.5.516 (Development Plan). No public notice or site posting shall be required unless determined to be necessary by the Manager.

[7]	WCF Development Plan (CM2) applications shall be subject to administrative review in accord with the procedures in Section 7.5.516 (Development Plan). The findings of this Section and notice shall be provided as required by this UDC.
[8]	Except for Eligible Facilities Requests, the collocation height shall be restricted to the maximum height of the zone district. If the height exceeds the maximum height of the zone district, an Administrative Waiver in accord with Section 7.3.303J.1.f(10) shall be required.
[9]	In the APD and PF districts, a nonstealth freestanding facility requires a CM2 Development Plan application.
[10]	Small Cell Facilities in the Right-of-Way (CM5) applications shall be subject to administrative review in accordance with the procedures and findings of this article. No public notice or site posting shall be required unless determined to be necessary by the Manager.

3. Determination of Application Completeness

a. Review Periods

(1) Subject to tolling as provided in Subsection b below, and unless a longer review period is agreed to by the applicant, applications for WCF shall be subject to the following review period:

(a) For a new WCF other than a Small Cell Facility in the Right-of-Way, 150 days.

(b) For a Small Cell Facility in the Right-of-Way, 90 days.

(c) For modifications to, or collocations with, existing WCFs that do not qualify as an Eligible Facilities Request, 90 days.

(2) The City's failure to meet the review period shall not be deemed approval of the application.

b. Tolling of Review Period

(1) The review period begins to run when the application is filed and may be tolled where the City determines that the application is incomplete, or by mutual agreement of the City and the applicant.

(2) To toll the review period for incompleteness, the City must provide written notice to the applicant within thirty 30 days of receipt of the application.

(3) The timeframe for review period continues running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

4. Manager's Decision

The Manager shall review the WCF Permit application and shall approve, approve with conditions, or deny the petition in accord with Section 7.5.409D.1 (Manager), the provisions of this Section 7.5.511, the use-specific standards in Section 7.3.303J.1 (Wireless Communication Facility), and the review criteria in Section 7.5.411 (General Criteria for Approval). Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

5. Post-Decision Actions or Limitations

The following provisions apply following the Manager's decision to approve or approve with conditions an application:

a. An approved application for a Small Cell Facility in the right-of-way shall expire after one year if construction of the Small Cell Facility has not been completed

b. Upon approval, all installation or modifications done to WCFs must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in the City Code and any other applicable laws or regulations.

c. All WCFs shall:

(1) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction over the WCF;

(2) Comply with easements, covenants, conditions, restrictions, and/or other title encumbrances on or applicable to the underlying real property;

(3) Be maintained in good working condition and to the standards established at the time of application approval; and

(4) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other City-owned property may be removed by the City at its discretion and without liability to the City upon 14 days' notice to the owner/and or operator of the WCF. The owner and/or operator of the WCF shall pay all costs of such removal within thirty 30 days after receipt of an invoice from the City.

d. Upon request by the City, the applicant shall provide a compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements, and standard regulations.

7.5.512 Adult Use Permit[1002]

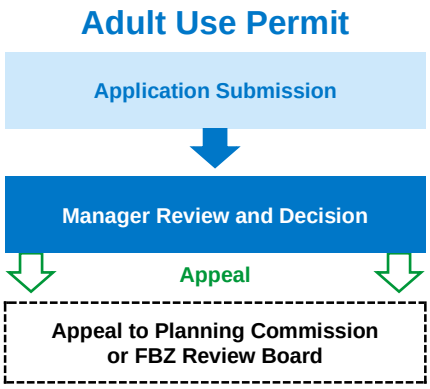
A. Purpose

The purpose of this Section is to provide a mechanism for enforcement of the regulations that apply to Adult Retail and Adult Entertainment uses in this UDC.

B. Applicability

Approval of an Adult Use Permit shall be required before any Adult Retail or Adult Entertainment use is conducted within the City.

C. Adult Use Permit Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Meetings and Decision

The Manager shall review the Adult Use Permit application and shall approve, approve with conditions, or deny the petition in accordance with Section 7.5.409D.1 (Manager), the use-specific standards applicable to Adult Entertainment uses (Section 7.3.303B.1) and Adult Retail uses (Section 7.3.303H.1), as applicable, the review criteria in Section 7.5.411 (General Criteria for Approval), and the determination that the following criteria are met:

a. The subject property contains off-street parking in accord with the requirements of Section 7.4.10 (Parking and Loading).

[1002] Carries forward Article 5, Part 13 (Sexually Oriented Business) of the existing zoning and subdivision ordinance requiring approval by staff before an adult use may commence. Changes are made for internal consistency and to reflect changes to the zone districts.

b. The building in which the use will take place has a certificate of occupancy which meets the requirements of Section RBC110 of the Building Code.

7.5.513 Sign Permit[1003]

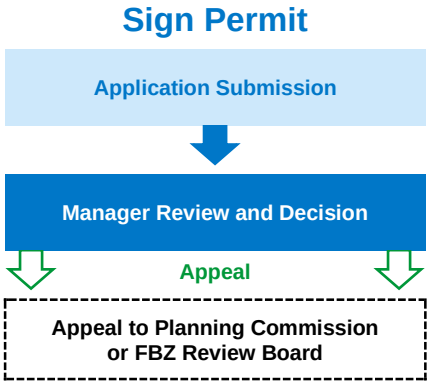
A. Purpose

The purpose of this Section is to provide a mechanism for enforcement of the sign regulations in Section 7.4.13 (Signs) of this UDC in order to effectuate their purposes.

B. Applicability

Approval of a sign plan and issuance of a Sign Permit shall be required before erecting any sign as defined in this UDC and not exempted by Section 7.4.1303 (Exemptions). The use requesting the approval of a Sign Permit shall be legally established on the property for which the signage is being requested.

C. Sign Permit Review Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

In addition to the requirements of Section 7.5.403, a Sign Permit application shall meet the requirements of Section 7.4.1304B(Plan Requirements).

3. Manager's Decision

No Sign Permit shall be issued until a Building Permit has been issued, if applicable, in accord with Section 7.4.1304G (Issuance of Building Permit). The Manager shall review the application and shall approve, approve with conditions, or deny the application in accord with the standards in Section 7.4.13 (Signs), and the review criteria in Section 7.5.411 (General Criteria for Approval).

7.5.514 Coordinated Sign Plan[1004]

A. Purpose

The purpose of this Section is to allow for approval of signage plans for a development that varies from the requirements of Section 7.4.13 (Signs).

B. Applicability

The Coordinating Sign Plan procedure applies to development eligible for a Coordinated Sign Plan in accord with Section 7.4.1308 (Coordinated Sign Plan).

C. Coordinated Sign Plan Process

1. General

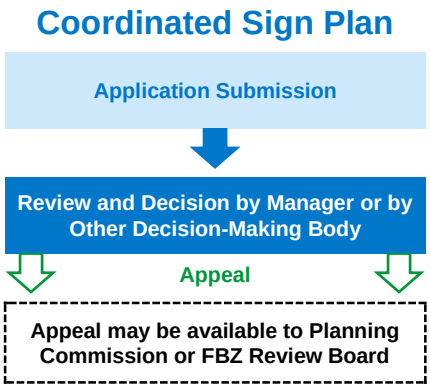
All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

[1003] Carries forward the sign plan and permit provisions from Article 4, Part 4 (Sign Regulations) of the existing zoning and subdivision ordinance, primarily Section 7.4.406 (Sign Plans and Permits), with revisions for consistency. Submittal requirements have been removed.

[1004] New procedure for Coordinated Sign Plan approval; Coordinated Sign Plan was carried forward from Section 7.4.410 of the existing zoning and subdivision ordinance and implemented in Section 7.4.1308 of this UDC, but there is no specific procedure in the current code.

2. Application Submission

In addition to the requirements of Section 7.5.403, an application for approval of a Coordinated Sign Plan shall contain the information required in Section 7.4.1308 (Coordinated Sign Plan).



3. Meeting and Decision[1005]

a. The Manager shall review the Coordinated Sign Plan application and shall approve, approve with conditions, or deny the application in accord with the standards in Section 7.4.1308 (Coordinated Sign Plan) and the review criteria in Section 7.5.411 (General Criteria for Approval)

b. If the Coordinated Sign Plan application is submitted in conjunction with an application that requires review and approval by the Planning Commission, FBZ Review Board, or City Council, such as a Development Plan in conjunction with a zoning map amendment, the Coordinated Sign Plan application shall be reviewed and decided by the decision-making body in conjunction with the other application.

Concept Plans and Development Plans

7.5.515 Concept Plan[1006]

A. Purpose[1007]

A Concept Plan is used to review at a concept level the impact of the proposed land uses on the adjacent properties, neighborhood, road systems, and existing and planned infrastructure, and to identify and if possible mitigate potential adverse impacts on surrounding development early in the project planning process. Concept Plans contain a general outline of a proposed zone district or project that shows general land uses, development intensities, primary circulation and access systems, open space systems, and areas that should be preserved or protected. It may also be used to identify general locations for buildings, parking, landscaping, and buffering when used in connection with smaller development proposals.

B. Applicability[1008]

1. A Concept Plan shall be required in connection with the following types of applications, and shall be approved before or simultaneously with the following types of applications, unless specifically exempted per Subsection 2 below.

a. An application for the establishment of a zone district or a change of zone district boundaries.

b. An application to annex land to the City.

[1005] For simplicity, this carries forward the procedure included in other procedures that make the Planning Commission or City Council the decision-maker if the Coordinated Sign Plan application is bundled with another application that requires approval by one of those bodies.
[1006] From Section 7.5.501 with significant changes and simplifications as noted. Concept Plans have been revised to avoid the need for a separate Master Plan process, by allowing the Director to adjust the level of detail required in the Plan based on the size, scale, character and potential impacts of the land and development involved. Procedures for amending a Concept Plan were not carried forward in this Section but were consolidate into a single list of minor and major amendments in Section 7.5.416.
[1007] Significantly simplified from current zoning and subdivision ordinance.
[1008] Requirement that a Concept Plan be approved before a Final Plat was not carried forward, and relationship of Concept Plan to Development Plans was clarified to avoid requiring a Concept Plan for proposals that do not affect surrounding lands.

c. An application to subdivide a large parcel of land, where the Manager determines that the size, scale, character, or layout of the proposed subdivision could create adverse impacts on surrounding properties or could create difficulties or inefficiencies.in the delivery of City services.

2. A Concept Plan shall not be required in the connection with the following types of applications or proposals:

a. An application to establish an A, R-E, R-1 9, R-1 6, PF, or PK zone district, or to change the boundaries among one of those districts in which case a concept statement shall be deemed acceptable.

b. An application for a Preliminary Plat or Final Plat that includes all of the information required for both the Concept Plan and the applicable plat.

c. An application for a Development Plan that includes the entire area within a previously approved Concept Plan.

d. An application for a Development Plan that includes part of the area within a previously approved Concept Plan, unless the Manager determines that the Development Plan differs significantly from the Concept Plan in way that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.[1009]

e. An application for a Final Plat that includes part of the area within a previously approved Preliminary Plat, unless the Manager determines that the Final Plat differs significantly from the Preliminary Plat in ways that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.[1010]

C. Concept Plan Approval Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection C.

2. Application Submission

a. General Requirements

In addition to the following, all applicable provisions of Section 7.5.403,apply unless specifically modified by the provisions of this Subsection C.

(1) Phasing Plan[1011]

(a) If the applicant wishes to phase development within a Concept Plan area, a phasing plan proposing a sequence of development shall be submitted with the Concept Plan.

(a) If a phased project contemplates a disproportionate share of the required mix of uses, open space, required landscaping, recreational facilities, or other common amenities to be provided in future phases, the City may require some form of assurance so that if the future phases are not developed, sufficient mix of uses or common facilities will be provided for the phases actually developed. Assurances acceptable to the City in the form of a letter of credit, escrow, or recorded agreements by the mortgage holder and/or owner guaranteeing the

[1009] New, to avoid the need to submit two different plans with very similar information.
[1010] New, to avoid the need to submit two different plans with very similar information.
[1011] Existing text revised to clarify application to Concept Plans.

development of the common amenities and facilities shall be submitted before the Development Plan may be approved.[1012]

(2) Waiver or Modification by Manager[1013]

The Manager may waive or modify any application submission requirements that the Manager deems unnecessary in light of the scale of the proposed development, the level of risk of mis-alignment of the proposed development with the City's current or proposed circulation, utility, and open space systems or public facilities, and the purpose of the Concept Plan at that point in the development process. In general, the level of information required to be submitted with a Concept Plan required in connection with a proposed annexation of land to the City or a proposed subdivision of land may be lower than that required for submission with a proposal for establishment of a zone district or a change in boundaries of an existing zone district.

3. Referral

The Manager may refer a Concept Plan to any City department or agency for review and comment before making a decision or recommendation on the application. The Manager shall refer a Concept Plan that includes a phasing plan to all appropriate City departments involved in provision of services, utilities, or public improvements for review before making a decision or recommendation on the application.

4. Decision-Making Body

a. Concept Plans not subject to Subsections b, c, or d below shall be reviewed and a decision made by the Manager based on the criteria in Subsection 5 below.

b. Concept Plans submitted in connection with an application for a Conditional Use Permit shall be reviewed and a decision made by the Planning Commission pursuant to Section 7.5.601.

c. Concept Plans submitted with an application to diverge from the provisions in Article 7.4 (Development Standards and Incentives) shall be treated as Major Variances and shall be reviewed and a decision made by the Planning Commission pursuant to Section 7.5.602.

d. Concept Plans submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed concurrently by the Planning Commission and City Council and a decision made by City Council pursuant to Section 7.5.703 (Site-Specific Amendment to Zoning Map).

5. Administrative Concept Plan Approval[1014]

If the Concept Plan is eligible for administrative approval, the Manager shall review the Concept Plan and shall approve, approve with conditions, or deny the Concept Plan based on its:

a. Consistency with the Comprehensive Plan and other plans and policies adopted by City Council;

b. Consistency with, and ability to develop within, the zone district in which the property is located;

[1012]

[1013] New. The flexibility provided by this Section helps avoid the need for a different kind of plan (such as a Master Plan) to be used for evaluation of projects at a high level of generality, while retaining the requirement to provide a higher level of detail when a Concept Plan is used in connection with a rezoning.

[1014] Significantly simplified from current procedures. Administrative review of Concept Plans for annexations and subdivisions often occurs before many of the factors listed in current Section 7.5.501 of the current zoning and subdivision ordinance are known, and should focus on integration of the proposed development with other key systems of the city. The full list of criteria in Section 7.5.501 of the current ordinance are more relevant to review of Concept Plans in connection with Conditional Use Permits and zoning changes, and are shown in those sections.

c. Alignment or consistency with circulation, infrastructure, and/or open space systems on adjacent parcels; and

d. Avoidance of adverse impacts on surrounding parcels, or the potential to mitigate such adverse impacts through the Preliminary Plat, Final Plat, Development Plan, or Minor Site Plan processes.

6. Recommendation to Planning Commission and/or City Council

a. If the Concept Plan is eligible for administrative approval, but the Manager refers the Concept Plan to the Planning Commission for review and a decision, the Manager shall prepare a recommendation for the Planning Commission to approve, approve with conditions, or deny the Concept Plan based on the criteria in Subsection 5 above.

b. If the Concept Plan is not eligible for administrative approval, the Manager shall prepare a recommendation for the Planning Commission and/or City Council to approve, approve with conditions, or deny the Concept Plan based on the following criteria.[1015]

(1) Consistency with the Comprehensive Plan and other plans and policies adopted by City Council;

(2) Consistency with, and ability to develop within, the zone district in which the property is located, or would be located after a requested zone district change;

(3) Compatibility with the land uses and development intensities surrounding the property;

(4) Avoidance of adverse effects upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development, or ability to mitigate those adverse impacts;

(5) Provision of adequate light and air both on and off the site;

(6) Appropriateness of permitted or requested uses, bulk requirements, and required landscaping appropriate to the type of development, the neighborhood and the community;

(7) Adequacy of proposed ingress/egress points, traffic circulation, parking areas, loading and service areas, and pedestrian areas to promote safety, convenience, and ease of traffic flow and pedestrian movement both on and off the site.

(8) Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development without overburdening those systems.

(9) Impacts of the proposed development on the stability and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods.

(10) Promotion of gradual transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low density residential zone districts.

D. Post-Decision Actions and Limitations

1. Expiration[1016]

a. A Concept Plan shall expire six years after approval if no Development Plan has been approved for any portion of the area on the Concept Plan. Prior to the expiration of a Concept Plan, the applicant may request and the Manager may authorize a maximum of two two-year extensions of the Concept Plan approval if a review of the plan shows that no

[1015] Current criteria reworded.
[1016] Carries forward Section 7.5.504C.1 of the existing zoning and subdivision ordinance with revisions for clarity.

major changes in the City's development standards or in the development pattern of the surrounding properties has occurred.

b. A Concept Plan shall not expire if, prior to its expiration, a Development Plan is approved and a building constructed or use commenced within any portion of the area on the Concept Plan.

2. Conditions and Modifications

a. If a Concept Plan is approved or approved with conditions, all later development approvals and permits within the Concept Plan area shall be consistent with the Concept Plan as approved to the maximum extent practicable, subject to Subsection c below. The requirement of consistency shall include without limitation later Preliminary Plats, Final Plats, and Development Plans related to the property.

b. A proposal to modify an approved Concept Plan shall be reviewed and a decision made pursuant to Section 7.5.417 (Modification of Approved Plans and Permits).

c. An approved modification of a Development Plan or a Preliminary Plat pursuant to Section 7.5.417 shall be treated as a modification of a Concept Plan affecting the same property, and no revision or resubmission of the Concept Plan shall be required, provided that the modified Development Plan or Preliminary Plat includes a clear statement that it serves as a modification of the affected Concept Plan as of the date on which the modification was approved.[1017]

7.5.516 Development Plan[1018]

A. Purpose[1019]

The Purpose of this Section is to allow for review of a plan for development to evaluate the specific impacts of the proposed land use and site design on the adjacent properties, neighborhood, schools, parks, road systems, and existing and planned infrastructure to ensure that proposed development is appropriate at a particular location. The specific purposes of the Development Plan review procedure are to:

1. Ensure the development complies with the standards of this UDC, including site development standards.

2. Minimize objectionable and adverse effects and to eliminate potential hazards of the proposed land use by proposing specific site design solutions.

3. Ensure points of access, internal circulation, and pedestrian movement to all proposed lots, land uses, and adjacent properties.

4. Ensure, when used in conjunction with a preliminary or final subdivision plat, that all subdivision requirements including, but not limited to, easement and public facility dedication requirements can be met.

5. Establish the approval of specified uses, square footages, site design, and other conditions; and

6. Evaluate existing and proposed road systems, utilities, schools, parks, and other public facilities to determine if they are adequate to serve the proposed project.

[1017] New, to avoid the need to revise and resubmit previous approval documents to align with more specific approvals and permits related to the same property.
[1018] Revises the existing provisions relating to approval of development (and concept) plans at Section 7.5.503 of the existing zoning and subdivision ordinance. The criteria relating to major and minor amendments and minor modifications in Section 7.5.503C are relocated to Section 7.5.417. Revises current provisions to allow a Development Plan to modify previously approved Concept Plans.
[1019] Simplifies the existing purpose statement at Section 7.5.502A of the existing zoning and subdivision ordinance.

B. Applicability[1020]

1. A Development Plan shall be required in connection with the following, and shall be approved before or simultaneously with related applications, unless specifically exempted per Subsection 2 below.

a. All new construction.

b. When no Development Plan exists, additions to an existing building that cumulatively, as of September 12, 1995, increases the gross floor area of the building by 50 percent or greater.[1021]

c. When required by the Planning Commission or City Council, as a condition of record for the establishment of or change of zone district.

d. The conversion of vacant land into a new use.

e. The conversion of an existing use to a use in another category (for example, from a Residential Use to a Civic, Public, and Institutional Use, but not from an Eating, Drinking, and Loading Use to a Recreation Use).

f. The total redevelopment (demolition and new construction) of an existing building or site.

2. A Development Plan shall not be required in connection with the following:

a. New construction of or an addition to an existing detached single-family or attached two-family residential structure, accessory dwelling unit, and accessory structures upon an existing platted lot.

b. Additions to an existing building that cumulatively, as of September 12, 1995, increases the gross floor area of the building by less than 50 percent.

c. Public parks in which a Park Master Plan has been or will be reviewed by the City Parks, Recreation and Cultural Resources Department.

d. A project of the federal government when both the property and the structure will be owned, maintained, and operated by the government.

e. Upon properties located within an A, R-E, R-1 9, R-1 6, or R-2 zone districts when, prior to the issuance of a Building Permit, an approved Preliminary and Final Plat, intended for single-family or two-family residential use, has been recorded.

f. A single- and two-family residential use located within a single- and two-family residentially zoned property, upon an already platted lot, and where no Development Plan exists.

g. One lot single-family residentially zoned properties located within HS-O overlay districts that were platted prior to June 7, 1996, and are not part of an existing Development Plan. However, prior to issuance of Building Permits for homes on these properties, an approved hillside site plan and geologic hazard study are required.

h. If the Manager finds that the scope or potential impacts of the project does not warrant the review and approval of a Development Plan or warrants the submission of a Minor Site Plan instead of a Development Plan.[1022]

[1020] Carries forward and updates the existing applicability statement at Section 7.5.502B of the existing zoning and subdivision ordinance to reflect new zone districts and to simplify some of the language.

[1021]

[1022] Last phrase regarding Minor Site Plan is new.

C. Plan Requirements[1023]

A Development Plan is subject to the following requirements:

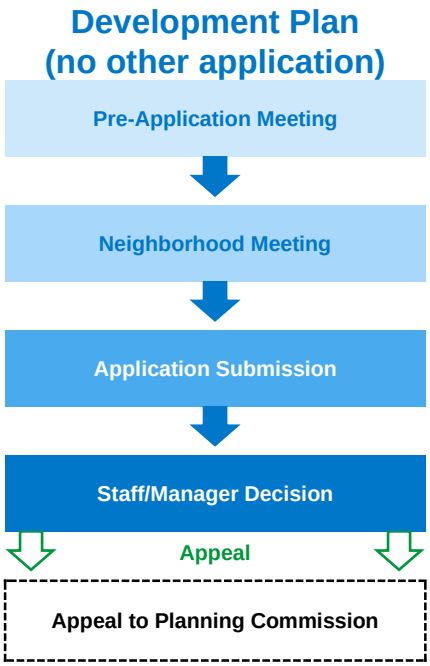
1. A Concept Plan shall be approved prior to the approval of a Development Plan unless a Concept Plan is not required pursuant to this UDC.

2. A Concept Plan shall be approved prior to the approval of a Development Plan, unless a Development Plan is used in lieu of a Concept Plan pursuant to Section 7.5.515B.2.c above and includes all of the Concept Plan area.

3. If a Development Plan is approved for a portion of a Concept Plan area, the remaining areas of the Concept Plan shall remain approved and valid in accord with Section 7.5.515B.2.d above unless the Manager determines that the Development Plan differs significantly from the Concept Plan in way that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.

4. A Development Plan may be used in lieu of a Preliminary Plat, if the Development Plan includes all of the information required for both the Development Plan and the Preliminary Plat.

5. The property to be included within the boundaries of the Development Plan shall be determined by the Manager before submission of the application.



D. Development Plan Approval Process

1. General Requirements

a. All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection D.

b. An application that proposes the removal of residential dwellings with rents below the fair market rate established by the U.S. Department of Housing and Urban Development shall be forwarded to the Manager for review and comment.[1024]

2. Application Submission[1025]

In addition to the application submission requirements in In addition to the requirements of Section 7.5.403, a Development Plan application shall include:

a. A phasing plan if the applicant proposes to phase the submittal of a Development Plan for the zone district or phase the platting and construction of the development. The phasing plan shall propose a sequence of development and the provision of required public improvements.

b. If located within the HS-O overlay district, the documentation required by Section 7.2.502D (Hillside Development Plan).

[1023] Updates existing standards and conforms to the revisions to Concept Plans in Section 7.5.515.
[1024] From Section 7.5.503A.5 of the existing zoning and subdivision ordinance.
[1025] Incorporates phasing plan application requirements in Section 7.5.504A of the existing zoning and subdivision ordinance. Subsections b and c added for internal consistency.

c. If located within the SS-O overlay district, the documentation required by Section 7.2.504 (SS-O: Streamside Overlay).

d. All Development Plans submitted together with a preliminary or Final Plat in which any portion of the property is located within the AP-O zone district, or is located within _____of the United States Air Force Academy airport, or within the latest ____ LDN noise contour for that airport, shall include the following statement:[1026]

"An avigation easement effecting the subject property and development is therein established by the "Subdivision Plat Name" subdivision plat. This easement is subject to the terms and conditions as specified in the instrument recorded under reception no. 217069667 of the records of El Paso County, Colorado."

e. All Development Plans submitted on an existing platted lot in which any portion of the property is located within the AP-O zone district, or is located within _____of the United States Air Force Academy airport, or within the latest ____ LDN noise contour for that airport, and that does not have an existing avigation easement across the property, shall include the following statement:[1027]

"Prior to issuance of a building permit or development an avigation easement for the benefit of the Colorado Springs Airport will be established either by subdivision plat or separate recorded instrument. If an avigation easement needs to be prepared and recorded going through the process adopted by Colorado Springs Real Estate Services. Please contact Barbara Reinardy at (719) 385-5601 or breinardy@springsgov.com for the forms and procedure."

3. Referral[1028]

The Manager shall refer the complete Development Plan to other affected City departments or agencies, and to other governmental agencies as required by law, for their review and comment. If the Development Plan is based on a proposed phased development, or affects land subject to an approved Concept Plan that proposes phased development, the Manager shall refer the phasing plan to all appropriate City departments involved in the provision of public services, utilities, or public improvements for review and comment.

4. Decision-making Body[1029]

a. Concept Plans not subject to Subsections b or c below shall be reviewed and a decision made by the Manager based on the criteria in Subsection 6 below.

b. Development Plans submitted in connection with an application for a Conditional Use Permit shall be reviewed and a decision made by the Planning Commission pursuant to Section 7.5.601.

c. Development Plans submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed concurrently by the Planning Commission and City Council and a decision made by City Council pursuant to Section 7.5.703.

5. Recommendation to Planning Commission or City Council

If the Development Plan is not eligible for administrative approval, the Manager shall prepare a recommendation for the Planning Commission and/or City Council to approve, approve with conditions, or deny the Development Plan based on the criteria in Subsection 6 below.

[1026] New to reflect the City's avigation easement policy.
[1027] New to reflect the City's avigation easement policy.
[1028] Added for internal consistency.
[1029] Carries forward review authority from Section 7.5.503A of the existing zoning and subdivision ordinance.

6. Meetings and Decision[1030]

The decision-making body shall review the Development Plan application or amendment application at a public hearing and approve, approve with conditions, or deny the application based on criteria in the use-specific standard relating to the use (if any), the review criteria in Section 7.5.411 (General Criteria for Approval), and the following criteria for approval:

(1) The details of the use, site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans.

(2) The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as master plans, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals.

(3) The project meets dimensional standards applicable to the zone district, such as but not limited to building setbacks, building height, and building area, or any applicable requirement in an FBZ or PUD district.

(4) The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Drainage Criteria Manual, the drainage report prepared for the project on file with the City Engineer, and other federal, state, and City regulations.

(5) The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including but not limited to the access and connectivity requirements in Section 7.4.4 (Access and Connectivity), the landscaping and open space requirements in Section 7.4.9 (Landscaping and Open Space), and the parking and loading requirements in Section 7.4.10 (Parking and Loading).

(6) The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

(7) The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties.

(8) If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Traffic Criteria Manual, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.

(9) Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to light, odor, and noise.

b. If a phased project contemplates a disproportionate share of the required mix of uses, open space, required landscaping, recreational facilities, or other common amenities to be provided in future phases, some form of assurance is required so that if the future phases are not developed, sufficient mix of uses or common facilities will be provided for the phases actually developed. Suitable assurances in the form of a letter of credit, escrow or recorded agreements by the mortgage holder and/or owner guaranteeing the development of the common amenities and facilities shall be submitted before the Development Plan may be approved.[1031]

[1030] Incorporates and updates existing criteria in Section 7.5.503E of the existing zoning and subdivision ordinance and incorporates phasing plan assurance requirements in Section 7.5.504A.
[1031] Existing phasing assurance requirement in Section 7.5.504A.2 of the existing zoning and subdivision ordinance relocated here.

c. An approved Development Plan shall qualify as a Streamside Development Plan if it meets the Streamside Protection Standards in Section 7.2.504D.2.

d. An approved Development Plan shall qualify as a Hillside Development Plan if it meets the Hillside Development Plan Standards in Section 7.2.502D.

E. Post-Decision Actions and Limitations[1032]

The following apply following approval of the application:

1. Expiration

a. A Development Plan shall expire six years after approval if no Building Permit has been issued or no use illustrated on the plan has commenced. Prior to the expiration of a Development Plan, the applicant may request and the Manager may authorize a maximum of two two-year extensions of the Development Plan approval if a review of the plan shows that no major changes in the City's development standards or in the development pattern of the surrounding properties has occurred.

b. A Development Plan shall not expire for:

(1) A single-family residential subdivision project when a final subdivision plat for all or a portion of the individual lots has been recorded.

(2) A project where public water, sewer, electric, and gas utilities and public or private streets, drainage, and other public improvements have been installed, constructed, inspected, and accepted by the City.

(3) The part or portion of the Development Plan area when that part or portion has been constructed or the use commenced.

2. Reconstruction of Damaged Buildings with a Previously Approved Development Plan

Within six years of the date that buildings with a previously approved Development Plan are damaged or destroyed by fire or other natural causes, the buildings may be rebuilt according to the approved Development Plan on file with the City.

3. Continuing Validity of Concept Plan[1033]

If a Development Plan is approved for a portion of an area within an approved Concept Plan, the remaining area of the Concept Plan shall remain approved and valid unless the Manager determines that the Development Plan differs significantly from the Concept Plan in way that could create adverse impacts on surrounding properties or could create difficulties or inefficiencies in the delivery of City services.

4. Continuing Compliance Required

All properties subject to an approved Development Plan shall be developed and maintained in accord with said plan. All new construction, alteration, enlargement, or modification of existing structures and changes of land uses must substantially conform to the approved Development Plan or as amended or as modified.

5. Additional Requirements

A Development Plan is intended to be a planning document only. Approval of a Development Plan does not grant any variances to this UDC and does not waive any of the requirements of design as contained in the City of Colorado Springs Subdivision Policy Manual and Public Works Design Manual, including the Traffic Engineering Division Policy and Design Standards Manual.

[1032] Carries forward provisions from Section 7.5.504C and D of the existing zoning and subdivision ordinance with revisions for clarity.
[1033] Carries forward Section 7.501D.5 of the existing zoning and subdivision ordinance with refinements to conform with changes to the Concept Plan provisions.

Concept Plans and Development Plans shall not be considered construction drawings, which may alter the specific details of the plan.

Subdivision Related Procedures

7.5.517 Preliminary Plat[1034]

A. Purpose[1035]

The purpose of this Section is to ensure that all proposals for divisions of land to create lots for development, and all amendments to lots previously approved for development, are reviewed for consistency with the Comprehensive Plan and other plans adopted by City Council and for compliance with all applicable provisions of this UDC.

B. Applicability[1036]

1. Approval of a Preliminary Plat is required for all proposals for divisions of land to create lots for development, and all amendments of lots previously approved for development, unless this UDC provides an exception to the procedure in this Section.

2. This process does not apply to divisions of land district where an approved Concept or Development Plan includes all of the information required in a Preliminary Plat.[1037]

3. This process does not apply to a replat of existing platted property when

a. There are no structures on the property;

b. There are no significant physical features or topography (subject to verification during review of the replat);

c. The property is not located in an area subject to the provisions of the floodplain ordinance (Section 7.4.8 (Floodplains)); and

d. No dedicated City right-of-way proposed for vacation is included.

4. Additional exceptions to this process are found in:

a. Section 7.5.518 (Final Plat, Plat Modification Prior to Recording, and/or Replat);

b. Section 7.5.520 (Property Boundary/Lot Line Adjustment);

c. Section 7.5.521 (Preservation Area Boundary Adjustment);

d. Section 7.5.522 (Plat Restriction Modification); and

b. Section 7.5.523 (Waiver of Replat).

5. A Preliminary Plat may be reviewed and approved oncurrently with a Final Plat.

6. A Development Plan may be used in lieu of a Preliminary Plat, if the Development Plan includes all of the information required for both the Development Plan and the Preliminary Plat.

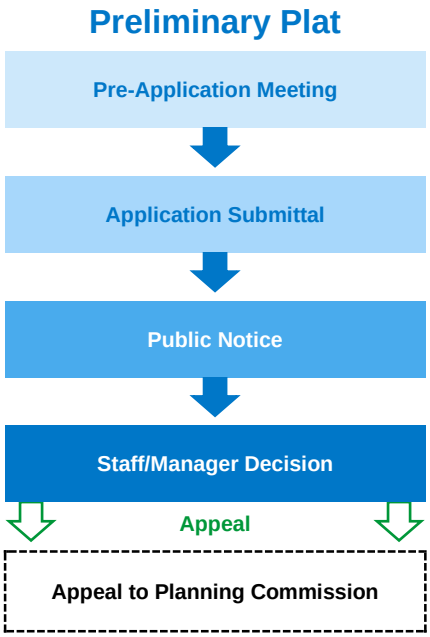
[1034] From Article 7, Part 2 of current zoning and subdivision ordinance. Materials on appeals have been consolidated with other appeal materials in Section 7.5.418.
[1035] New.
[1036] From Sections 7.7.201 and 202 of current zoning and subdivision ordinance, revised to incorporate other exceptions to the Preliminary Plat requirements from other portions of the code.
[1037] Revised to apply in all zone districts, not just PD districts.

C. Preliminary Plat Process[1038]

A Preliminary Plat shall be reviewed and approved administratively by the Manager and the City Engineer pursuant to the following procedures.

1. The applicant shall submit the Preliminary Plat and any related information to the Manager.[1039]

2. The Manager shall refer the complete Preliminary Plat to other affected City departments or agencies, and to other governmental agencies as required by law, for their review and comment. If the Preliminary Plat is based on a proposed phased development, or affects land subject to an approved Concept Plan that proposes phased development, the Manager shall refer the phasing plan to all appropriate City departments involved in the provision of public services, utilities, or public improvements for review and comment.



3. The public notice requirements in Section 7.5.408 shall apply.

4. The Manager shall review and notify the subdivider in writing of any required Preliminary Plat modifications.

5. Upon receipt of a Preliminary Plat containing all required revisions, the Manager may:

a. Refer the plat to other City departments or agencies involved in the provision of public services, utilities, or public improvements, if it is not clear to the Manager that the revised Preliminary Plat incorporates the changes required by those departments or agencies, and/ then notify the subdivider of additional required modifications; or

b. Approve, deny or refer the Preliminary Plat.[1040]

6. A Preliminary Plat shall be approved by the Manager if it:

a. Is consistent with the Comprehensive Plan and other plans adopted by City Council;

c. Is consistent with any approved Concept Plan applicable to the property to the maximum extent practicable; and

b. Complies with the standards and requirements of this UDC and any other applicable City policies, standards, and ordinances, as modified by any administrative adjustments approved under Section 7.5.407.[1041]

D. Post-Decision Actions and Limitations

1. If a Preliminary Plat is approved or approved with conditions, all later development approvals and permits within the Preliminary Plat area shall be consistent with the approved Preliminary Plat to the maximum extent practicable. The requirement of consistency shall include without limitation later Development Plans related to the property.

[1038] From Section 7.7.203 of the current zoning and subdivision ordinance, with revisions for internal consistency and clarity and other changes as noted.

[1039] Current text stating that only complete applications will be circulated or processed was not carried forward, because that applies to all applications under Section 7.5.405 (Determination of Application Completeness).

[1040]

[1041] Requirement for consistency with the comprehensive plan was added in order to help implement PlanCOS. Consistency with comprehensive plans is one of the most effective ways to promote plan implementation.

2. A proposal to modify an approved Concept Plan shall be reviewed and a decision made pursuant to Section 7.5.417.

3. An approved modification of a Preliminary Plat pursuant to Section 7.5.417 shall be treated as a modification of a Concept Plan affecting the same property, and no revision or resubmission of the Concept Plan shall be required, provided that the modified Development Plat or Preliminary Plat includes a clear statement that it serves as a modification of the affected Concept Plan as of the date on which the modification was approved.[1042]

4. An approved modification of a Development Plan pursuant to Section 7.5.417 shall be treated as a modification of a Preliminary Plat affecting the same property, and no revision or resubmission of the Preliminary Plat shall be required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Preliminary Plat as of the date on which the modification was approved.

5. The subdivider shall submit for approval by the Manager a Final Plat or a series of Final Plats for all property contained within an approved Preliminary Plat within 48 months of the date of final approval of the Preliminary Plat. Failure to comply with this provision shall void the Preliminary Plat for that property for which a Final Plat has not been submitted, and the subdivider shall be required to submit a new Preliminary Plat in accord with the requirements of this UDC, as amended.[1043]

E. Preliminary Plat Requirements[1044]

1. Submission

In addition to complying with Section 7.5.403, the applicant shall submit the required number of Preliminary Plats indicated on the application form and shall submit proof of ownership of all land included in the Preliminary Plat, which may include a deed, title insurance policy, or Tax Assessor's statement.

2. Information Required on a Preliminary Plat

a. Name of subdivision.

d. An accurate and clear legal description of the subdivision with the acreage of the subdivision.

e. Name and address of the legal property owner and/or subdivider.

b. Name and address of the designer, surveyor, and/or engineer.

c. Date of preparation, scale, and north point.

d. A vicinity location map necessary to locate the tract.

e. Existing zoning and/or proposed zoning boundary lines, including zoning of contiguous properties.

f. Approximate location of land intended to be convened or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision.

g. Approximate layout, dimensions, and number of lots.

h. All adjacent public rights-of-way and improvements, including location of existing curb, pavement, gutter, and sidewalk.

[1042] New, to avoid the need to revise and resubmit previous approval documents to align with more specific approvals and permits related to the same property.
[1043] From Section 7.7.205 of current zoning and subdivision ordinance.
[1044] From Section 7.7.204 of the current zoning or subdivision ordinance.

i. Names of the public or private streets or other public or private ways, easements, railroad and utility right-of-way, section and incorporation lines within the tract. Any private street shall include the designation "(Private)" immediately following street name; any other private right-of-way that is not named shall include the designation "(Private)" in a manner that clearly conveys such a status.

j. The approximate radii of all street curves.

k. Approximate location of all areas subject to inundation or stormwater overflow with a 100- or 500-year storm and the location, width and direction of flow of all watercourses.

l. Existing location of bridges, culverts, and other provisions for collection and discharge of surface drainage.

m. Accurate existing contours shall be shown at intervals of two feet or less; contours at intervals of five feet will be acceptable for very rough topography. The contours shall be extended onto adjacent property a sufficient distance to establish proper topographical relationships. Proposed grading including approximate street grades.

n. Location and dimension of all existing buildings to remain.

o. Means of providing vehicular access to adjoining properties.

p. Approximate area in square feet of each lot proposed to be platted.

q. All existing and proposed easements, including the book and page and/or reception number for all existing easements.

r. Indication of existing easements requested to be vacated.

3. Information Required to Accompany a Preliminary Plat

a. Where the Preliminary Plat layout covers only a part of the subdivider's entire holding, a sketch of the prospective street system of the unsubmitted part shall be submitted to evaluate how the plat submitted for consideration integrates with the overall street system.

b. Proof of ownership of land proposed to be platted or a power of attorney from the owner of the land proposed to be platted. Proof of ownership may consist of a deed, title insurance policy, Tax Assessor's statement, or sworn statement of the owner.

7.5.518 Final Plat, Plat Modification Prior to Recording, and/or Replat[1045]

A. Purpose[1046]

The purpose of this Section is to ensure that all changes required to, and conditions attached to, approval of a Preliminary Plat are reflected on a Final Plat, to provide a procedure for certain Minor Modifications to an approved Final Plat prior to recording, and to ensure that the resulting Final Plat is timely recorded with the Clerk and Recorder of El Paso County.

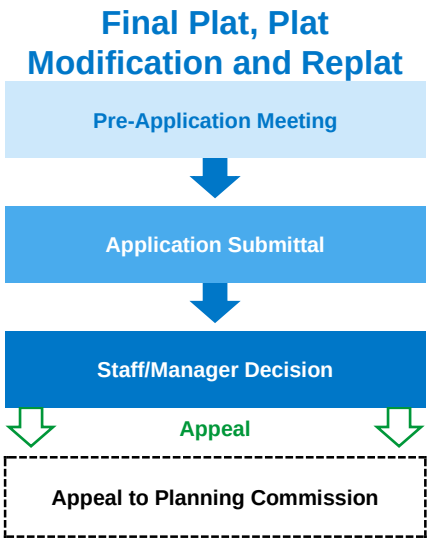
B. Applicability[1047]

1. Approval of a Final Plat is required for all proposed subdivisions or replats of property unless an exception to that requirement is provided in another Section of this UDC.

[1045] From Article 7, Part 3 of the current zoning and subdivision ordinance, with changes as noted. All references to “vacation sketch” were deleted, as that is no longer used or required by the City.
[1046] New.
[1047] From Sections 7.7.301 and 302 of current zoning and subdivision ordinance. The second sentence was revised to be available to all development, rather than being limited to PD zoning.

2. The Final Plat, may be reviewed concurrently with the Concept Plan or the Development Plan if the Concept Plan or Development Plan has not already been finally approved.

3. A Preliminary Plat may be reviewed and approved concurrently with a Final Plat.



C. Final Plat, Plat Modification, and Replat Process[1048]

A final subdivision plat shall be reviewed and approved administratively by the Manager and the City Engineer pursuant to the following procedures.

1. The applicant shall submit the Final Plat and any related information to the Manager.

2. The Manager shall refer the complete Final Plat to other affected City departments or agencies, and to other governmental agencies as required by law, for their review and comment.

3. The Manager shall review and notify the subdivider in writing of any required Final Plat modifications.

4. Upon receipt of a Final Plat containing all required revisions, the Manager may:

a. Refer the plat to City departments or agencies and/or other governmental agencies for follow up review and comment and then notify the subdivider of additional modifications; or

b. Approve, deny or refer the Final Plat.[1049]

5. A Final Plat shall be approved by the Manager if it complies with the standards and requirements of this UDC and any other applicable City policies, standards, and ordinances, as modified by any administrative adjustments approved under Section 7.5.407, and includes all required changes to, and conditions attached to, the approved Preliminary Plat for the same property.

D. Final Plat Requirements[1050]

1. Submission

In addition to complying with Section 7.5.403,, the applicant shall submit the required number of Final Plats indicated on the application form and shall submit proof of ownership of all land included in the Final Plat, which may include a deed, title insurance policy, or Tax Assessor's statement.

2. Specifications of a Final Plat

a. Code Requirements

The proposed subdivision shall meet all requirements of this UDC and any other applicable City policies, standards, and ordinances.

b. Preparation

A professional land surveyor, licensed by the State of Colorado, shall clearly and legibly prepare the Final Plat.

[1048] From Section 7.7.302 of current zoning and subdivision ordinance, with wording clarified for internal consistency and changes as noted. Text repeating, overlapping with, or inconsistent with the General Procedures in Section 7.5.4 or with General Provisions from Article 7.1 was not carried forward. Provisions on appeals have been consolidated with other appeal provisions.

[1049]

[1050] From Section 7.7.303 of current zoning and subdivision ordinance

a. Readability

All line annotation and all other text shall be easily and clearly readable. No text shall overwrite other text or be overwritten by map lines.

b. Sheet Size

The sheet size shall be 24 inches by 36 inches including one-half inch border with “landscape” orientation. North may be oriented from plus 90 degrees to minus 90 degrees of “True North.”

c. Scale

The Final Plat shall be drawn to a fixed scale. One inch equals 10 feet, 1 inch equals 20 feet, 1 inch equals 30 feet, 1 inch equals 40 feet, 1 inch equals 50 feet, 1 inch equals 60 feet, 1 inch equals 100 feet, and 1 inch equals 200 feet are the acceptable scales. The City Engineer may, however, disapprove any scale as inappropriate if it results in an overly cluttered or illegible plat drawing. Alternative scales may be approved by the City Engineer based on their ability to clearly and effectively communicate required information. A bar scale reflecting this scale shall be placed on the Final Plat.

d. Leader Lines

Plats shall include leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment or arc.

c. Identification System

All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter "A". Lots and tracts shall be labeled with the area of the lot or tract.

e. Multiple Sheets

Whenever a plat drawing spans multiple sheets, clear and well labeled match lines and a key map shall be included on each sheet. Labels will be of the nature “see sheet of.” Duplicate street names, widths, lot numbers, tract names, easement labeling, or any such labeling is required when any feature is shown on multiple sheets.

2. Information Required to be Shown on a Final Plat

a. Subdivision Name, Subtitle

The name of the subdivision shall be included at the top of each sheet, followed by a subtitle identifying the section, township, and range information along with City, County, and State.

b. Property Description

An accurate and clear metes and bounds property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses, calls, monuments, and similar information used in the description shall be shown and labeled on the drawing, including the point of beginning and point of commencement. Property descriptions in any other format, as may be provided by a title company, deed, etc., may be shown, followed by “also described as (metes and bounds description).” Replats may utilize the legal description of the recorded subdivision including the name of the subdivision, blocks, and lots, as appropriate.

c. Dedication Statements

Statements of each tracts of land to be dedicated to the City for parks, open space, drainage, or other public uses, grants of easements, and dedication of public streets and alleys to the City shall be included.

(1) All plats with dedicated public streets, easements, or tracts must have the following sentence in the dedication statement:

"The undersigned does hereby dedicate, grant and convey to the City of Colorado Springs those public streets, tracts and public easements as shown on the plat; and further restricts the use of all public easement to the City of Colorado Springs and/or its assigns; provided, however, that the sole right and authority to vacate, release or quitclaim all or any dedicated public streets, tracts and public easements shall remain exclusively vested in the City of Colorado Springs."

(2) All plats with public streets or additional public right-of-way shall have the following sentence in the dedication statement:

"All public streets or additional public rights-of-way are hereby dedicated to the City of Colorado Springs for public use."

(3) All plats with other tracts being dedicated to the City shall have the following similar sentence in the dedication statement for each tract:

"Tract X is hereby dedicated to the City of Colorado Springs for (list the purposed public use, i.e., park, open space or drainage) and any other public use the City deems appropriate."

d. Statement Regarding Private Streets

All plats with private streets shall have a special numbered plat note with the following sentence:

"All private streets (insert names) are privately owned and maintained by (list owner name, owner's association, etc.)."

d. Statement Regarding Public Easements or Tracts

All plats with public easements or tracts shall have a special numbered plat note defining the purpose and perpetual surface maintenance responsibility for each public easement or tract, such as:

"Easement or Tract X is for (list the purposed public use i.e., park, open space or drainage) with maintenance of the surface being vested in the (City, owner, homeowners' association or district, etc.)."

e. Statement Regarding, and Conveyance of, Private Easements or Tracts

(1) All plats with private easements or tracts shall have a special numbered plat note defining the purpose and perpetual maintenance responsibility for each private easement or tract, such as:

"Easement of Tract X is for (list the purposed private use, i.e., landscaping, private pocket park or drainage) with maintenance of the surface being vested in the (owner, homeowners' association or district, etc.)."

(2) All private easements shall be required to be conveyed to the entity responsible for perpetual maintenance by separate instrument prior to or recording of the Final Plat.[1051]

[1051] New, per request of staff.

f. Statement Regarding Avigation Easements[1052]

All plats in which any portion of the property to be platted is located within the AP-O zone district, or is located within _____of the United States Air Force Academy airport, or within the latest ____ LDN noise contour for that airport, whether submitted independently with a Development Plan or together with a Development Plan, and for which an avigation easement has not been recorded, shall include the following statement:

"The avigation easement dedicated herein for public avigation purposes shall be considered a public easement subject to those terms and conditions as specified on the instrument recorded at reception no. 217069667 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect."

g. Statement of Ownership and Acknowledgment[1053]

All plats shall have a notarized signature of the owner confirming ownership of the land included in the plat and acknowledging the owner's consent to recording of the plat.

h. Statement Acknowledgement of Mortgagees and Lienholders

All plats shall have the signature of each mortgagee and lienholder, if any, and acknowledging each mortgagees' and lienholders' consent to the dedication of lands indicated for dedication on the plat in the following form.

"_____ has executed this instrument this __ day of _____, 20__, A.D. by _____ as _____ of _____ a (state), (entity type) for the purpose of joining and consenting to the dedication."[1054]

i. Notary Statement

All plats shall include an acknowledgment of the execution of the plat before a notary public.

j. Surveyor's Statement

All Plats shall have a surveyor's statement shall reading as follows:

"The undersigned Professional Land Surveyor licensed in the State of Colorado, hereby states and declares that the accompanying plat was surveyed and drawn under his/her responsible charge and accurately shows the described tract of land, and subdivision thereof, and that the requirements of Title 38 of the Colorado Revised Statutes, 1973, as amended, have been met to the best of his/her knowledge and belief."[1055]

k. Development of Area Subject to Code

All plats shall include a statement that the area included in the plat is subject to this Code as it applies to the development of the land, reading as follows:

"No building permits shall be issued for building sites within this plat until all required fees have been paid and all required public and private improvements have been installed as specified by the City of Colorado Springs or alternatively until acceptable assurances including but not limited to letters of credit, cash subdivision bonds or combinations thereof guaranteeing the completion of all required public improvements including but not limited to

[1052] New to reflect the City's avigation easement policy. in specific areas, not to every property in the city. If so, we need to know whether you want to apply it in relation to each of the two airports.

[1053]

[1054] Text of statement added at request of staff.

[1055]

drainage, street and erosion control have been placed on file with the City of Colorado Springs."

l. Access Provisions

(1) All plats shall provide adequate, suitable access and shall clearly indicate such access on the face of the plat. If access is not directly gained from public right-of-way, a separate signed and recorded easement must be provided and referenced on the face of the plat.

(2) If required by the City, the plat shall include a statement restricting access rights across the right-of-way lines of major highways, parkways, streets or freeways, where required, as a provision of approval.

m. Vicinity Map

A vicinity location map necessary to locate the land included in the plat.

n. Preparation Date

Date of preparation of plat.

o. Easement Statement

When applicable, statement of standard easements as required on all side, rear, and front lot lines for public utilities, drainage and/or public improvements, as well as standard "triangle" public improvement easements at street intersections, as necessary. When all easements are shown and clearly labeled on the plat drawing, an "as shown on plat" statement may be used. Perpetual surface maintenance of all public easements created by the plat shall be assigned.

p. Fee Block

A fee block indicating the amounts of all fees required to be paid in connection with the Final Plat, including without limitation storm drainage, bridge, school, and park fees, and approved fees-in-lieu of any required land dedication, and confirming payment of each of those required fees.[1056]

q. Certificates for Execution

All plats shall have certificates for execution by each of the following or their duly appointed representative(s):

(1) City Engineer;

(2) Community Development Manager; and

(3) City Clerk.

e. Clerk and Recorder Block[1057]

A notarization block for the El Paso County Clerk and Recorder that also any recording fees and/or surcharges paid to the Clerk and Recorder.

r. Boundary Lines

The subdivision boundary shall be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines shall be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius, and arc length. Radial bearings and/or chord bearings shall be provided for all non-tangent curves. All dimensions shall be as determined by accurate field survey that must balance and close within a limit of 1:5,000 or such other tolerance approved by the City as adequate in light of

[1056] Text revised for clarity and to reflect current practice.
[1057] New as requested by staff.

the size and nature of the property involved.[1058] Adjacent and/or intersecting plat/deed lines shall be shown and labelled appropriately with recording information (book and page and/or reception number).

s. Streets

All street rights-of-way defined by the plat shall be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines shall be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius, and arc length. Radial bearings and/or chord bearings shall be provided for all non-tangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street centerline. All street centerlines defined by the plat shall be clearly distinguishable from other map lines by use of distinct line type and/or thickness. The plat shall show the right-of-way lines, widths, locations, and street names of all existing and proposed public or private streets:

(1) Within the proposed subdivision; and

(2) Immediately abutting the proposed subdivision; and

(3) Any private street shall include the designation "(private)" immediately following street name; any other private right-of-way that is not named shall include the designation "(private)" in a manner that clearly conveys such a status.

t. Easements

All plats shall show all easements as required by Colorado Springs Utilities, the City Engineer, and other public and quasi-public agencies. All easements shall be clearly labeled to include width, use, and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. The plat shall clearly show and label all existing easements, to include width and book and page and/or reception number recording information, that cross, abut, or are located within the subdivision boundary.

u. Lots and Blocks

All lines of lots, blocks, and other parcels of land defined by the plat shall be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines shall be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to a limit of 1:5,000 or such other tolerance approved by the City as adequate in light of the size and nature of the property involved.[1059]

v. Legend

The plat shall have a legend that designates all lines and symbols except where called out on the plat drawing itself.

w. Inundation Mark

If within a designated FEMA flood hazard area, the plat shall clearly show the 100-year floodplain line. Reference the appropriate FEMA panel by which the location of this line has been determined as a plat note.

x. Other Information

The plat shall include all other information required by state law.

y. Bar Scale and North Arrow

All plats shall include an appropriately demarcated bar scale and a correctly orientated north arrow.

[1058] Last phrase added at request of staff.
[1059] Last phrase added at request of staff.

z. Adjacent Subdivision

All plat shall include the names of adjacent platted areas along with the reception and/or plat book and page number, and shall indicate any adjacent unplatted area. Existing street rights-of-way that intersect the subdivision boundary or are adjacent to said boundary lines shall be clearly labeled with the street name, right-of-way width, and appropriate deed or plat recording information in which the right-of-way is defined. All existing lots and blocks that are immediately adjacent to the subdivision boundary shall be shown.

aa. Basis of Bearing

All plats shall show a clearly defined basis of bearings, both verbally and graphically. All monumentation defining each line shall be shown and labeled on the plat drawing. When any line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances or relevant curve information.[1060]

bb. Public Land and/or Land Reserved in Deeds

All plats shall indicate the location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision.

cc. Monuments

All plats shall show and label all monuments used to determine and/or describe a boundary (including basis of bearings, point of beginning, and point of commencement) shall be placed and set in accord with all state-law requirements.

dd. Not a Part of Subdivision

All plats shall show all areas enclosed within the subdivision boundary that do not constitute a part of the subdivision shall be labeled “Not a part of this subdivision.” All lines pertaining to such areas shall be dashed.

ee. Square Footage

All plats shall label all lots and tracts with area in square feet (and/or acres when exceeding one acre in size).

ff. Districts and Associations

All plats shall include recordation information (reception number, book, page, and date) for any maintenance district, metropolitan district, owners’ association, or similar organization that is referenced for any ownership and/or maintenance responsibility related to the plat.

gg. City File Number[1061]

Each sheet of all plats shall include the City file number related to that plat in the lower right-hand corner in the one-half inch border area of the sheet.

hh. Lot Street Address Block

All plats shall indicate the assigned street address of each lot included in the plat, or shall include a placeholder such as “xxx” for each lot until a street address for that block has been assigned.

E. Supplemental Information and/or Attachments Required Prior to Recording[1062]

Each of the following shall be submitted to the City prior to recording the Final Plat.

1. Fees

All review, processing, and recordation fees, as well as all other fees required by this UDC or the City Code, including but not limited to drainage basis fees, detention pond fees, arterial roadway

[1060]

[1061] Subsections, i, and jj are new at the request of staff.

[1062]

bridge fees, special district fees, and/or surcharges, shall be paid. Payment by certified check may be required.[1063]

2. Proof of Ownership of Land Proposed to be Platted

Proof of ownership shall be submitted and may consist of a deed, title insurance policy, or Tax Assessor's statement.

3. Ad Valorem Taxes

Verification by the El Paso County Tax Assessor's Office that all ad valorem taxes applicable to the land comprising the proposed subdivision for the current year up to the date of recording and for years prior to the year in which the Final Plat is submitted for recordation have been paid. Verification may be in the form of a paid tax receipt, an archive report, or a certificate for ad valorem property taxes.

4. Final Drainage Report

A final drainage report (or “drainage letter” when applicable) signed by the City Engineer..

5. Geologic Hazard Stud

A copy of the approved Geologic Hazard Study or exemption.

6. Reception Numbers

Reception numbers of all applicable easements, agreements, and documentation as may be referenced on the subdivision plat drawing, or accompanying documentation for recording.[1064]

7. Documentation

Any or all accompanying documentation fully executed and ready for recordation concurrent with the Final Plat.

3. Conveyance of Private Easements

Conveyance of all private easements to the entity responsible for perpetual maintenance by separate instrument.[1065]

8. Assignments

Fully executed assignments of any reimbursements and/or land dedication credits, as applicable.

9. Financial Assurances

Acceptable financial assurances as required by Section 7.4.306 (Assurances and Guarantees for Public Improvements).

F. Modification of Final Plat Prior to Recording[1066]

The Manager may approve modifications to the approved Final Plat prior to its recording only when all of the following criteria are met.

1. The rearrangement of lot lines does not increase the number of lots within the subdivision;

2. The rearrangement of lot lines does not move an approved lot line by more than 10 feet;

3. The requested modification complies with all other provisions of this UDC; and

4. None of the reviewing agencies objects to the requested modification.

[1063] This information duplicates that in Section 7.5.404 and could be deleted.
[1064] This information is required to be on the plat, so it is not clear why separate proof is required.
[1065] New, per request of staff.
[1066] From Section 7.7.304 of current coning and subdivision ordinance.

G. Repats[1067]

A replat may be filed whenever it is desired to make changes to an existing plat. No changes to an existing plat shall be effective until a replat is approved and recorded pursuant to this Section.

4. Replats shall be approved by the Manager through the process in Subsection C above.

1. Replats shall comply with the standards in Section 7.5.518D (Final Plat Requirements), except as modified by this Subsection G.[1068]

a. The title block of the replat shall identify the subdivision of record or that portion of the subdivision of record that is being replatted. The replat shall be identified by its own title. Example: "ABC Subdivision, a replat of Lots 4, 5 and 6 of Block 3 of XYZ Subdivision."

b. The entire portion of all original platted lot(s) must be contained within the replat unless a waiver is approved in accord with Section 7.5.523.

a. The replat shall contain the following notice: "The approval of this replat vacates all prior plats for the area described by this replat."

c. The replat shall include two drawings, one showing the "as platted" lot and easement configuration and the other drawing showing the "as replatted" lot and easement configuration.

d. The replat shall include the book and page number or reception number and all existing and proposed easements.

2. Approval of the replat vacates the previous platting of the area replatted.

H. Post-Approval Recording Process[1069]

1. Once the applicant receives a written approval letter from the Manager approving the Final Plat, the applicant shall submit a mylar copy of the Final Plat to the Manager for recording within one year after the date of the approval letter.

2. Failure to submit the approved Final Plat within one year after the date of the approval letter shall void the final approval and the subdivider/applicant shall be required to submit a new Final Plat application for review.

3. Prior to expiration of the one-year period, the Manager may grant one or more extensions for a period of not more than one year upon the subdivider/applicant's request and for good cause shown.

4. The Final Plat approved by the Community Development Department, City Engineer, and City Clerk shall be recorded by the City within three business days of the final City signature.

7.5.519 Vacation of Plat[1070]

A. Purpose

The purpose of this Section is to provide a mechanism for the City to evaluate a request to vacate a plat or to vacate a public right-of-way.

B. Applicability

A Vacation of Plat shall be required to revert property to acreage or vacate a dedicated public street or alley.

[1067] From Section 7.7.305 of the current zoning and subdivision ordinance, reorganized for clarity. STAFF: This

[1068]

[1069] From Section 7.7.306 of the current zoning and subdivision ordinance. Final clause of subsection 3 added to guide Director's decision.

[1070] All references to "vacation sketch" were deleted, as that is no longer used or required by the City.

C. Vacation of Plat Process

1. The applicant shall submit the vacation request and any related information to the Manager.

2. The public notice requirements of Section 7.5.408 shall apply.

3. Within five days after submittal, the Manager shall refer the complete vacation request to other affected City departments or agencies and to other governmental agencies as required by law for their review and comment.

4. If it does not involve dedicated public streets or rights-of-way, the Vacation of Plat request shall be reviewed and approved administratively by the Manager in accord with the following procedures.[1071]

a. The Manager shall review and notify the applicant in writing of any required modifications.

b. Following review of a complete application, if the proposed Vacation Plat does not contain dedicated public streets or alleys, consideration of the Vacation Plat shall processed in accord with the procedures for Final Plats in Section 7.5.518.

5. If the proposed Vacation Plat contains dedicated public streets or rights-of-way:

a. The Manager shall notify the applicant in writing of the comments and recommendations of reviewing agencies. If the Vacation Plat involves an accompanying application requiring Planning Commission action, the Vacation Plat or sketch shall be presented to the Planning Commission for consideration in conjunction with the application and then forwarded to City Council for consideration. Otherwise, the Vacation Plat shall be placed on the next City Council agenda for which public notice can be given.

b. The City Council shall approve, approve with conditions, or deny the Vacation Plat. City Council shall approve the application only if it complies with the following criteria:

(1) The right-of-way is no longer needed for public transportation purposes;

(2) The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;

(3) The vacation will not adversely impact the uniform width of the remaining portions of the public right-of-way along the block frontage for which vacation is sought;

(4) Access to lots or properties surrounding the public right-of-way will not be adversely affected; and

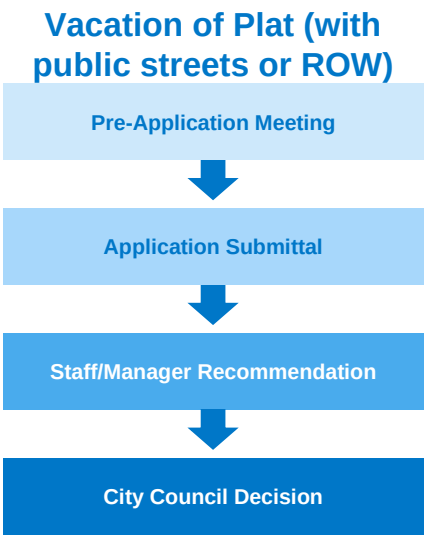
(5) The vacation is consistent with the purpose of this UDC.

c. An action by the City Council in vacating a dedicated public street or alley shall become final on adoption of the vacation ordinance and may not be reconsidered or rescinded.

d. If City Council approves a Vacation Plat, the applicant shall submit to the Community Development Department a mylar copy of the Vacation Plat. The City shall be responsible for recording the Vacation Plat with the Clerk and Recorder of El Paso County.[1072]

[1071] References to alleys in Subsections 4 and 5 revised to rights-of-way.
[1072] From Section 7.7.306 of the current zoning and subdivision ordinance. Final clause of subsection 3 added to guide Director's decision.

D. Vacation Plat Requirements[1073]



1. Preparation

A Vacation Plat shall consist of both a Preliminary and Final Plat. The Final Plat shall be clearly and legibly prepared by a land surveyor or professional engineer licensed by the State of Colorado. The plat shall comply with the provisions of this Section 7.5.519 and state law.

2. Application Submission

In addition to complying with Section 7.5.403, the applicant shall submit the required number of Vacation Plats indicated on the application form.

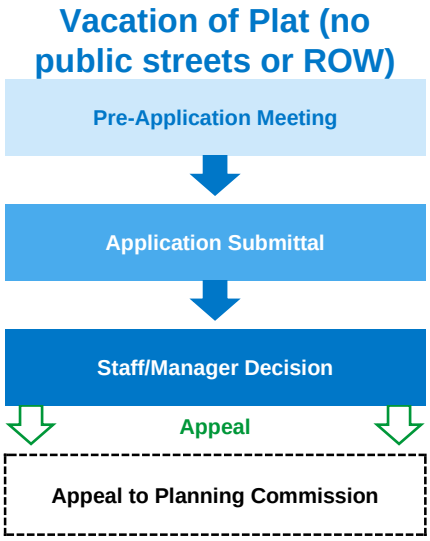
3. Specifications of a Vacation Plat

a. Sheet Size

The sheet size shall be 24 inches by 36 inches including one-half inch border with "landscape" orientation. North may be oriented from plus 90 degrees to minus 90 degrees of "True North."

b. Scale

The Vacation Plat shall be drawn to a scale acceptable to the City Engineer.



4. Information Required to Be Shown on a Vacation Plat

a. Description

A clear description for the title of the area being vacated for the ease of research and finding recorded Vacation Plats.[1074]

b. Subdivision Name, Subtitle

The name of the subdivision shall be included at the top of each sheet, followed by a subtitle identifying the section, township, and range information along with City, County, and State.

c. Property Description

An accurate and clear property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses in the property (legal) description shall be shown and labeled on the plat drawing, with all bearings having the same direction as called out in the legal description. The only exception being where more than one description is required, going a different direction over the same course. The direction shall then hold for the description having more weight (i.e., the overall boundary) for purposes of the plat. If both record and "as measured" dimensions are being used, the applicant shall show both and have each clearly labeled on the plat drawing. Point of commencement and/or point of beginning shall be clearly labeled on the plat drawing.

[1073]

[1074] Added per request of staff.

d. Vicinity Map

A vicinity location map necessary to locate the plat.

e. Preparation Date

Date of preparation, scale, and north point.

f. Surveyor's Statement

Statement by a registered land surveyor to the effect that the plat to be vacated is a recorded plat.

g. Notary Statement

All plats shall include an acknowledgment of the execution of the plat before a notary public.

h. General Information[1075]

All plats shall have the following statement, with signature blocks for signature by the Mayor and Attestation by the City Clerk:

"Pursuant to Ordinance No. _____, made and adopted by the City Council on ____ day of _____, 20__, the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation, does hereby vacate the land set forth on this Vacation Plat and shall be known as "_____" located in the City of Colorado Springs, County of El Paso, State of Colorado.

City Approval:

On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying Vacation Plat of "_____""

i. Statement of Ownership and Acknowledgment[1076]

All plats shall have a notarized signature of the owner confirming ownership of the land included in the plat and acknowledging the owner's consent to recording of the plat.

j. Layout

The exact layout including:

(1) Boundary Lines

The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract.

(2) Dimension, Relative Bearing, Curve Data

The length of all arcs, internal angles and points of curvature.

(3) Easements

All existing drainage and utility easements as recorded, subject to reservation of easements for existing drainage and utility installations.

(4) Lots, Blocks, and Identification System

All lines of lots, blocks, identification system and other parcels of land as recorded.

(5) Streets

The plat shall show the right-of-way lines, widths, locations and street names of all streets as recorded within, and immediately adjacent to the property being vacated.

[1075] Replaces the current "Certificates for Execution" requirement, pursuant to clarification of requirements dated February 7, 2019, at request of staff.
[1076]

(6) Inundation Mark

As recorded on the previous plat.

k. Square Footage of Area

The area in square feet of that which is sought to be vacated.

l. City File Number

The city file number shall be shown in the lower right hand corner within the border on all sheets.

m. Monuments

All monuments used to determine and or describe a boundary (including basis of bearings, point of beginning, and point of commencement shall be shown and clearly labeled. Monuments for corners defined by the plat, or otherwise found to be missing in the field, shall be placed……[1077]

n. Other

All other information required by State law.

7.5.520 Property Boundary/Lot Line Adjustment[1078]

A. Purpose[1079]

The purpose of this Section is to allow administrative approval of changes to property boundaries in certain situations when such adjustments are likely to have no impact or minimal impacts on surrounding properties or the provision of public services.

B. Applicability[1080]

Changes may be made to the boundaries of platted lots without the necessity of replatting or vacation and platting only if the criteria below are met:

1. An engineering error was made on the original plat; or

2. No additional lot is being created and:

a. The proposed lotting pattern meets all requirements of this UDC including adequate setbacks and area requirements for any existing development; and

b. The proposal has been properly submitted to the Manager and reviewed by all appropriate agencies, with no agency having objections to the adjustments; and

c. The proposal involves only (i) two whole platted lots or (ii) a platted lot and a platted tract, and no lot involved may have received a prior property boundary adjustment, or approval of issuance of a Building Permit to previously platted lands or a combination of lots for zoning purposes. A series of requests cannot be used to circumvent the 15 percent limitation below.

d. The proposal does not require approval of both an issuance of a Building Permit to previously platted lands and a property boundary adjustment. This limitation shall not strictly apply to lots located within an area of common or central ownership (townhouses, etc.).

[1077]

[1078] From Section 7.7.501 currently categorized as one of the Minor Administrative Procedures. Simplified and reorganized for internal consistency. All provisions on appeals are relocated to Section 7.5.418 (Appeals).

[1079] New

[1080] Statement that Director may not vary from these eligibility requirements and criteria was not included, since that applies throughout the UDC.

e. In areas where the adjustment is between a lot and a surrounding lot or platted tract, the surrounding lot or tract may receive as many adjustments as are necessary so as to allow each contained lot to be adjusted one time; and

f. Basic lot configurations may not be changed (for example two north-south lots cannot be changed to two east-west lots) and no more than 15 percent of the area of any one platted lot may be involved in the adjustment. with this procedure. This procedure allows one side property line to be moved 10 feet or an area of 1,100 square feet to be affected on a typical residential lot 70 feet by 110 feet. It does not allow a lot to be totally shifted 10 feet in one direction or another because such a shift involves a minimum of three lots.

C. Property Boundary/Lot Line Adjustment Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

5. Application Submission

The applicant shall submit all of the following:[1081]

a. A completed application form, as required by the Manager, together with any applicable fees.

b. Recording fee.

c. Proof of ownership of each of the lots involved and written concurrence of each of the owners with the proposed changes.

d. The number of copies of a certified survey required by the Manager, which shall include:

(1) The subdivision name, lot(s) and block numbers, and the book and page of the recorded plat;

(2) All existing lot lines and easements with dimensions, taken from the instrument granting the easement, and the recording information (book and page or reception number) of that instrument;[1082]

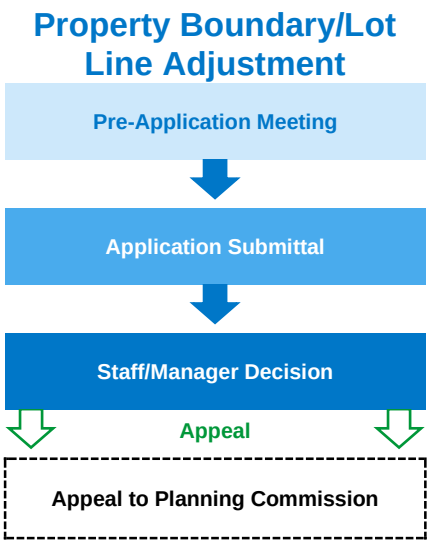
(3) Adjacent rights-of-way with dimensions;

(4) All existing utilities;[1083]

(5) All existing structures that will remain, with dimensions to existing and proposed property lines;

(6) North arrow and scale;

(7) The City file number related to waiver of replat in the lower right-hand corner within a one-half inch border of the waiver of replat plan.[1084]



[1081] This list will be replaced with the list on the City's current application form for a waiver of replat unless relocated to the City website.
[1081] Revised to remove references to site plans, at request of staff.
[1082] Last phrase added at request of staff.
[1083] New, at the request of staff.
[1084] Subsections (7) and (8) are new, per request of staff.

(8) Information on all survey monuments recovered or set and used in determination of property boundaries.[1085]

(9) Approval statement reading as follows:

"This Property Boundary Adjustment has been reviewed and approved by the City of Colorado Springs and is henceforth to be considered the valid lot configuration for purposes of the City Codes and Ordinances."

2. Distribution

The Manager shall date and file the application and within three working days of submission shall transmit copies of the survey to the appropriate agencies for review, comment, and recommendations for compliance with their requirements.

3. Manager's Action

The Manager shall either approve or disapprove the request based on the provisions of Section 7.5.411 (General Criteria for Approval). The request shall be approved by signing a copy of the submitted survey. The application and a signed copy of the survey shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is disapproved, the Manager shall notify the applicant with all reasons for denial clearly specified.[1086]

4. Easements

Existing platted easements adjacent to the property line being adjusted shall remain in their original locations as platted unless otherwise approved by the affected utilities.

5. Transfer of Property

Approval of a property boundary adjustment does not transfer property between the two affected property owners. The real estate transfer must be achieved through separate action by both property owners involved, such as a quitclaim or other deed.

7.5.521 Preservation Area Boundary Adjustment[1087]

A. Purpose

The purpose of this Section is to allow for administrative approval of adjustments to platted preservation areas.

B. Applicability

This Section applies to all plats that include any areas designated as preservation areas on the recorded plat.

C. Preservation Area Boundary Adjustment Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission[1088]

The applicant shall submit all of the following:

[1085] New, at the request of staff.
[1086] Criteria for approval added.
[1087] From Section 7.7.502 currently categorized as one of the Minor Administrative Procedures. Subsections A and B are restated for clarity. All provisions on appeals are relocated to Section 7.5.418 (Appeals). Extended to apply not only in the HS-O zone district, but on all plats with designated preservation areas.
[1088]

a. A completed application form, as required by the Manager, together with any applicable fees.

b. Recording fee.

c. Proof of ownership.

d. The number of copies of a certified property surveys required by the Manager, which shall include:

(1) The subdivision name, lot(s) and block numbers, and the book and page of the recorded plat;

(2) All existing lot lines and easements with dimensions;

(3) All preservation area boundaries, as originally approved and as proposed;

(4) Adjacent right-of-way with dimensions;

(5) All existing structures with dimensions to property lines;

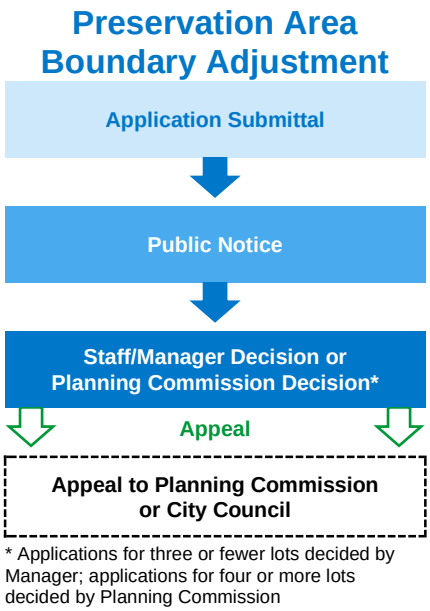
(6) North arrow and scale;

(7) The following statement:

"The Preservation Area Boundary Adjustment has been reviewed and approved by the City of Colorado Springs and is henceforth to be considered the valid lot(s) configuration for purposes of the City Codes and Ordinances."

(8) The following notarized statement:

"I, being the owner of the following described property (type legal description), do hereby request that the preservation area boundaries of said property be adjusted as shown in the attached certified property survey and that this henceforth be considered the valid lot(s) configuration for purposes of the City Codes and Ordinances."



3. Public Notice

The public notice requirements of Section 7.5.408 shall apply.

4. Distribution

The Manager shall date and file the application and within three working days of submission shall transmit copies of the survey to the appropriate agencies for review, comments and recommendations for compliance with their requirements.

5. Action[1089]

a. If the proposed adjustment involves no more than three lots, the Manager shall review the application and shall either approve or deny the request. If the request is approved, a signed copy of the survey shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.

b. If the proposed adjustment involves four or more lots, the Planning Commission shall review the application and shall either approve or deny the request. If the request is

1089

approved, a signed copy of the survey shall be recorded in the records of the El Paso County Clerk and Recorder. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.

7.5.522 Plat Restriction Modification[1090]

A. Purpose

The purpose of this Section is to allow for administrative modifications to conditions or restrictions on recorded plats that no longer apply or are unnecessary.

B. Applicability

This Section applies to all recorded plats that contain approved conditions or restrictions.

C. Plat Restriction Modification Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

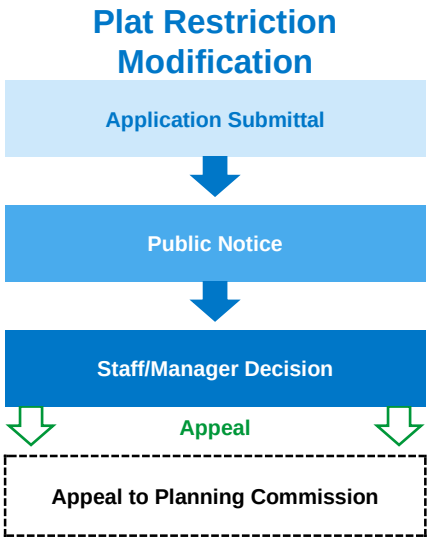
1. Application Submission[1091]

The applicant shall submit all of the following:

a. A letter setting forth the reasons for removing or modifying the restriction in question.

b. Filing fee.

c. The number of copies of the recorded plat required by the Manager to provide a copy to each agency with an interest in the restriction.



2. Public Notice

The public notice requirements in Section 7.5.408 shall apply.

3. Distribution

The Manager shall date and file the application and within three working days of submission shall transmit copies of the recorded plat to those agencies having an interest in the restriction that is to be removed for their review and comments.

4. Manager's Action

a. The Manager shall either approve or deny the request if it determines, after consulting with the City Engineer and the Utilities Executive Director, that requirements or conditions requested for removal or modification are no longer necessary or no longer applicable.

b. If the Manager approves the request, a resolution detailing the amendment shall be placed upon the next available City Council agenda as a report item, and shall prepare a resolution in the following form, and shall record that resolution with the El Paso County Clerk and Recorder:

[1090] From Section 7.5.503 currently categorized as one of the Minor Administrative Procedures. Subsection A is restated and Subsection B is new. Restructured and simplified for clarity and internal consistency. All provisions on appeals are relocated to Section 7.5.418 (Appeals).
[1091]

"The Planning and Community Development Department approves the application based upon the finding that the plat note is no longer necessary or applicable as provided in City Code Section 7.5.522, and amends the plat note as follows:[1092]

General Note No.___ as established on the _____
Final Plat which reads as follows:

Residential Lot Setback Information:

is modified to remove or amend the _____ only.

General Note No. ____ henceforth shall state:

Residential Lot Setback Information

This Certificate of Amendment to Plat Restriction is approved for recordation in the records of the El Paso County Clerk and Recorders Office."

c. If the request is denied, the Manager shall notify the applicant with all reasons for denial clearly specified.

7.5.523 Waiver of Replat[1093]

A. Purpose

The purpose of this Section is to allow the requirement for a replat to be waived in certain situations in order to alleviate platting costs in older subdivisions. It is not the purpose of this Section to promote the subdivision or resubdivision of lots without filing a Final Plat.

A. Applicability

This Section authorizes the waiver of a replat only for properties that meet all the following criteria:

1. The current legal description comprises one of the following:

a. A Lot of Record;

b. The consolidation of multiple whole platted lots;

c. Portions of one or more platted lots and the parcel contains the minimum lot area and minimum width for the zone district in which the property is located; or

d. A platted lot and an unplatted portion of vacated right-of-way.

2. If the legal description of the subject property consists of a portion of one or more platted lots, proof must be provided that the current property owner of the subject property was not involved in the illegal subdivision of any portion of the property.

3. The owner agrees to dedicate any rights-of-way that would normally be required as a condition of a replat. If this is required, the owner must dedicate the right-of-way by a separate deed and pay for the preparation and recording of the deed after the deed is approved by City Real Estate Services.

4. No major public improvements such as drainage structures are required.

5. Approved direct access to an acceptable, existing public street exists.

1092

1093 From Section 7.5.505 currently categorized as one of the Minor Administrative Procedures. All provisions on appeals are relocated to Section 7.5.418 (Appeals). Statement that Director may not vary from these eligibility requirements and criteria was not included, since that applies throughout the UDC.

6. The applicant agrees to pay applicable fees which would normally be paid prior to recording of the replat.

7. The applicant agrees to dedicate easements required for utilities and access.

8. No structures exist across external property lines of the ownership configuration.

B. Waiver of Replat Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

The applicant shall submit all of the following:[1094]

a. A completed application form, as required by the Manager, together with any applicable fees;

b. Recording fee;

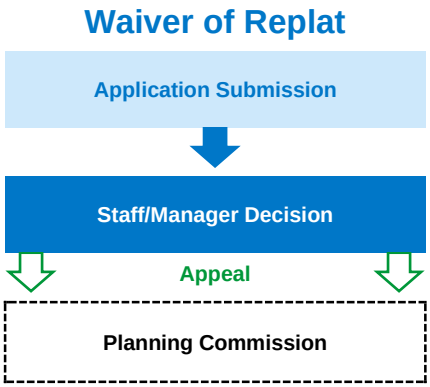
c. Proof of ownership;

d. Proof of the date of the creation of the legal description of the parcel under consideration;

e. The date of annexation of the parcel;

f. Copy of the recorded plat in order to verify rights-of-way;

g. A waiver of replat plan, drawn to scale, that includes all of the following:[1095]



(1) All of each platted lot of which the parcel is a part;

(2) The boundaries and dimensions of the ownership configuration;

(3) Location, dimensions, and setbacks of all existing structures;

(4) Existing utilities located on the site, clearly labeled;

(5) Location, names, and rights-of-way of all adjacent streets and alleys;

(6) All access points on property adjacent to or across the street from the applicant's property;

(7) A bar scale and north arrow;

(8) The legal description of the parcel, taken from the deed to the property, and the recording information (book and page or reception number) of that deed;[1096]

(9) The book and page and/or reception number of the recorded plat of which this parcel is a part;

(10) The owner's name, address and phone number; and

[1094] This list will be replaced with the list on the City's current application form for a waiver of replat unless relocated to the City website.
[1095] Revised to remove references to site plans, at request of staff.
[1096] Last phrase added at request of staff.

(11) The City file number related to waiver of replat in the lower right-hand corner within a one-half inch border of the waiver of replat plan;[1097]

(12) A notary block for confirming all required signatures, which shall be completed prior to recording; and

(13) The following statements:

"Under the provisions of Section 7.5.523 of the Code of the City of Colorado Springs, the following legal description is henceforth considered as one lot for purposes of the Unified Development Code and for any other applicable provisions of the City Code or including applicable codes rules and regulations adopted pursuant to the City Code."[1098]

AND

"This waiver of replat has been surveyed and/or prepared by… (Individual or firm)… for the purpose of the depiction of the improvements and property lines of this document. All monuments shown on said waiver of replat are for informational purposes only and do not represent a land survey plat or improvement survey plat and no stamp or signature by the surveyor is necessary."[1099]

3. Distribution[1100]

The Manager shall date and file the application and shall transmit copies of the site plan to those agencies having an interest in the proposed Building Permit for their review and comments.

4. Manager's Action

The Director shall either approve, approve with conditions, or deny the request based upon compliance with the criteria in this Section. If the Manager approves the request, the site plan shall be recorded with the El Paso County Clerk and Recorder's Office. If the Manager approves the request with conditions, the applicant shall fulfill the conditions of approval prior to the issuance of certificate of occupancy. If the Manager denies the request, the Manager shall provide notification to the applicant with all reasons for denial clearly specified.

5. Easements

Unless vacated through a separate process by City Real Estate Services, existing easement(s) adjacent to the property line shall remain in their original locations as platted or created.[1101]

Other Procedures

7.5.524 Historic Resource Alteration or Demolition[1102]

A. Purpose

The purpose of this Section is to regulate the approval of construction related to, alterations to, demolitions of, and relocations of structures in the HP-O zone district.

B. Applicability

This Section applies to all structures in the HP-O zone district.

[1097] Subsections k and l are new, per request of staff.
[1098] Revised to Reference UDC.
[1099] New, per request of staff.
[1100] Restated for internal consistency.
[1101] Reference to separate vacation process added per request of staff.
[1102] From Sections 7.5.1605 through 1608 of current zoning and subdivision ordinance. Sections 7.5.1609 and 7.5.1610 appear in Section 7.5.12 (Historic Preservation Enforcement). Wording revised throughout for clarity and internal consistency. Subsections A and B are new. Definitions in Section 7.5.1602 have been combined with other definitions in Section 7.6.3 (Definitions).

C. Construction, Alteration, Demolition, or Relocation Approval Process[1103]

1. Deferral of Building Permit by Regional Building Official

When the Building Official receives an application for any of the following actions related to a historic resource designated by City Council, and the proposed work would be visible from a public right-of-way, the Building Official shall defer action on the application except as provided in Subsection 5 below until the application is accompanied by a report of acceptability from the Historic Preservation Board:

a. Alteration or reconstruction of or addition to the exterior of any structure including signs, or improvement that is within the HP-O zone district for which a Building Permit is required.

b. Demolition or relocation of any structure including signs or improvement or object to or from the HP-O zone district for which a permit is required.

c. Construction or erection of or addition to any structure including signs or improvement upon any land that is within a HP-O zone district for which a permit is required.

2. Report of Acceptability and Related Decisions

a. Minor and Major Work

As used in this Section 7.5.524, minor work includes any work that will not alter any distinctive feature or any improvement of the historic structure, and major work includes any work that will alter any distinctive feature or any improvement of the historic structure.

b. Minor Work

(1) In order to obtain a report of acceptability for minor work, the applicant shall submit with the application for a Building Permit such documentation as determined necessary by the Historic Preservation Board.

(2) A minor work committee consisting of three members of the Board shall review the application for a report of acceptability for minor work within 18 working days after its receipt.

(3) If the minor work committee by a majority vote finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the minor work committee shall so advise the applicant in writing by issuing a report of acceptability and shall affix the Historic Preservation Board's seal to the plans and specifications for the proposed work.

(4) The minor work committee may refer proposed minor work to the Historic Preservation Board if the committee determines, in the course of its review, that the proposed work will alter any distinctive feature or any improvement of the historic structure.

c. Major Work

(1) If the initial application or later review by the minor work committee shows that the proposed work is major work, the report of acceptability shall be prepared by the Historic Preservation Board within 28 days after its receipt.

(2) If upon receipt of an application for a report of acceptability, the Historic Preservation Board finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure or improvement and is compatible with both the distinctive characteristics of the HP-O zone district and with

[1103] Carries forward Section 7.5.1605 of existing zoning and subdivision ordinance with changes for clarity and internal consistency.

the spirit and purpose of this UDC, the Board shall so advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work.

(3) In determining the decision to be made concerning the issuance of a report of acceptability, the Board shall consider the following criteria:

(a) The effect of the proposed work upon the general historical and/or architectural character of the HP-O zone district.

(b) The architectural style, arrangement, texture, and materials of existing and proposed structures, and their relation to the structures in the HP-O zone district.

(c) The effects of the proposed work in creating, changing, or destroying the exterior architectural features of the structure upon which such work is to be done.

(d) The effect of the proposed work upon the protection, enhancement, perpetuation, and use of the HP-O zone district.

d. Regional Building Official Action Following Deferral

(1) Upon receipt of the report of acceptability and plans and specifications, the Building Official may proceed with the review of the application for a Building Permit.

(2) No change that would defeat the purpose of this UDC shall be made in an application for a Building Permit or the plans and specifications for the proposed work approved by the Historic Preservation Board without resubmittal to the Board and approval of such changes in the same manner as the original application.

e. Unacceptable Work on Property that is Not Nationally Designated

(1) If no part of the property that is the subject of the application is listed on the National Register of Historic Places, and the proposed work is not found acceptable, the Historic Preservation Board shall explore with the applicant all means for substantially preserving the improvement that would have been affected by the required permit.

(2) If the Historic Preservation Board and applicant, after a period of 90 days from the receipt of the application by the Board are unable to develop either alternative plans or an appropriate public or private use for the structure, the Board shall document the reasons for the inability of the Board and applicant to agree, and the applicant may obtain the appropriate permit from the Building Official to complete the actions included in the application in compliance this UDC and all other City codes and regulations.

(3) The investigations by the Historic Board with the applicant under this Section may include but are not limited to:

(a) The feasibility of modification of the plans reflected in the application;

(a) The feasibility of any alternative private use of the structure or structures that would substantially preserve the original character thereof; and/or

(b) The possibility of public acquisition of the structure or structures involved for a public purpose.

f. Unacceptable Work on Property in the National Register of Historic Places

(1) If any part of the property that is the subject of the application is listed on the National Register of Historic Places, and the proposed work is not found acceptable, the

Historic Preservation Board shall explore with the applicant all means for substantially preserving the improvement that would have been affected by the required permit.

(2) Except as provided in this Section 7.5.524, no demolition or alteration of property listed in the National Register of Historic Places shall be permitted unless the Board first finds that an unreasonable economic or noneconomic hardship will result to the owner if not allowed to demolish or otherwise alter the property.

(3) If the proposed work to construct, modify, or relocate a National Register property is not approved by the Historic Preservation Board, the applicant shall be so advised and no Building Permit shall be issued unless a certificate of hardship has been issued pursuant to Subsection 3 below.

(4) No reapplication shall be submitted pursuant to this Subsection f based on the plans and specifications found unacceptable by the Historic Preservation Board except upon a showing of changed circumstances sufficient to justify the reapplication, as determined by the Board.

3. Determination of Economic Hardship

If the Historic Preservation Board denies an application for a report of acceptability, it may, upon application or on its own motion, consider issuing a certificate of economic hardship.

a. Economic Hardship Procedure

(1) The Historic Preservation Board may initiate consideration of economic hardship on its own motion, or the applicant may submit the application for consideration of economic hardship to the Secretary of the Board within 10 days of the Board's decision denying approval of the application for acceptability.

(2) Upon application or motion for a certificate of economic hardship, the Board shall schedule a public hearing on that application or motion. The public hearing shall be scheduled for the next regular meeting of the Board or may be scheduled as a special meeting of the Board. The hearing shall be noticed to the public as an item on the Board's agenda.

(3) The Board shall determine who may present evidence or testimony during the hearing. The hearing may be continued provided that, prior to the adjournment or recess of the Board meeting, a clear announcement is made by the Board specifying the date, time and place at which the hearing will be continued.

(4) The Board may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions of information before rendering its decision.

(5) Any action of the Board approving or denying an application or motion for economic hardship shall be made in open session by a majority vote with at least four Board members present during the vote. The Board's decision to approve or deny shall set forth the Board's findings of fact and, in the event of approval, shall include any special conditions of approval considered by the Board to be necessary to mitigate impacts upon and protect the intent and spirit of this UDC as it relates to the HP-O zone district.

b. Board Actions Related to Economic Hardship

The Historic Preservation Board shall review all of the evidence and information required of an applicant for a certificate of economic hardship and if the Board finds that without approval of the proposed work the property owner cannot obtain any reasonable economic return, not just profit, on the property, the Board shall:

(1) Make a finding that denial of approval of the proposed work would impose an economic hardship on the property owner; and

(2) Immediately issue a certificate of economic hardship and proceed pursuant to this Subsection 3; or

(3) At its discretion, postpone the issuance of the certificate of economic hardship, provided that:

(a) The postponement period shall not exceed 30 days unless otherwise agreed to by the applicant. During the postponement period, the Historic Preservation Board shall investigate plans and make recommendations to the City Council to allow the property owner a reasonable economic return from the property, or to otherwise preserve the subject property. Such plans and recommendations may include but are not limited to a relaxation of the provisions of this Section 7.5.524, financial assistance, Building Code modifications, and/or changes in zoning regulations.

(b) The Board may request an extension of the postponement period by the City Council. If the City Council determines that there is a program or project underway that could result in public or private acquisition of the building or structure and the preservation or restoration of such building or structure, and that there are reasonable grounds to believe that the program or project may be successful, the Council may extend the postponement period for an additional period for a total postponement period of not more than 90 days from the date of application for a regulated permit.

(c) The Board shall issue a certificate of economic hardship authorizing the work or demolition if, at the end of the postponement period:

(i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot obtain any reasonable economic return from the property;

(ii) The applicant has not withdrawn its application for a Building Permit; and

(iii) The applicant otherwise complies with this UDC and other City codes and regulations;

(d) If the Historic Preservation Board does not find that all three of the conditions in Subsection (c) above have been met, it shall deny the application or motion for a certificate of economic hardship.

4. Determination of Noneconomic Hardship

As an alternative to the Determination of Economic Hardship described in Subsection 3 above, if the Historic Preservation Board denies an application for a report of acceptability submitted by an applicant acting in a religious, charitable or otherwise not for profit tax exempt capacity, it may, upon application or on its own motion, consider issuing a certificate of noneconomic hardship.

a. Noneconomic Hardship Procedure[1104]

(1) The Historic Preservation Board may initiate consideration of economic hardship on its own motion, or the applicant may submit the application for consideration of economic hardship to the Secretary of the Board within 10 days of the Board's decision denying approval of the application for acceptability.

(2) Upon application or motion for a certificate of noneconomic hardship, the Board shall schedule a public hearing on that application or motion. The public hearing shall be scheduled for the next regular meeting of the Board or may be scheduled as a

1104

special meeting of the Board. The hearing shall be noticed to the public as an item on the Board's agenda.

(3) The Board shall determine who may present evidence or testimony during the hearing. The hearing may be continued provided that, prior to the adjournment or recess of the Board meeting, a clear announcement is made by the Board specifying the date, time and place at which the hearing will be continued.

(4) The Board may solicit expert testimony or require that the applicant for a certificate of noneconomic hardship make submissions of information before rendering its decision.

(5) Any action of the Historic Preservation Board approving or denying an application or motion for noneconomic hardship shall be made in open session by a majority vote with at least four Board members present during the vote. The Board's decision to approve or deny shall set forth the Board's findings of fact and, in the event of approval, shall include any special conditions of approval considered by the Board to be necessary to mitigate impacts upon and protect the intent and spirit of this UDC as it relates to the HP-O zone district.

b. Board Actions Related to Noneconomic Hardship

The Historic Preservation Board shall review all of the evidence and information required of an applicant for a certificate of noneconomic hardship and if the Board finds that without approval of the proposed work the property is either substantially inadequate for the owner's legitimate needs, or either physically and/or financially prevents or seriously interferes with the owner's religious, charitable or otherwise not for profit purpose, the Board shall:

(1) Make a finding that denial of approval of the proposed work would impose a noneconomic hardship on the property owner; and

(2) Immediately issue a certificate of noneconomic hardship and proceed as in this Subsection 4; or

(3) At its discretion, postpone the issuance of the certificate of noneconomic hardship, provided that:

(a) The postponement period shall not exceed 30 days unless otherwise agreed to by the applicant. During the postponement period, the Historic Preservation Board shall investigate plans and make recommendations to the City Council to render the property adequate for the owner's legitimate needs, or remove serious physical or financial interference with the owner's religious, charitable, or otherwise not for profit purpose, or to otherwise preserve the subject property. Such plans and recommendations may include but are not limited to a relaxation of the provisions of this Section 7.5.524, financial assistance, Building Code modifications, and/or changes in zoning regulations.

(b) The Historic Preservation Board may request an extension of the postponement period by the City Council. If the City Council determines that there is a program or project under way that could result in public or private acquisition of the building or structure and the preservation or restoration of such building or structure, and that there are reasonable grounds to believe that the program or project may be successful, the Council may extend the postponement period for an additional period for a total postponement period of not more than 90 days from the date of application for a regulated permit.

(c) The Board shall issue a certificate of noneconomic hardship authorizing the work or demolition if, at the end of the postponement period:

(i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot adequately use the property for legitimate needs, or is either physically and/or financially prevented or seriously hindered from advancing religious, charitable or otherwise not for profit purposes;

(ii) The applicant has not withdrawn its application for a Building Permit; and

(iii) The applicant otherwise complies with the this UDC and other City codes and regulations;

(d) If the Historic Preservation Board does not find that all three of the conditions in Subsection (c) above are met, it shall deny the application or motion for a certificate of noneconomic hardship.

5. Remedying of Dangerous Conditions

a. If the Building Official, Fire Department, or any other public authority having the power to do so orders or directs the construction, reconstruction, alteration, repair, relocation or demolition of any structure in the HO-O zone district for the purpose of remedying conditions determined by that official, department, or authority to be imminently dangerous to life, health, or property, nothing contained in this UDC shall be construed as making it unlawful for any person to comply with such order.

b. Any such official, department, or authority shall take immediate steps to notify the Historic Preservation Board of the issuance of any such order or directive and may include in such order or directive any timely received requirements or recommendations of the Board.

6. Waiver of Conditions[1105]

Upon a showing of substantial hardship or to protect against an arbitrary result, or both, the Historic Preservation Board may waive such conditions and requirements as are set forth in this UDC, provided that the spirit and purpose of this UDC are not significantly eroded.

7. Limitation on Similar Application

a. Whenever a request for a report of acceptability, determination of economic hardship, or determination of noneconomic hardship has been finally denied by the Historic Preservation Board, no further application shall be made for a report of acceptability, economic hardship, or noneconomic hardship affecting the same property, or a part thereof, for a period of 12 months from the date of the final action of denial.

b. A property owner may apply to the Historic Preservation Board for an exception to this limitation by specifying and showing that, due to a change of circumstances and the existing condition of the property, a request for a report of acceptability, determination of economic hardship, or determination of noneconomic hardship is substantially different from the previous application.

8. Normal Maintenance and Repair[1106]

Nothing in this UDC shall be construed to prohibit the accomplishment of any work on a structure in the HP-O zone district that will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself, and which is considered necessary as a part of normal maintenance and repair.

[1105]

[1106] From Section 7.5.1606 of the existing zoning and subdivision ordinance.

9. Notification of State or National Designation[1107]

The Manager shall promptly notify the Historic Preservation Board of any known National or State designations of landmark structures or landmark districts within the City.

7.5.525 Street Name Change[1108]

A. Purpose

The purpose of the Street Name Change process is to ensure that any change to the name of streets meets the standards of this UDC.

B. Applicability

Approval of a Street Name Change application is required before the change of the name of any public street, private street, or right-of-way.

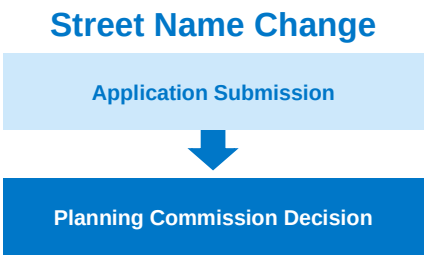
C. Street Name Change Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Planning Commission's Decision

The Planning Commission shall review and approve or deny the Street Name Change application in accordance with Section 7.5.409D.2 (Planning Commission, FBZ Review Board) based on the approval criteria in Section 7.4.304H (Street Names) and the review criteria in Section 7.5.411 (General Criteria for Approval).



7.5.526 Numeric Address Change[1109]

A. Purpose

The purpose of the numeric address change process is to ensure that changes in numeric addresses are consistent with the standards of this UDC, including Section 7.4.1405 (Street Numbering).

B. Applicability

Approval of a numeric address change application is required before the change of the numeric address of a building on any public street, private street, or right-of-way.

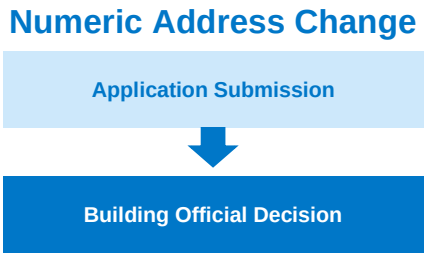
B. Numeric Address Change Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Application Submission

In addition to the requirements of Section 7.5.403, a request for a numeric address change may be submitted by any other party with a significant interest in the numbering of street addresses, including but not limited to emergency service



[1107] From Section 7.5.1607 of the existing zoning and subdivision ordinance.
[1108] Carries forward procedure in Section 7.7.704D.7 (Regulations for Streets Shown on Plats Submitted for Approval – Street Name Changes) of the existing zoning and subdivision ordinance with revisions for consistency.
[1109] Carries forward Section 7.10.507 (Numeric Address Change) of the existing zoning and subdivision ordinance with minor revisions for clarity and internal consistency. Subsections A and B are new. The need to list this technical decision as a separate type of development application is under discussion, and this procedure may be deleted in the Consolidated Draft.

providers, utility companies, the United States Postal Services, or the Building Official for any of the following reasons:

a. The current numeric address is not in proper sequence.

b. The current numeric address is incorrect, confusing, or misleading.

a. The current numeric address is on the wrong side of the street.

c. The main, or commonly known front door, entrance does not face that street as named in the address.

d. A realignment of a street or change in street pattern invalidates current numeric address.

b. A new street intersection makes current numeric address incorrect, confusing, or misleading.

e. A change in street name or street designation makes current numeric address incorrect.

f. The correct numeric address is not being used.

g. A numeric address has not been assigned.

h. Any other justification in furtherance of the purpose and intent of Section 7.4.1405 (Street Numbering) or any other pertinent ordinance, regulation, or rule pertaining to property addressing.

2. Post-Decision Actions or Limitations

The Building Official's decision on a numeric address change request is subject to the following:

a. The Building Official shall send notice of the numeric address change to the property owner and other persons, organizations, groups, or governmental agencies that provide a public service to the property and that request such notice. The notice of assignment of numeric address shall be mailed or otherwise distributed within seven days of the change of numeric address. It shall be the responsibility of each person, organization, group, or governmental agency to alter or modify appropriate records. Any conflict or dispute regarding a numeric address change shall be referred for resolution to the Building Official.

b. A request for a numeric address change may also require a corresponding change in the street name that will be used as part of a premises' address in the case of, for example, corner or through lots. In such cases, the Building Official shall have the authority to concurrently approve a reassigned street name upon determination that a numeric address change is appropriate. When a numeric address change and street name reassignment is approved, the Building Official shall issue official notice, including effective date, of both the numeric change and street name reassignment.

7.5.527 Interpretation of UDC[1110]

A. Purpose

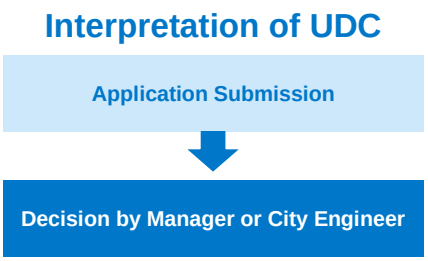
The purpose of the interpretation procedure is to provide a uniform mechanism for requesting and rendering formal written interpretations of this UDC.

B. Applicability

Any person may file a request for an administrative interpretation.

[1110] New procedure that establishes a formal provision for securing written interpretations of the UDC. Incorporates the process for receiving a determination as to whether an unspecified use is permitted, building on Section 7.2.108 (Similar Uses) of the existing zoning and subdivision ordinance.

C. Interpretation Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Decision

a. Responsibility

Responsibility for making interpretations of provisions of this UDC is assigned as follows:

(1) The Manager shall be responsible for all interpretations of the provisions of this UDC relating to zoning and subdivision, including but not limited to:

(a) Interpretations as to which is the stricter and thus controlling provision in case of conflict with the UDC and other provisions of this Code;

(b) Interpretations of compliance with a conditional of approval;

(c) Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district;

(d) Interpretations about the applicability or requirements of a development standard; and

(e) Interpretations of the zoning district boundaries on the Zoning Map.

(2) The City Engineer shall be responsible for interpretation of the engineering previsions in the text of the UDC.

b. Interpretation

The staff responsible for making the interpretation shall review the request for interpretation, consult with the City Attorney and affected City officials, and render a decision based on the following specific approval criteria:

(1) General Interpretation

The interpretation shall be consistent with:

(a) The purposes of this UDC;

(b) The purposes of the zone district (including overlay district(s), if applicable) in which the property is located;

(c) Common use of words in the English language if the interpretation is based on the meaning of specific words that are not defined in this UDC, adopted City regulations, or the Colorado Revised Statutes; and

(d) Prior interpretations of the UDC on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with the criteria in Subdivisions (a) through (c) above.

(2) Use Interpretation

(a) The Manager shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.

(b) When determining the level of permission or associated use-specific standards, the size, scale, operating characteristics, multimodal traffic impacts, storm

drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.

(c) The Manager shall consult with the City attorney and affected City officials before rendering the interpretation.

3. Post-Decision Actions or Limitations

The decision on an application for interpretation is subject to the following:

a. Notice

(1) The Manager shall inform the applicant in writing of the interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.

(2) The decision shall be in writing and made available to the public.

b. Effect of Approval

(1) The interpretation shall be binding on subsequent decisions by the Manager, City Engineer, or other City administrative officials (as applicable) in applying the same provision of this UDC or the Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDC is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to a court of law.

(2) No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the City.

(3) A land use determination finding a particular use to be permitted, or allowed as a conditional use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.

c. Official Record of Interpretations

The Manager shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

D. Criteria for Interpretations

All interpretations shall be based on the review criteria in Section 7.5.410 and the following:

1. Text Provisions

Interpretation of text provisions and their petition shall be based on the following considerations:

a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Section 7.6.3 (Definitions) and by the common and accepted usage of the term;

b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;

c. The general purposes served by this UDC as set forth in Section 7.1.3 (Purpose).

d. Consistency with the Comprehensive Plan and other plans adopted by City Council; and

e. Consistency with the measurement standards of this UDC including Section 7.6.2 (Rules of Measurement and Calculation).

2. Zoning Map Boundaries

Interpretation of zone district boundaries on the Official Zoning Map shall be in accord with the standards in Section 7.6.109 (Zone District Boundaries) and consistent with the Comprehensive Plan and other plans adopted by City Council.

3. Use Regulations

Interpretations of land use determinations shall be based on the following considerations:

a. Any listed use defined in Section 7.6.3 (Definitions) shall be interpreted as defined in that section;

b. No land use determination shall authorize any use in any zone district unless evidence is presented demonstrating that it will comply with the general regulations established for that particular zone district;

c. No land use determination shall authorize any use in a particular zone district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zoning district and is more similar to such uses than to other uses listed as permitted or conditional in another zone district;

d. If the proposed use is most similar to a use allowed only as a conditional use in the zone district, then any land use determination authorizing such use shall be subject to conditional use approval pursuant to Section 7.5.601 (Conditional Use Permit); and

e. No land use determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zone district in question, unless such use meets the standard of either Subdivisions b or c above.

7.5.528 Minor Variance[1111]

A. Purpose[1112]

The Minor Variance procedure provides a mechanism for the City to authorize variances from the development standards in Article 7.4 (Development Standards and Incentives) of this UDC when it is demonstrated that such a variance will not be contrary to the public interest or spirit of this UDC, and where, owing to special conditions, literal enforcement of this UDC will result in practical difficulties or unnecessary hardship making use of the property, and where the requested relief is not available under another provision of this UDC .

B. Applicability[1113]

1. A Minor Variance shall be required for any development application that requests a departure from development standards that is not authorized by Section 7.5.407 (Administrative Adjustment) and is not required to be reviewed as by the Planning Commission under Section 7.5.602 (Major Variance).

2. The requested deviation is not available if a similar adjustment or exception to a UDC standard is available pursuant to Section 7.4.202 (Incentives).

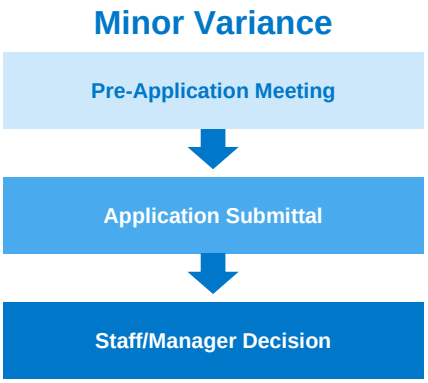
[1111] Builds on Article 5, Part 8 (Variances) of the existing zoning and subdivision ordinance with changes as noted. Only nonuse variances are carried forward.
[1112] Simplifies the purpose statement from the existing zoning and subdivision ordinance.
[1113] Revised to avoid overlap with other provisions of the UDC.

C. Minor Variance Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

3. Meeting and Decision[1114]



a. The Minor Variance application shall be reviewed and decided upon as follows:

(1) The Manager shall review the application and make a decision to approve, approve with conditions, or deny the requested variance in all cases except those described in Subsections (2) below.

(2) If the request for a variance is submitted in conjunction with an application that requires review and approval by the Planning Commission, FBZ Review Board, or City Council, such as a Conditional Use Permit, the variance shall be reviewed and decided by the decision-making body in conjunction with the other application.

b. The decision-making body shall grant or reject an application for a variance based on the review criteria in Subsection C below.

C. Criteria for Approval[1115]

1. General Approval Criteria[1116]

A minor variance may be approved if the Manager finds that:

a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

a. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and

b. The strict application of the terms of this UDC will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; and that the development standards variance will relieve the practical difficulties. The practical difficulties may include:

(1) Its size, shape, location, topography, or soils.

(2) The existence of structures on the property and their size or location, if the structures are not self-imposed conditions.

[1114] Carries forward the decision-making responsibility in the existing zoning and subdivision ordinance including Sections 7.5.802F and C.2 regarding adult uses.
[1115] Simplifies and updates the criteria that apply to a variance, revising Section 7.5.802C-E of the existing zoning and subdivision ordinance. The criteria in C and D and the guidelines in E are consolidated, and the standard updated from “no reasonable use” to “significant practical difficulties.” Specific standards for parking variances are not carried forward.
[1116] Requirement for consistency with the Comprehensive Plan was not carried forward, because by definition applications to vary from the development standards in Article 7.4 are requesting permission to deviate from standards that were adopted to implement the comprehensive plan.

D. Expiration, Termination, and Reconstruction[1117]

1. Expiration

c. A Minor Variance shall expire 12 months after the date of final approval if action based on the approved Minor Variance is not taken within that time. For purposes of this Subsection, "action" means obtaining a Building Permit pursuant to the granting of the Minor Variance, or if a Building Permit is not required, the right that is granted pursuant to the minor variance is put to use pursuant to the Minor Variance.

d. Prior to the expiration of a Minor Variance, a 12-month extension of the approval may be granted by the Manager upon demonstration of good cause.

2. Termination

Except as provided in Subsection 1 above, discontinuance of the exercise of any right granted by any Minor Variance for a continuous period of 12 months shall terminate that right, and the property shall thereafter be subject to the standards and provisions of this UDC applicable to the use, structure, or property in the absence of an approved Minor Variance.

3. Reconstruction

In the event buildings with an approved Minor Variance on an approved Development Plan or Minor Site Plan are damaged or destroyed by fire or other natural causes, the buildings may be rebuilt according to the approved Development Plan or Minor Site Plan on file with the City. All necessary Building Permits must be obtained within four years of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances.

7.5.6 Decisions Requiring a Planning Commission Hearing

7.5.601 Conditional Use Permit[1118]

A. Purpose

The purpose of this Section is to provide a mechanism for the City to evaluate proposed land uses in a particular zone district that are only conditionally permitted because of unique operating and/or physical characteristics and may be allowed after careful consideration of their impact upon the neighborhood and the public facilities.

B. Applicability

1. No use classified as conditional in Table 7.3.2-A or Table 7.3.2-B and no use where conditional use approval is required as part of a use-specific standard (see Section 7.3.3) may be conducted without first obtaining a Conditional Use Permit in accordance with this Section.

2. If a Development Plan is required for the proposed conditional use, Planning Commission shall review and decide upon the Development Plan application in accord with the standards and criteria in Section 7.5.516 (Development Plan) concurrent with review of the Conditional Use Permit application.

C. Conditional Use Permit Process

1. General

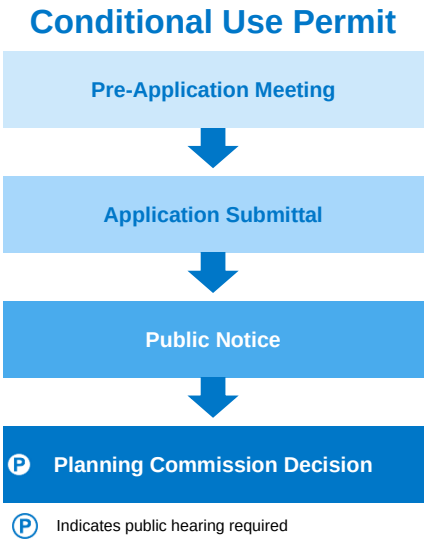
All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection C.

[1117] From Section 7.5.807 of current zoning and subdivision ordinance.
[1118] Carries forward Chapter 5, Prat 7 of the existing zoning and subdivision ordinance with updates to conform to the format of the UDC. Section 7.5.706 (Amendments) duplicates the general major and minor amendments procedure that applies to all permits in Section 7.5.410. The criteria for approval have been revised and strengthened.

2. Planning Commission Decision

a. The Conditional Use Permit application shall be accompanied by a Development Plan meeting all of the standards of this UDC.

b. The Planning Commission shall review the Conditional Use Permit application at a public hearing and approve, approve with conditions, or deny the application based on any criteria in the use-specific standard relating to the use, the review criteria in Section 7.5.411 (General Criteria for Approval), and the following criteria for approval:



(1) The application complies with any use-specific standards for the use in Section 7.3.3,

(2) The size, scale, height, density, multimodal traffic impacts, hours of operations, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent practicable;

(3) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the extent practicable; and

(4) The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

c. The City staff may recommend, and/or the Planning Commission may impose, special conditions upon the subject property needed to alleviate or mitigate any potentially significant adverse impacts on other property in the neighborhood, and to carry out the stated purposes of the Comprehensive Plan and this UDC. The Planning Commission may also impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

3. Post-Decision Actions or Limitations

The Planning Commission's decision on a Conditional Use Permit application is subject to the following:

a. The approved conditional use and any accompanying Development Plan, along with stipulations submitted as part of the conditional use application and all conditions imposed by the Planning Commission, shall be binding on the property and shall run with the land and shall not be affected by changes in tenancy, ownership, or management of the property.

b. An approved Conditional Use Permit and any accompanying Development Plan shall expire if either of the following apply:

(1) The applicant fails to begin operation, or fails to apply for a Building Permit and begin construction for a building related to the conditional use, within four years of approval.

The Manager may approve one one-year extension of the Conditional Use Permit if no major changes to the site design are required.

(2) A legally established conditional use is abandoned or discontinued for a period of at least one consecutive year. Prior to expiration of the conditional use due to abandonment or discontinuation, the Manager may approve one one-year extension of the Conditional Use Permit if no major changes to the site design are required.

c. Upon the expiration of a Conditional Use Permit, no Building Permit or Certificate of Occupancy may be issued for that use until a new Conditional Use Permit application has been reviewed and approved in accord with this Section 7.5.601.

7.5.602 Major Variance[1119]

A. Purpose[1120]

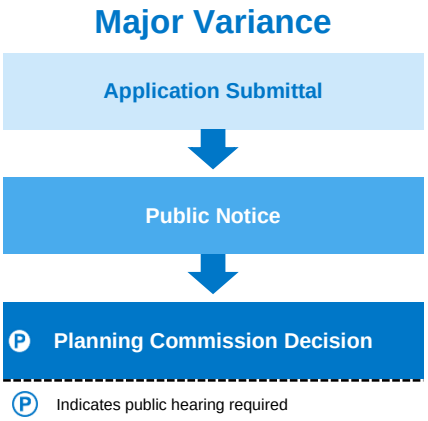
The purpose of this Section is to provide for Planning Commission review of applications for variations from the provisions of Article 7.4 (Development Standards and Incentives) submitted in conjunction with an application for a Conditional Use Permit or Concept Plan application, so that the requested variance request may be reviewed and a decision made in conjunction with the accompanying Conditional Use Permit or Concept Plan application, and for applications to vary certain requirements that apply to Adult Entertainment uses and Adult Retail uses.

B. Applicability[1121]

This Section applies to the following types of applications:

1. An application for a variance under Section 7.5.528, that is submitted in connection with an application for a Conditional Use Permit under Section 7.5.601 or an application for a Concept Plan Approval under Section 7.5.515.

2. An application for variance to reduce the minimum separation distance applicable to Adult Entertainment uses (Section 7.3.303B.1) and Adult Retail uses (Section 7.3.303H.1).



C. Major Variance Process

1. The process to review and make a decision on a Major Variance related to a Conditional Use Permit or Concept Plan application shall be the same as the process used for the Planning Commission to review and make a decision on a related application for a Conditional Use Permit or Concept Plan approval pursuant to the criteria in Subsection 3 below.

2. The process for review of a Major Variance to reduce the required minimum spacing for an Adult Entertainment use shall be the same as the process used to review a Variance under Section 7.5.528, except that:

[1119] As discussed in the Project Plan, Use Variances are no longer available under the UDC. If the City believes that a use is permitted or could be permitted in a zone district, the use will be listed for that district in the Allowed Use Tables. Uses not listed in those tables are not available. Section 7.5.805 (Conditions on Approval) were not carried forward because the ability to impose conditions is now addressed in the General Procedures.
[1120] New. Replaces Section 7.5.801 of current zoning and subdivision ordinance.
[1121] The Major Variance process for changes to vehicle parking and storage regulations were not carried forward as unreasonably complex and likely unnecessary in light of significant changes to parking regulations, the availability of parking credits, and the availability of administrative adjustments, al of which as subject to appeal.

a. The Manager shall make a recommendation to the Planning to approve, approve with conditions, or deny the application, pursuant to the standards in Subsection 3 below (rather than making a decision on the application pursuant to the criteria in Section 7.5.528C);

b. The provisions of Section 7.5.408 (Public Notice) and 7.5.409 (Meetings and Decisions) applicable to a public hearing before the Planning Commission shall apply; and

c. The Planning Commission shall conduct a public hearing and make a decision to approve, approve with conditions, or deny the application pursuant to the criteria in Subsection 3 below.

3. Criteria for Approval[1122]

A Major Variance may be approved if the Planning Commission determines that:

a. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

b. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and

c. That the granting of the variance will not have an adverse impact upon surrounding properties; and

d. That the variance is not being requested primarily to avoid the time and/or expense of complying with UDC standards generally applicable to similar properties and development.

D. Post-Approval Actions and Limitations[1123]

1. Expiration and Termination

a. A Major Variance approved with a Conditional Use or Concept Plan shall run concurrently with that approval, shall expire, and shall terminate at the same time as the Conditional Use or Concept Plan.

b. A Major Variance for a reduction in required spacing of Adult Entertainment or Adult Retail uses shall expire, may be extended, and may terminate or be terminated on the same basis as a Minor Variance as shown in Section 7.1.101D.

2. Reconstruction

In the event buildings with an approved Major Variance on an approved Development Plan or Minor Site Plan are damaged or destroyed by fire or other natural causes, the buildings may be rebuilt according to the approved Development Plan or Minor Site Plan on file with the City. All necessary Building Permits must be obtained within four years of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances.

7.5.603 Certain Concept Plans

The Planning Commission shall review and make a recommendation or decision on Concept Plans in those circumstances described in Section 7.5.515 (Concept Plan) and pursuant to those standards and criteria described in Section 7.5.515.

[1122] Requirement for consistency with the Comprehensive Plan in current Section 7.5.806 was not carried forward, because by definition applications to vary from the development standards in Article 7.4 are requesting permission to deviate from standards that were adopted to implement the comprehensive plan. Criteria d is new. Current additional criteria related to variations of required spacing of Adult uses was not carried forward as generally repetitive of criteria a, b, and c.

[1123] From Section 7.5.807 of current zoning and subdivision ordinance.

7.5.604 Decision Referred to Planning Commission

The Planning Commission shall review and make a decision on any matters referred to the Planning Commissioner by the Manager pursuant to Section 7.5.410 (Referral to Planning Commission) and pursuant to the review criteria in Section 7.5.411 (General Criteria for Approval).

7.5.605 Appeals[1124]

The Planning Commission shall hear appeals from certain administrative decisions pursuant to Section 7.5.418 (Appeals) and shall make a decision to approve, reverse, or modify the administrative decision based on the same criteria applicable to the administrative decision being appealed.

7.5.7 POLICY DECISIONS BY CITY COUNCIL

7.5.701 Amendment to UDC Text

A. Purpose

The purpose of this Section is to establish standards and provide a mechanism for the City to review and decide on an application to amend the text of this UDC.

B. Applicability

This Section 7.5.701 applies to all applications to amend the text of the UDC.

C. Amendment to UDC Text Process

1. Application Submission

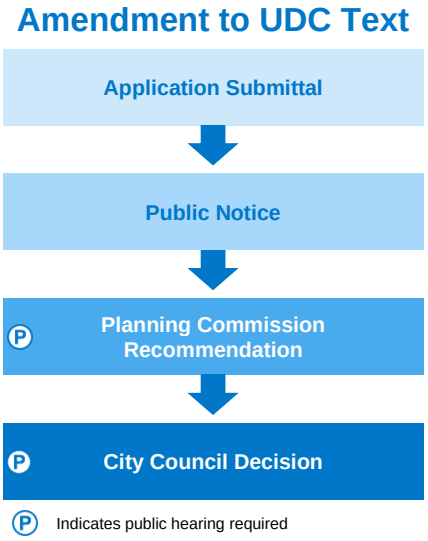
Only a City department, City agency, or appointed board of the City, or City Council may submit an application to amend the text of the UDC.

2. Planning Commission

The Planning Commission shall review the application at a public hearing and shall forward its recommendation to City Council based on the approval criteria in Subsection D below. The Planning Commission may recommend approval, approval with conditions, denial, or may decide not to make a recommendation on the proposed amendment.

2. City Council Decision

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



D. Approval Criteria

In reviewing the application, the Planning Commission and City Council shall pay reasonable regard to the following criteria for approval:

1. The Comprehensive Plan and other plans adopted by City Council.
2. The current conditions and character of current structures and uses in each zoning district.
3. The most desirable use of land in each zoning district.
4. The conservation of sensitive environmental features.

[1124] Added to for internal consistency and to clarify that Council's decision is not a de novo review.

5. The conservation of property values through the jurisdiction.

6. Responsible development and growth.

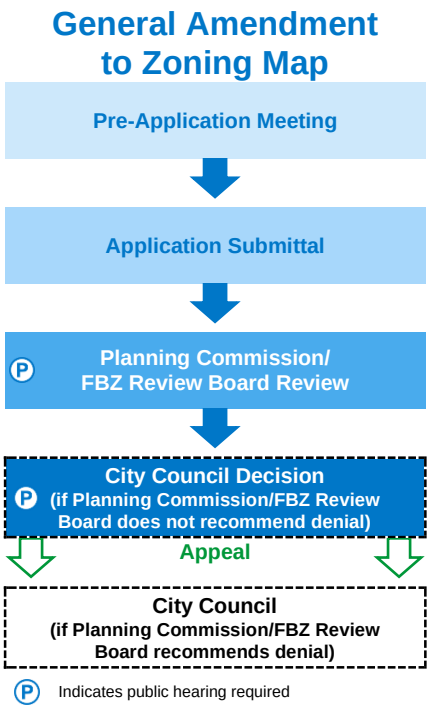
7.5.702 General Amendment to Zoning Map[1125]

A. Purpose

The purpose of this Section is to establish standards and provide a mechanism for the City to review and decide on an application to rezone all or a significant area of property within the City's jurisdiction, where the City has determined that a legislatively initiated zoning of those areas is appropriate.

B. Applicability[1126]

This Section 7.5.702 applies to all applications to rezone property initiated by City Council or the Manager in which the proposed zoning is pursuant to a Council adopted policy or direction applicable to all property in the City or a significant area of the City involving multiple property owners, and the City has determined that compliance with Section 7.5.703 (Site-Specific Amendment to Zoning Map) is not required.



C. General Amendment to Zoning Map Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection. A FBZ regulating plan may provide for alternate review procedures.

2. Planning Commission or FBZ Review Board Review[1127]

a. The Planning Commission or, if specified in an applicable FBZ regulating plan, an FBZ Review Board shall review the application and make a decision based on the approval criteria in Subsection D below. The Commission or FBZ Review Board may recommend approval, approval with conditions or modifications, or decide not to make a recommendation on the proposed application, or may deny the application. As part of an approval, the Planning Commission or FBZ Review Board may recommend, and the City Council may require, the modification of requirements of any zone district so that the property under consideration may be developed in a reasonable manner and without detriment to the public welfare and interest.[1128]

b. If the Commission or, if applicable, FBZ Review Board recommends approval of the application or makes no recommendation, the Commission or FBZ Review Board shall forward its recommendation to City Council for decision in accord with Subsection 3 below.

c. If the Commission or, if applicable, FBZ Review Board denies the application, the applicant may appeal the decision to City Council pursuant to Section 7.5.605 (Appeals).

[1125] Carries forward Chapter 5, Part 6 (Zone Change Requests and Zoning Code Amendments) of the existing zoning and subdivision ordinance as applied to general amendments to the zoning map, with revisions to conform to the format of this UDC.
[1126] Revised for clarity.
[1127]
[1128]

3. City Council Decision

The City Council shall review the application and the recommendation from the Planning Committee or FBZ Review Board and make a decision based on the approval criteria in Subsection D below.

D. Approval Criteria

An application for a general amendment to the zoning map shall be subject the following criteria for approval:

1. The proposed rezoning is consistent with the goals and policies of the Comprehensive Plan and with other plans and policies adopted by the City Council.
2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.
3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).
4. The proposal is consistent with any approved Concept Plans in the area for which the map is being amended, or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with a amended zoning map.[1129]

7.5.703 Site-Specific Amendment to Zoning Map[1130]

A. Purpose

The purpose of the site-specific amendment to the zoning map procedure is to establish standards and provide a mechanism for the City to review and decide on an application to rezone property for individual parcels or small areas of land within the City.

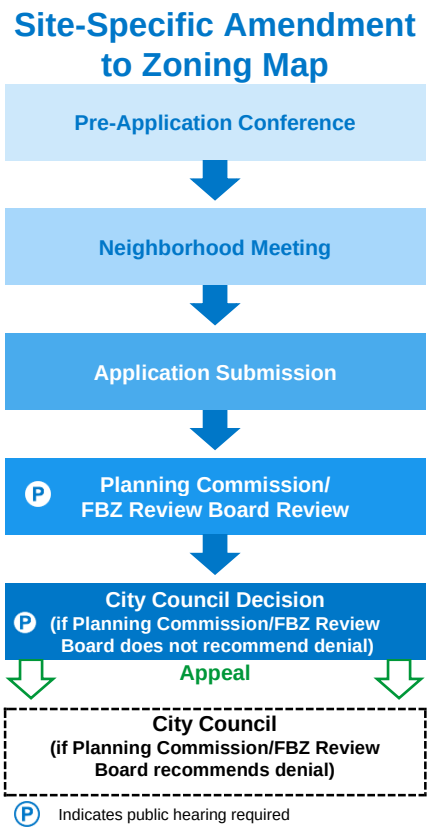
E. Applicability

This Section 7.5.703 applies to all applications to rezone property that are not initiated by City staff or that propose rezoning of only individual parcels or small areas.

[1129] Revised for clarity and internal consistency.

[1130] Carries forward Chapter 5, Part 6 (Zone Change Requests and Zoning Code Amendments) of the existing zoning and subdivision ordinance as applied to site-specific amendments to the zoning map, with revisions to conform to the format of this UDC. The approval criteria have been updated to reflect the impact of smaller-scale rezonings that are requested by an applicant to support development of a proposed project.

B. Site-Specific Amendment to Zoning Map Process



1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection. A FBZ regulating plan may provide for alternate review procedures for proposed amendments of zoning map designations within the FBZ zone district.

2. Planning Commission or FBZ Review Board Review

a. The Planning Commission or, if specified in an applicable FBZ regulating plan, an FBZ Review Board, shall review the application and shall forward its recommendation to City Council based on the approval criteria in Subsection C below. The Planning Commission or FBZ Review Board may recommend approval, approval with conditions or modifications, or make no recommendation, or may deny the application.[1131]

b. The Planning Commission or, if applicable, FBZ Review Board may recommend, and the City Council may require, the modification of requirements of any zone district so that the property under consideration may be developed in a reasonable manner and without detriment to the public welfare and interest.[1132]

c. If a Development Plan is required with the zoning map amendment application, the Planning Commission shall review and decide upon the Development Plan application in accord with the standards and criteria in Section 7.5.516 (Development Plan) concurrent with its review of the proposed zoning map amendment application.

d. If the Commission or, if applicable, FBZ Review Board recommends approval of the application or makes no recommendation, the Commission or FBZ Review Board shall forward its recommendation to City Council for decision in accord with Subsection 3 below.

e. If the Commission or, if applicable, FBZ Review Board denies the application, the applicant may appeal the decision to City Council pursuant to Section 7.5.605 (Appeals).

3. City Council Decision

The City Council shall review the application and the recommendation from the Planning Committee or FBZ Review Board and make a decision based on the approval criteria in Subsection C below.

C. Approval Criteria

An application for a site-specific amendment to the zoning map shall be subject to the following criteria for approval:

1. The proposed rezoning is consistent with the goals and policies of the Comprehensive Plan, with other plans and policies adopted by the City Council, and with the purpose statement of the proposed zone district(s);

1131

1132

2. The application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions;

3. If a Concept Plan or amendment to a Concept Plan accompanies the application for a site-specific map amendment, the Concept Plan or amendment complies with the applicable criteria in Section 7.5.515C.6 (Recommendation to Planning Commission and/or City Council)

4. The application demonstrates that the map amendment is consistent with any approved Concept Plan or amendment to the Concept Plan that is being proposed simultaneous with the application for a site-specific amendment to the zoning map.

5. The application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

7.5.704 Historic Preservation Zoning Designation[1133]

A. Purpose

The purpose of this Section is to establish standards and a mechanism for the City to review and decide whether to assign a Historic Preservation Overlay (HP-O) zoning district on an individual property or an area of the City.

B. Applicability

This Section applies to all applications to assign an HP-O zoning district.

C. Historic Preservation Zoning Designation Process

1. General

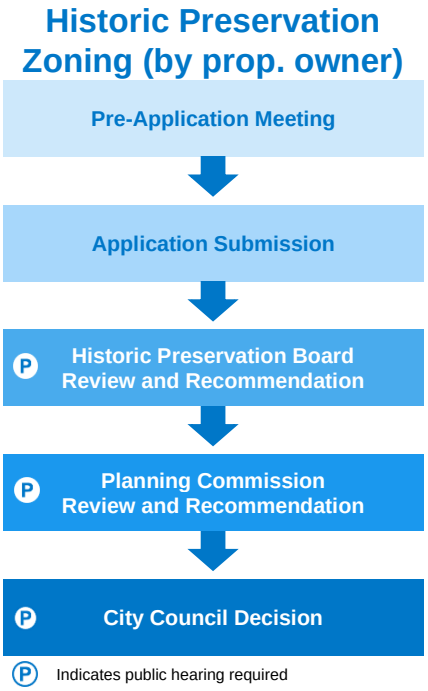
All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

[1133] From Sections 7.5.1603 and 7.5.1604 of current zoning and subdivision ordinance. Some content reorganized or reworded for internal consistency.

2. Initiation of Process

a. Application Submission by Property Owner

A property owner may submit an application for designation of an HP-O district in accordance with the provisions of Section 7.5.403 (Application Submission). An application to designate an HP-O district on property shall include a description of the property proposed for zoning and a detailed outline of the reasons why the property should be designated and why the boundaries of the property should be determined as described in the application.



b. Initiation of Designation by Historic Preservation Board

(1) In lieu of the application submission provision in Section 7.5.403 (Application Submission), the Historic Preservation Board may initiate the designation of an HP-O district if, in the opinion of the Board, the site, structure, object, or area on the subject property meets the criteria for the HP-O district.

(2) To initiate the process, the Board shall attempt to contact the record owner or owners of the property as shown in the records of the El Paso County Assessor by mailing to the owner or owners, at the owner's address shown in the records of the El Paso County Assessor, first class mail, postage prepaid, a first request for consent to the zoning outlining the reasons and effects of establishing the HP-O district and requesting the owner's written consent to the application of the HP-O district on the property.

(3) If the first class mailing is returned to the Board by the United States Postal Service, or no response from the owner is received by the Board within 30 days of the date the request was mailed, the Board shall again attempt to contact the record owner or owners of the property by mailing to the owner or owners, first class mail with a certificate of mailing, postage prepaid, a second request for consent to the zoning outlining the reasons and effects of historic preservation overlay zoning and requesting the owner's written consent to historic preservation overlay zoning on the property.

(4) If any owner of the property does not consent to designation of the HP-O overlay on the property within 30 days of the date the first request was mailed by the Board, or, in the event the first request to an owner was returned by the United States Postal Service, if no response or consent is received from that owner of the property within 30 days of the date the second request was mailed by the Board, the Board, upon an affirmative vote of at least four of its members, may proceed by officially adopting a resolution stating that the preliminary investigation by the Board indicates that the property is eligible for HP-O zoning.

3. Public Notice

In lieu of the notice requirements of Section 7.5.408, notice shall be required as follows:

a. Notice is not required if the property owner submitted an application to assign an HP-O district to property, or if the owner consents in writing to a request to assign an HP-O district initiated by the Historic Preservation Board.

b. If all property owners do not consent in writing to a request to assign an HP-O district initiated by the Historic Preservation Board, the following notice requirements apply:

(1) Written notice of the time, date, place and subject of the hearing shall be sent to the owner or owners of record who own the real property being proposed for inclusion within the historic preservation overlay zone, at the owner's address shown in the most recent records of the El Paso County Assessor, by first class mail, with certificate of mailing, at least 27 days prior to the hearing. The notice shall be deemed delivered upon the passage of six days from the deposit of the notice in the United States mail.

(2) A sign or signs indicating that historic preservation overlay zoning is being considered shall be posted by the Historic Preservation Board for a period of at least 15 days immediately preceding the hearing, as follows:

(a) Where an individual property is proposed to be assigned to an HP-O district, any sign or signs shall be prominently displayed and easily readable from abutting public ways.

(b) Where two or more adjacent properties are proposed to be assigned to an HP-O district, any or signs may be prominently displayed in the public ways entering the perimeter of the district comprising those properties, or each property within the district may be individually posted in accord with Subsection (a) above at the Manager's discretion.

(c) A legal notice indicating the nature of the hearings, the property involved, and the time, date, and place of the scheduled public hearing shall be published in a newspaper of general circulation one time at least 15 days prior to the hearing.

4. Interim Control

No Building Permit shall be issued by the Building Official for alteration, relocation, demolition, or new construction on a site, or for a structure or object under consideration for assignment of the HP-O district, from the date of the hearing of the Board at which the assignment of the HP-O district is first presented for consideration of any kind until final disposition by the City Council unless such alteration, relocation, demolition, or new construction is authorized in accord with Section 7.5.524 (Historic Resource Alteration or Demolition).

5. Meetings and Decision

a. Historic Preservation Board

(1) Hearing

(a) The Historic Preservation Board shall hold a hearing on an application for assignment of the HP-O district no more than 63 days after:

(i) The date the property owner submits a complete application in accord with Subsection 2.a above; or

(ii) If the Historic Preservation Board has initiated the process, the latest of the date that the property owner has consented in writing to the designation, the date that the Historic Preservation Board has effectuated service on the property owner, or the Historic Preservation Board's motion to proceed with the process in the absence of notice in accord with Subsection 2.b above.

(b) The hearing shall be recorded. Written presentations, including the report of the Planning and Development Department, shall be included in the record of the hearing. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed zoning. However, the Historic Preservation Board may establish reasonable rules to govern the proceedings of the hearings, including setting reasonable limits on the length of individual presentations.

(c) If any hearing is continued, the time, date, and place of the continuation shall be established and announced to those present when the current session is to be adjourned; and such information shall be promptly forwarded, by regular mail, to the owners of record of the property subject to assignment of the HP-O district.

(2) Findings and Recommendations

(a) The Historic Preservation Board shall provide its recommendation or decision on the application following the hearing. The decision shall be based on the based on the approval criteria that apply to a Site-Specific Amendment to Zoning Map in Section 7.5.703C above and the standards that apply to the HP-O district in Section 7.2.501B (Standards for Designation of Areas for Zoning Overlay).[1134]

(b) The Board may approve, reject, or modify any proposal, but no proposal may be extended beyond the boundaries of the land described in the original resolution unless the initiation and hearing procedure is repeated for the enlarged boundaries.

(c) The Board shall set forth in its records the findings of fact which constitute the basis for its decision.

(d) If the Board fails to reach a decision, the designation shall be deemed to have been denied and the designation procedure shall be terminated, unless a continuance is agreed to by a majority of the members of the Board present and a majority of those property owners receiving notice who are present at the hearing.

(e) In addition to the conditions allowed in Section 7.5.412 (Conditions on Approvals), the Historic Preservation Board may recommend, upon demonstration of need, one or more of the following conditions of record:

(i) Reduction of front, side, and rear yard setbacks to conform to neighborhood standards.

(ii) Waiver of building height limitations to conform to neighborhood standards.

(iii) Allowance of unparking vehicles to back across property lines for parking spaces accessed from an alley so long as such unparking vehicles are visible from both directions in the alley.

(iv) Allowance of 100 percent of all required off street parking spaces as compact spaces.

(v) Allowance of tandem parking spaces.

1134

(vi) Allowance of off-street parking spaces 300 feet of the historic resource.

(vii) If relief allowed under Subsections (iii) through (vi) above is insufficient to preserve the subject historic resource, a reduction of up to 50 percent of the minimum number of off-street parking spaces required by Section 7.4.10 (Parking and Loading) may be recommended if determined necessary by the Board to preserve a historic resource.

(3) Transmittal of Decision to Planning Commission

If the Historic Preservation Board recommends assigning the HP-O district to property, the Board shall transmit to the Planning Commission, through the Manager, the recommendation including the description of the property involved, the findings upon which the recommendation is based, specific design standards addressing proposed alterations to the property, and any other appropriate conditions of record. If the Board recommends denial of the application, the application process shall be terminated.

b. Planning Commission

Upon receipt of the recommendation of the Historic Preservation Board, the Planning Commission shall schedule and hold a hearing on the request to assign the HP-O district and decide whether to concur in the Board's recommendation, concur with modifications, or recommend that the HP-O district not be assigned. The decision shall be based on the approval criteria in Section 7.5.703C above and the standards that apply to the HP-O district in Section 7.2.501B (Standards for Designation of Areas for Zoning Overlay). If the Planning Commission recommends approval of the application, that recommendation shall be forwarded to City Council for action. If the Commission recommends denial of the application, the application process shall be terminated.

c. City Council

Upon receipt of the recommendation of the Planning Commission regarding the request to assign the HP-O district, the City Council shall review the application and the recommendations from the Historic Preservation Board and the Planning Commission and make a decision based on the approval criteria in Subsection 7.5.703C above and the standards that apply to the HP-O district in Section 7.2.501B (Standards for Designation of Areas for Zoning Overlay).

6. Notification Subsequent to Adoption of HP-O District

Within 10 days after the adoption of an ordinance assigning the HP-O district, the City Clerk shall send to the owner of each property so zoned by first class mail a letter outlining the reasons for the designation and the obligations and restrictions created by the zoning. The letter shall also contain a request that the owner and the owner's heirs, successors, and assigns notify the Board prior to:

a. Preparation of plans of the reconstruction or alteration of the exterior or improvements located on the property; or

b. Preparation of plans for the reconstruction, alteration, relocation, or demolition of improvements on the property.

7. Limitation of Action

If the Historic Preservation Board or Planning Commission recommends denial of an application to assign an HP-O district, or the application is denied by City Council, no further request for the same change affecting the same property or a part shall be accepted for a review for at least 12 months after the final date of denial.

7.5.705 Vacations of Public Streets or Rights-of-Way

The City Council shall review and make a decision on Vacations of Plat that involve vacations of public streets or rights-of-way in those circumstances, and pursuant to those standards and criteria described in Section 7.5.519 (Vacation of Plat)

7.5.706 Annexation of Land[1135]

A. Purpose

1. General Policy Statements

The following statements establish the City's policy regarding annexation of land into the City's corporate limits:

a. The citizens of the City are the owners of water provided to themselves and to consumers outside the City limits. The funds collected from development charges and the revenues generated by sale of water and processing of wastewater are necessary to pay for the acquisition and development of the water and the construction, operation, and maintenance of the water and wastewater facilities.

b. The City shall consider the future water and wastewater needs of areas outside the corporate limits if the Pikes Peak urban area is to continue to grow to accommodate anticipated population. However, in considering the future water and wastewater needs of areas outside the City, consideration shall be given to the capacity to serve users within the corporate limits of the City.

c. The extension or provision of water or wastewater, or both, is a method of fostering compatible land use and development inside and outside the City limits, and should be handled in a manner which will ensure sound land use relationships and promote orderly development.

d. Persons inside the City limits who receive water or wastewater services must comply with this UDC and other City regulations including, but not limited to, the Construction, Fire Protection, and Health Codes. Such persons must pay ad valorem taxes upon their real property. It seems only reasonable then, that persons outside the City limits who desire water or wastewater services be required to do no less than those who receive such services inside the City, as well as pay additional fees for such services.

e. There is a need to sell water and process wastewater for revenues to meet the costs of owning and operating the City's water and wastewater system, and the need to ensure that land use and development outside of the corporate limits of the City is compatible with land use within the City and will not have an adverse impact on the City and its facilities, public and private.

f. There is no obligation imposed by general law upon the City to permit any of the City's water to be used outside its boundaries. Neither is there an obligation under general law to reserve water for undeveloped land presently within the City's boundaries.

2. Extension Policies

The City Council is required to establish extension policies for services provided by Colorado Springs Utilities in accordance with City Charter Section 6-70.

[1135] Carries forward Article 6, Part 2 of the existing zoning and subdivision ordinance with reorganizations, rewording, and changes to conform to the format of this UDC. Current statement of state authority to regulate annexations has been consolidated with other authority statements in Article 7.1,

3. Water and Wastewater Service Outside City Limits[1136]

City Council believes that definite statements need to be made in order to establish a policy pertaining to the provision and extension of water or wastewater, or both, to consumers outside the City limits who own or occupy land not presently eligible for annexation.

B. Rights of the City

1. This Section 7.5.706 shall not be construed to create any rights or cause of action in any person or land, whether or not eligible for annexation, to demand or receive water or wastewater or other municipal service. The City has never previously and does not now assert exclusive control over the right to serve areas outside the corporate limits of the City with water and wastewater. Areas and activities outside the corporate limits of the City are free to obtain water and wastewater services from any other sources.

2. The right of the City Council to restrict and regulate the use of City water within or outside the City limits shall not be abridged by anything contained in this Section 7.5.706. The City Council hereby declares the policy of the City to be that water belonging to the City is in no way allocated to a particular parcel of land until such land is developed and water applied to actual use upon such land. Nothing in this Section 7.5.706 shall be construed to confer upon undeveloped land within the City limits, as such City limits exist at the time of adoption of this Section or as such City limits may be altered by annexation or disconnection in the future, any right to the preservation of existing water rights or quantities of water for the sole and exclusive use of such land.

3. In the interest of the citizens of the City, City Council will not extend water or wastewater service into any area which is not presently included within the Utilities electric service area. An exception to this policy may be made if the area requesting service can be annexed to the City at the time of utility extension and included in the electric service area upon such annexation or for special contract service for water or wastewater services outside the City.

C. Annexation Process

1. General

All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

2. Zoning of Annexed Areas[1137]

The petitioners of an annexation may request that the initial zoning of the land to be annexed occur concurrently with the annexation ordinance in accord with the Municipal Annexation Act of 1965, as amended, C.R.S §31-12-101 et seq., and Section 7.5.7 of this UDC. If there is no request for the establishment of an initial zone district by petitioners for annexation or if the annexation is in accord with C.R.S. § 31-12-106, the initial zoning of the annexed land shall be accomplished within 90 days of the effective date of the annexation. The establishment of an initial zone district shall be accomplished after at least one public hearing by the Planning Commission and City Council jointly or singly to consider the action.[1138]

3. Decision by City Council

a. The City Council shall review the application in accord with the criteria in Subsection D below.

b. The City Council in its discretion may approve or deny the application for annexation.

1136

1137 Carries forward Section 7.2.106 of the existing zoning and subdivision ordinance with changes for internal consistency.

1138

(1) If the City Council decides to annex, it may require a contemporary Annexation Agreement in accord with Subsection E below specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this UDC. City Council may include other requirements it deems necessary.

(2) If the City Council denies the application for annexation, utilities shall not be extended unless Council is assured that Annexation Agreement in accord with Subsection E below can be enforced, and that the remaining provisions of this Section 7.5.706 regarding annexation subsequent to extension of utilities have been met.

D. Criteria for Annexation

The City Council shall use the following criteria when evaluating a request for annexation and shall determine whether:

1. The area proposed to be annexed is a logical extension of the City's boundary.
2. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City.
3. There is a projected available water surplus at the time of request.
4. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City.
5. The annexation can be effected at the time the utilities are extended or at some time in the future.
6. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by Utilities based on market conditions as presently exist.
7. All rights-of-way or easements required by Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to Utilities. Utilities, at the time of utility system development, shall determine such rights-of-way and easements.
8. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the Public Utilities Commission or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

E. Annexation Agreement for City Services

1. Except for special contract service for water or wastewater services outside the City, as a condition precedent to the supplying of City water or wastewater services, or both, to land outside the limits of the City, the City shall require an agreement executed by the owners in fee of the real property contracting for the services. This agreement shall provide that the owners shall petition for and consent to the annexation of the area to be supplied with City water or wastewater services to the City at such future date as the area supplied, or any portion thereof, becomes both eligible for annexation pursuant to Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965, as amended, C.R.S §31-12-101 et. seq., or any successor provision, and the City Council determines that annexation is appropriate.

2. It is recognized that a court determination may be required in order to satisfy the provisions of this Subsection E.

3. Any agreement in accordance with this Subsection E shall be reported to the City Council at the next regular meeting of Council following its execution. Such agreement shall then be recorded and shall run with the land and be binding on the heirs, assigns, and successors in interest of the signers.

F. Requests for Water or Wastewater Service Outside the City's Corporate Limits

1. Land that at the time of request for service is eligible for annexation to the City in accordance with Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965, as amended, C.R.S §31-12-101 et. seq., or any successor provision, and that meets the provisions of this Section 7.5.706, as determined by City Council, shall be annexed to the City before receiving City water or wastewater service or both except as provided in this Section 7.5.706.

2. An application for water or wastewater service for premises outside the corporate limits of the City may be granted by the City Council upon finding that all conditions set forth in this Section 7.5.706 have been met by the applicant. At its discretion, the City Council may require that studies addressing the considerations expressed in this Section 7.5.706 be prepared as a condition precedent to the granting of water or wastewater services or both.

3. In no event is City Council legally obligated to serve water or wastewater outside the City limits.

4. In the event that the City Council authorizes the extension of water or wastewater or both services outside the City boundaries, such decision shall be considered a matter of legislative discretion and not subject to judicial review. Neither shall such decision constitute a precedent controlling other pending or future applications for extraterritorial service.

5. Any request for a change of use of previously granted municipal services shall be considered and administered as a new application for such municipal service and shall be subject to all of the provisions and requirements as set forth in this Section 7.5.706.

G. Service Pending Annexation

1. Availability

a. The City Council may approve the delivery of water or wastewater service, or both, pending completion of annexation, if delaying the start of service until annexation would:

(1) Cause unnecessary delay to the annexor in commencing work on the proposed development; or

(2) Impose an unnecessary economic hardship upon the annexor, without any compensating advantage or benefit to the City or its citizens.

b. The City Council hereby declares that its discretion in determining the existence or nonexistence of good cause to approve the delivery of water or wastewater service, or both, before the completion of annexation is a legislative act and is not subject to judicial review.

2. Requirement

An application for annexation shall be filed before a permit or permits for such water or wastewater service shall be issued or any work shall commence to extend such water or wastewater service beyond the then-existing City limits. Once filed, the application shall not be withdrawn except with express permission of the City Council and shall be pursued by the annexor and affected City departments to a speedy conclusion. Authorization for water or wastewater extension beyond the City limits may be withdrawn by the City Council without notice

to the annexor at any time if the annexor has not relied on the authorization to prior to make a substantial change of position (defined as significant expenditure of time or money)

3. Fees

All required fees shall be paid in advance of the issuance of permit(s) for the requested service(s) and no fee or portion thereof shall be refunded.

4. Limitation

In no event shall this Section 7.5.706 be used if annexation subsequent to the extension of utilities cannot be assured under the provisions of Section 30 of Article II of the Colorado Constitution

H. Service Without Annexation

1. Availability

The City Council may use its legislative discretion to authorize special contract service for water or wastewater services outside the City, or service without annexation. Special contract service shall only be considered when the area to be served is legally ineligible for annexation or when City Council determines that annexation is not in the best interest of the citizens of the City, and shall comply with the provisions of Section 12.4.304 of the City Code. Service without annexation is available for the delivery of water or wastewater services or both to land otherwise eligible for annexation under the criteria of the Municipal Annexation Act of 1965 but which the Council decides not to annex for failure to meet the provisions of this Section 7.5.706.

2. Criteria for Evaluating Requests for Service Without Annexation[1139]

In determining whether to extend water or wastewater service without annexation, the City Council shall consider, among other factors, the following:

a. Estimated immediate and long range costs to the City under Development Plans proposed by the annexor, which cost estimates shall include, but need not be limited to:

(1) The cost of extending City services. Examples of required improvements are bridges, arterial streets, major drainage improvements, parks and park improvements and the maintenance and operation of such improvements.

(2) The nature and the cost of City-financed capital improvements made necessary by the proposed annexation when developed. The City may also include the expense that would be incurred by other governmental entities, such as school districts.

(3) The time schedule as proposed by the annexor over which such costs would be extended.

b. Revenues expected to be generated by proposed development within the area proposed to be annexed. This may include ad valorem taxes from the land and improvements situated and to be situated on the land, sales, and use taxes from commercial development, increased revenue sharing or other grant funds resulting from increased population, and increased income taxes.

c. Other benefits to the City for which there is no readily acceptable method of computation except subjective judgment, such as increased employment opportunity, improved wastewater management, improved drainage control, improved public transportation, and increased diversification of the City's economic base.

d. Whether:

(1) There is a projected available water surplus at the time of request.

[1139] Footnotes to several of the provisions in Section 7.6.210 in the existing zoning and subdivision ordinance, from which this section has been carried forward, have been integrated into the text.

(2) The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users within and outside the corporate limits of the City.

(3) The owner of the land to be served has executed an Annexation Agreement in the form required by the City (any such Annexation Agreement shall be attached to the application).

(4) The proposed use of the land to be served is compatible with the use of adjacent land areas and, to the extent acceptable to and approved by City Council, is in conformance with the plan of the Pikes Peak Area Council of Governments Urban Area Policy Committee. Such proposed land use shall be submitted to the government entity having land use planning jurisdiction thereover for comment at least 30 days before final action by City Council on the request for services.

(5) Water and wastewater development and other applicable utility fees will be paid, and the owner of the land to be served has agreed to abide by all conditions and terms of Colorado Springs Utilities. Water and wastewater extension policies are available at the Office of the Utilities Executive Director.

(6) The development of the land to which the water and wastewater services are to be provided is in conformance with those provisions of this UDC as are applicable to land development within the corporate limits of the City, or adequate assurances are made that development of the land will be in compliance with the UDC. Assurances of conformance may be in the form of cash deposit, corporate surety bond, letter of credit or other assurance which the City Attorney shall approve as to form and the City Engineer shall approve as to amount. Compliance with City codes pertaining to land development may require, but shall not be limited to:

(a) Provision for required school/park sites or fees in lieu thereof to the applicable jurisdictions in accordance with Section 7.4.307 (Park and School Site Dedications).

(b) Dedication, design and construction of required streets, sidewalks, curbs, gutters and utilities, including telephone, to City standards or to the standards of the entity having responsibility for maintenance of those listed improvements, whichever standard is more strict.

(c) Dedication of easements including, but not limited to, utility easements including telephone and drainage easements as required by Section 7.4.302G (Easements)

(d) Provision for necessary drainage facilities or the payment of drainage fees and arterial roadway bridge fees in accordance with Section 7.4.7 (Stormwater) and Section 7.4.305 (Arterial Roadway Bridges).

(7) The Annexation Agreement referred to in Subsection (3) above can be legally enforced under Section 30 of Article II of the Colorado Constitution and the Municipal Annexation Act of 1965, as amended, C.R.S §31-12-101 et. seq., or any successor provision.

e. The City shall require, as a condition of service without annexation, the transfer of title to all groundwater underlying the land proposed to be served with water and wastewater services. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse such service without annexation or require payment commensurate with the value of such groundwater as a condition of service without annexation. The value of such groundwater shall be determined by Utilities, based on market conditions as presently exist.

7.5.8 NONCONFORMITIES

7.5.801 Purpose[1140]

This Section is intended to establish criteria for the reasonable continuation of uses, structures, lots, and site features that were lawfully established when initiated or constructed but that no longer conform to the requirements of this UDC. All such situations are collectively referred to as "nonconformities." While allowing existing nonconformities to continue, these provisions are designed to prevent their expansion by curtailing investment in nonconformities in order to meet the goals of this UDC and the City.

7.5.802 General Provisions[1141]

A nonconforming use, structure, lot, and site feature may continue except as otherwise provided in this Section.

7.5.803 Nonconforming Uses[1142]

A. Extension of Use

1. Use on Land

A legal nonconforming use of land shall not be expanded, enlarged, or extended in any way, either on the same or adjoining properties.

2. Use in Structure[1143]

The extension of a legal nonconforming use into any other portion of the structure in which it is located shall be allowed only if the portion of the structure into which the expansion will take place was primarily arranged or designed for such nonconforming use at the time this UDC became effective.

B. Change of Use

1. A legal nonconforming use may be changed only to a use that is the same intensity and as restricted, or is a lesser intensity and more restricted, or is a conforming use in the zone district in which it is located, as determined by the manager. The Manager shall use the following criteria to determine whether to allow the change of use:

a. The proposed use is permitted in the same or more restrictive zone districts than the existing use.

b. The proposed use requires less or the same amounts of off street parking and landscape buffering and has lower or the same levels of associated traffic generation, noise, light, and dust than the existing use.

c. The proposed use will create no more adverse impacts on the surrounding neighborhood than the existing use.

2. After a legal nonconforming use is changed to a less intensive and/or more restrictive legal nonconforming use, the use shall not later be returned to a more intensive or less restrictive nonconforming use. When a legal nonconforming use is changed to a conforming use, the use shall not later be returned to a nonconforming use.

[1140] This revises and clarifies the purpose statement in Section 7.5.1201 of the existing zoning and subdivision ordinance. The narrative background statement of Section 7.5.1202 of the current zoning and subdivision regulations was not carried forward, as dated and unnecessary.

[1141] Carries forward Section 7.5.1203A of the existing zoning and subdivision ordinance.

[1142] Carries forward Section 7.5.1203B through H of the existing zoning and subdivision ordinance with minor revisions for clarity and conformance and changes as discussed below.

[1143] Revises the current provision by eliminating a restriction of expansion of a nonconforming use into an existing structure that limited the expansion to 50% of the floor area that the use previously occupied.

C. Repair and Maintenance[1144]

A structure occupied by a legal nonconforming use may be repaired and maintained and, if it is declared to be unsafe by a Regional Building Official, it may be strengthened or restored to a safe condition, as long as the cost of the repairs over a 12-month period does not exceed 50 percent of the current assessed value of the structure.

D. Additions and Enlargements to a Structure

A structure housing a legal nonconforming use may not be added to, enlarged, or structurally altered for the nonconforming use.[1145]

E. Discontinuance

If a nonconforming use located on any land or any structure is discontinued or its normal operation stopped for a continuous period of 12 months, then any subsequent use of the land or structure shall conform to all applicable use regulations in the zone district in which it is located.

F. Damage or Destruction to a Structure

If a legal nonconforming use located on any land or a structure occupied by a legal nonconforming use is damaged by fire or other causes to the extent that the cost of restoration exceeds 50 percent of the pre-damage assessed value of the structure, then the nonconforming use shall no longer be permitted.

G. Conditional Use

A preexisting, legal nonconforming use that would require the approval of a Conditional Use Permit to be allowed in its zone district shall be presumed to have the required Conditional Use Permit. Modifications to the structure or site shall be processed in accord with Section 7.5.416.

7.5.804 Nonconforming Buildings and Structures[1146]

A. Damage or Destruction[1147]

Nonconforming buildings or structures that contain conforming uses, and that are damaged or destroyed by fire or other causes, may be rebuilt under the following conditions:

1. Any necessary building permits are obtained within 12 months of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances;
2. The gross floor area and height of the new structure shall not exceed the gross floor area and height of the original nonconforming structure;
3. The new structure shall comply with all development standards for the particular zone district in which the property is located, with the exception of lot coverage and height which may be exceeded to the extent of the previously existing legal nonconforming development; and
4. Reconstruction of single-family detached homes or duplexes, which are legal nonconforming buildings or structures, shall be subject to the submittal and approval of a Minor Site Plan pursuant to Section 7.5.504 (Minor Site Plan). Reconstruction of all other legal nonconforming buildings or structures shall be subject to the submittal and approval of a Development Plan in accord with Section 7.5.516 (Development Plan) prior to the issuance of a Building Permit.
5. Existing attached stoops, porches, and decks on nonconforming residential structures are considered a part of the entire structure and are not subject to the 50 percent replacement value

[1144] Changes the threshold here and bin the provisions below for allowable repair and maintenance to 50 percent of the current assessed value in place of the current use of replacement cost.
[1145]
[1146] Carries forward Section 7.5.1204 of the existing zoning and subdivision ordinance with minor revisions for clarity and conformity.
[1147] Revised to clarify that this applies to buildings containing conforming uses, to avoid provisions regarding buildings containing nonconforming uses in the previous section.

limitation. Attached stoops, porches, and decks located within the required front, side, or rear yard setback may be replaced in its original location but may not be enlarged in size and height.

B. Repair and Maintenance

A nonconforming structure occupied by either a conforming or legal nonconforming use may be repaired and maintained and, if it is declared to be unsafe by a Regional Building Official, it may be strengthened or restored to a safe condition. However, the cost of repairs and maintenance shall not exceed 50 percent of the current assessed value of the structure, and there shall be no increase in the degree of nonconformity.

C. Additions to and Enlargement of Structures[1148]

1. A legal nonconforming structure occupied by a conforming use may not be added to, enlarged, or structurally altered unless such addition, enlargement, or structural alteration conforms to all regulations and site development standards of the zone district in which it is located including but not limited to square footage per dwelling unit, maximum lot coverage, setbacks, off-street parking and landscaping.

2. A legal nonconforming structure occupied by a legal nonconforming use may not be added to, enlarged, or structurally altered.

D. Damage to or Destruction of a Structure

When a legal nonconforming structure is damaged by fire or other causes to the extent that the cost of restoration exceeds 50 percent of the pre-damage assessed value of the structure, the nonconforming structure shall be removed.

E. Conversion of Conforming Structure

A conforming structure shall not be changed in any way that will result in a nonconforming development.

7.5.805 Nonconforming Lots[1149]

A. General

1. A Lot of Record may be developed with any permitted use allowed in the zone district in which it is located even if it does not meet the minimum lot area or width requirements. The development shall comply with all site development requirements set forth in this UDC, except as noted in Subsection 2 below. No Lot of Record may be reduced in size so that the lot's area or width is less than required by this UDC.

2. When a Lot of Record is under separate ownership, located in a residential zone, and narrower than the minimum lot width, the following reduction of the side building setback may be allowed: For each foot by which the Lot of Record is narrower than the minimum lot width requirement of the zone in which it is located, one and one-half (1 ½) inches may be deducted from the required least width of any side setback and three inches from the sum of the least widths of both side setbacks for buildings that do not exceed two stories in height; however, a side setback may not be narrower at any point than ten feet in an R-E district, five feet in an R-1 9 district, four feet in an R-1 6 district, and three feet in the R-Flex Low zone districts.[1150]

B. Lots Rendered Nonconforming by Public Acquisition

Lots rendered nonconforming by public acquisition of right-of-way or for other purposes because the lots no longer meet the required minimum area or minimum width may be developed for any permitted use allowed in the zone district in which it is located. When the public acquisition results in the

[1148]

[1149] Carries forward Section 7.5.1205 of the existing zoning and subdivision ordinance with minor revisions for clarity and to reflect updated zone districts. The term "lot of record" was defined twice in the ordinance, including in Section 7.5.1205 (Nonconforming Lots). The duplicate definition has been removed, and Lot of Record is defined in the Definitions section.

[1150]

reduction of or elimination of existing landscaping or parking spaces, the owner of the property shall not be required to replace the removed landscaping or parking spaces.

7.5.806 Nonconforming Site Features[1151]

A. Purpose

Within the districts created by the adoption of this UDC or by the adoption of amendments to the UDC, there may exist developments of land with site features such as off-street parking areas, landscaping, fences and walls, exterior lighting, or signs that were legal prior to the adoption or amendment of this UDC, but under which the terms of this UDC, as amended, are now prohibited, restricted, or regulated. The purpose of this Section is to permit these nonconforming site features to continue until they are voluntarily removed or brought into compliance in conjunction with a proposed change in the development.

B. Continuation

Site features such as off-street parking areas, landscaping, fences and walls, exterior lighting, or signs that were legally existing at the time they were established but that have become nonconforming because they no longer meet the current standards of this UDC may be continued, except as otherwise provided in this Section 7.5.806.

C. Extensions of Site Features[1152]

The degree of nonconformity of a site feature shall not be enlarged, expanded, extended, or increased, except as provided in this UDC.

D. Provisions Applicable to Specific Site Features

1. Off-Street Parking[1153]

a. Off street parking and loading areas that conform with the standards in Section 7.4.10 (Parking and Loading) shall be provided for (i) a newly constructed building or new use on previously vacant land, (ii) all uses in a building which is enlarged, and (iii) all uses in a building when any use is changed and the newly approved use requires more parking than the previously approved use.[1154] However, existing parking and loading areas do not need to be upgraded to comply with the standards in in Section 7.4.10 even if they provided part of the required parking for the new or enlarged use or building.

b. The Manager may require additional off-street parking or loading facilities if the Manager determines it is needed to avoid congestion on public streets and for the health, safety, and convenience of the public.

2. Landscaping

Nonconforming landscaping, including fences and walls, may continue until the property owner engages in activities that subject the development to the standards of Section 7.4.9 (Landscaping and Open Space); see Section 7.4.902 (Applicability).

3. Exterior Lighting

Exterior lighting may continue even if it does not comply with the standards of this UDC until the property owner engages in activities that subject the development to the standards of Section 7.4.12 (Exterior Lighting); see Section 7.4.1202 (Applicability and Exemptions).

[1151] Builds on Section 7.5.1206 of the existing zoning and subdivision ordinance, renaming to reflect multiple nonconforming site features, adding references to nonconforming fences/walls, exterior lighting, and signs, and simplifying language. Section 7.5.1207 (Reclassification) is unnecessary and has been removed; provisions in Section 7.5.1208 (Nonconforming Uses in AO Overlay) have been relocated to the AP-O overlay district definition.

[1152] Wording revised to apply to degree of nonconformity, rather than the size of the nonconformity. In some cases expanding a nonconforming feature may reduce the degree of nonconformity.

[1153]?

[1154]

4. Signs

See Section 7.4.1311 (Nonconforming and Abandoned Signs).

7.5.9 GENERAL ENFORCEMENT[1155]

7.5.901 Purpose[1156]

The purpose of the comprehensive enforcement program established in this Section is to protect the public health, safety, and welfare by requiring compliance with the regulations in this UDC and to:

A. Reduce the number of zoning violations;

B. Abate all zoning violations in a timely and efficient manner;

C. Establish a fair process to abate violations;

D. Provide consistent and fair enforcement, recognizing the inherent differences in many types of zoning violations; and

E. Develop a set of standard procedures for abating each type of violation based upon their risk of harm to the public health, safety and welfare.

7.5.902 Applicability[1157]

A. The provisions of this Section 7.5.9 apply to all actions to enforce the provisions of this UDC.

B. Short-term rental units are additionally subject to the enforcement provisions in Section 7.5.910 (Short-Term Rental Unit Permit Suspension or Revocation).

C. Land disturbance activities that impact grading and erosion control, include compliance with GEC Permits or Associate GEC permits, are additionally subject to the enforcement provisions in Section 7.5.10 (Grading and Land Disturbance Enforcement).

D. Compliance with stormwater regulations is additionally subject to the enforcement provisions in Section 7.5.11 (Stormwater Enforcement).

E. Compliance with regulations relating to historic preservation is additionally subject to the enforcement provisions in Section 7.5.12 (Historic Preservation Enforcement).

F. Compliance with the Building Code is subject to the enforcement provisions in Section 7.5.13 (Building Code Enforcement) as well as the regulations in the Building Code.

7.5.903 Violations[1158]

A. A violation of any term of this UDC shall be subject to enforcement pursuant to this Section 7.5.9.

B. A violation of a condition attached to an approved development application or permit is a violation of this UDC.

C. Obtaining a development application or permit based on the submission of false or misleading application materials is a violation of this UDC.

D. Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies available pursuant to this Section 7.5.9.

[1155] Carries forward Article 5, Part 10 of the existing zoning and subdivision ordinance with streamlining, reorganization, and changes to conform to the format of this UDC. Much of Sections 7.5.1002 (Comprehensive Zoning Enforcement Process) does not impose enforceable regulations and Section 7.5.1003 (Agreements to Abate) is duplicative of other provisions and were not carried forward.

[1156] Simplifies the existing purpose statement in Section 7.5.1001 of the existing zoning and subdivision ordinance.

[1157] New and establishes the general applicability of this section and the availability of additional enforcement provisions.

[1158] New section to clarify what qualifies as a violation of this UDC subject to these enforcement provisions and clarifying that each day of a continuing violation is a separate violation.

7.5.904 Enforcement[1159]

A. Right of Entry

1. The Manager shall have the right to enter upon any premises at any reasonable time for the purpose of enforcing this UDC, including abatement of violations.

2. If the owner or occupant of any premises located within the City refuses to permit entry to the Manager sought pursuant to this Subsection, or should permission to enter the premises otherwise not be obtainable from the owner or occupant, the Manager may make application to any Judge of the Municipal Court for the issuance of a warrant to inspect the premises or a warrant to search for and/or seize property located upon the premises. The sworn application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of the requirements of this UDC exists on the premises, or that a violation in fact exists and must be abated. Any warrant issued shall command the owner or occupant to permit entry to the Manager for the purposes stated.

B. Emergency Abatement Order

1. If the Manager deems that an emergency exists which requires immediate action to protect the public health, safety, and welfare, the Manager may, without prior notice or hearing, issue an order stating that an emergency exists and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding any provision of this Section 7.5.9 to the contrary, the order shall be effective immediately.

2. It shall be unlawful for any person to whom an emergency order is issued to fail to comply with the emergency order immediately. In the event that the person to whom the emergency order was issued fails or refuses to immediately comply, the Manager may request, without prior notice to the owner, occupant, or agent of the owner, that the dangerous condition be removed, corrected or otherwise abated to an extent that it is no longer an imminent hazard to the public health, safety and welfare. Except as otherwise provided, the provisions of this Section 7.5.9 and Chapter 9, Article 6 of this Code, shall apply to any removal, correction, or other abatement action taken pursuant to an emergency order.

7.5.905 Remedies[1160]

The Manager may use any or all of the powers listed below to enforce the provisions of this UDC. Remedies provided in this Section shall be cumulative and in addition to any other remedies. Nothing contained in this Section 7.5.9 shall be construed to preclude the Manager from seeking any other remedies in addition to or in lieu of the remedies granted in this Section.

A. Informal Contact

The Manager shall have the authority to effectuate the abatement of zoning violations through informal meetings or conversations.

B. Agreement to Abate

The Manager may enter into an agreement with a violator whereby the violator agrees to abate the violation within a certain time based upon certain conditions within the agreement. Should the violator not abide by the terms and conditions of the agreement to abate, the Manager may proceed with abatement as authorized in this Section.

C. Notice and Order

The Manager may issue a notice and order ordering the cessation of an illegal condition within a specified period of time based upon the nature of the violation. Should the violator not comply with the

[1159] Consolidates Section 7.5.1003 (Agreements to Abate), 7.5.1004 (Right of Entry), and 7.5.1010 (Emergency Abatement Order) of the existing zoning and subdivision ordinance.
[1160] Carries forward Section 7.5.1005 (Remedies) of the existing zoning and subdivision ordinance.

notice and order within the period of time specified, or fail to appeal the notice and order within the applicable time period, the Manager may proceed with abatement as authorized in Section 7.5.907.

D. Direct Abatement

The Manager may pursue direct abatement for removal of any UDC violation in conjunction with a search and seizure warrant issued by Municipal Court in accord with Section 7.5.904A.

E. Civil Action

The Manager, with the concurrence of the Mayor, may request the City Attorney to initiate a civil action in the District Court for injunctive relief to abate violations of this UDC.

F. Reinspection Fees

The Manager may charge reinspection fees for UDC violations in accord with Section 7.5.907B.

G. Criminal Prosecution

The Manager may pursue the issuance of a summons and complaint in accord with Section 7.5.907C.

H. Summary Abatement

After consultation with the City Attorney, the Manager shall have the power to authorize the removal of an item from private property that may create an imminent hazard to the public health, safety and welfare.

7.5.906 Procedures[1161]

A. Notice

Any notice required as part of enforcement of this UDC in accordance with this Section 7.5.9 shall be in writing and shall:

1. Describe with particularity the asserted violation existing on the premises or property that gives rise to the enforcement action.
2. Specify the period within which the violation must be abated or otherwise corrected.
3. Note the availability of appeal to the Planning Commission, provided that a written notice of appeal and an appeal application is made within 10 days from the date of mailing, posting, or personal service of the notice and order.

B. Service of Notice

The notice shall be personally served whenever feasible on the owner, the owner's agent, other persons with an interest in the property, and/or the occupant of the premises, as applicable. If personal service is not feasible, the notice and order shall either be posted conspicuously at the premises or mailed to the last known address of the person by certified mail, return receipt requested.

7.5.907 Penalties[1162]

A. Direct Abatement

If any order issued in accordance with this Section 7.5.9 is not complied with in the specified time, the Manager may correct the violation or abate the nuisance or hazard itself, or through private contract, and may recover the costs of such correction or abatement from the owner of the property in accordance with this Section 7.5.907.

[1161] Carries forward and reorganizes Section 7.5.1006 (Notice and Order) of the existing zoning and subdivision ordinance.
[1162] Consolidates Section 7.5.1008 (Failure to Comply with Notice and Order or Agreement to Abate) and 7.5.1009 (Lien Assessment) of the existing zoning and subdivision ordinance with reorganization for clarity. Definitions that were included within each fee schedule, such as "first-time offender," were consolidated to "Reinspection-Related Definitions" in Section 7.6.3 for conformity.

B. Reinspection Fee

1. Imposition of Fee

The owner of the property who has been issued a notice and order for violation(s) of this UDC, and who fails to comply with an order to abate, may be assessed a reinspection fee for every reinspection necessitated by the owner's continued noncompliance with the notice and order to abate. Reinspection fees shall be assessed for all site visits until the violation is abated. The violation(s) shall be regularly reinspected until the owner successfully complies with the notice and order to abate.

2. Fee Schedule[1163]

a. First-Time Offender

A first-time offender shall be assessed a first-time offender reinspection fee of $100 for every reinspection required until compliance is achieved.

a. Repeat Offender

(1) A repeat offender previously cited for a failure to comply with a notice and order to abate during any successive six-month period for a violation(s) which has occurred at the property shall be assessed a reinspection fee of $250 for each reinspection conducted until compliance is achieved. The Manager may remove the repeat offender designation if, after abatement, the owner has no further violation(s) for a period of six months. If a repeat offender designation is removed and the owner has a subsequent violation on the same property, that owner shall be immediately reclassified as a repeat offender.

(2) A repeat offender who reengages in prohibited zoning activities at any time within a 12-month period following the prior violation shall be assessed a reinspection fee of $250 for each reinspection conducted until compliance is achieved. If after a period of one year no UDC violations or enforcement activity relating to any UDC violation occur, the repeat offender shall be reclassified as a first-time offender.

b. Chronic Repeat Offender

(1) A chronic repeat offender previously cited for a failure to comply with a notice and order to abate for a violation(s) which has occurred at the property in violation for a period of 12 or more successive months shall be assessed a reinspection fee of $500.00 for each reinspection completed until compliance is achieved. The Manager may remove the chronic repeat offender designation if the owner has no further violation(s) on the property for a period of 12 months. If a chronic repeat offender designation is removed and the owner has a subsequent violation, that owner shall be immediately reclassified as a chronic repeat offender.

(2) A chronic repeat offender who reengages in prohibited zoning activities at any time within a 12 month period following the prior abatement shall be assessed a reinspection fee of $500 for each reinspection conducted until compliance is achieved. If after a period of one year no UDC violations or enforcement activity relating to any UDC violation occur, the chronic repeat offender shall be reclassified as a first-time offender.

c. Failure to Comply with Agreement to Abate

Any owner who fails to comply with an agreement to abate prohibited zoning activity shall be classified as a chronic repeat offender and shall be assessed a reinspection fee of $500 for each reinspection conducted until compliance with the agreement to abate is achieved.

1163

3. Billing and Payment

a. The owner shall be billed via certified mail. Payment shall be required to be made within 20 days of the date of mailing.

b. If the owner fails to make payment within 20 days of the date of mailing, the Manager is authorized to file a lien against the property for fees in accordance with Subsection D below. The lien shall include any costs incurred in the perfecting of the lien, and may include all costs incurred by the City associated with the removal, correction or other abatement necessitated by the offender's continued violation and failure to abate following issuance of a notice and order to abate.

C. Summons and Complaint

The Manager is authorized to request the issuance of a summons and complaint for any violation of this UDC in accord with Section 1.1.201 of the City Code.

D. Lien Assessment

1. Authority

When a person fails or refuses to comply with an order to abate and the Manager has reinspected and removed, corrected, or abated the violation, the Manager is hereby authorized to commence lien assessment proceedings against the property in accord with the provisions of this Subsection D. The lien may include an administrative surcharge of 25 percent of the cost of abatement proceedings. The lien created hereby shall be superior and prior to all other liens excepting liens for general and special taxes.

2. Notice

a. Content of Notice

Prior to the imposition of a lien, the Manager shall send the property owner written notice of lien assessment which shall include the following information:

(1) The address of the property to be assessed and the name and address of the property owner;

(2) The dates of the notice and order, any reinspections, and the issuance of the order to abate;

(3) The name of the contractor that abated the condition giving rise to the issuance of the notice and order;

(4) The total amount of the assessment, including reinspection fees, the cost of abatement, and the amount of the administrative surcharge;

(5) A due date for payment of the assessment which is at least 20 days after the date of the notice of lien assessment;

(6) A statement that failure to pay the assessment within the time period set forth in the notice of lien assessment will result in the imposition of a lien against the property; and

(7) A statement explaining the appeal procedure for the notice of lien assessment.

b. Service of Notice

(1) The notice of assessment shall be mailed to the property owner via certified first class U.S. mail, return receipt requested. A return receipt signed by the property owner or an agent of the property owner shall be prima facie evidence of service on the date indicated by the owner, agent, or U.S. Postal Service.

(2) If the property owner or an agent of the property owner fails to receive service of the notice of lien assessment via certified first class U.S. mail, return receipt requested, the Manager is authorized to post the notice in a conspicuous place on the property to be assessed.

3. Appeal and Hearing

a. A property owner must appeal a notice of lien assessment in writing within 10 days of its date of mailing, posting, or personal service by the property owner or the owner's agent, or within 10 days from its date of mailing, posting, or personal service to be assessed. The notice of appeal shall state the name and address of the property owner, the address of the property assessed, and the grounds for appeal.

b. The appeal shall be heard by the Planning Commission in accord with Section 7.5.418 (Appeals).

c. The Planning Commission may, after hearing the property owner's objections, make any modification or change to the assessment as may seem equitable and just, or may confirm the assessment. The Planning Commission shall not modify or change the amount of the reinspection fee or the administrative surcharge.

4. Effect and Effective Date of Assessment

a. The assessment shall become a perpetual lien against the property, superior and prior to all other liens and encumbrances excepting liens for general and special taxes. The Manager shall notify the Chief Financial Officer who shall certify any lien assessment to the El Paso County Treasurer. The El Paso County Treasurer shall collect the lien assessment in the same manner as ad valorem taxes are collected.

b. If not appealed, the total assessment shall be levied, assessed, and charged against the property upon which abatement action was taken not less than 10 days from its date of mailing, posting, or personal service after the property owner's or agent's mailed receipt of the notice of lien assessment or posting on the property to be assessed.

c. If appealed, the Planning Commission's determination of the total assessment shall then be levied, assessed, and charged against the property upon which abatement action was taken not less than 10 days after the date of the Planning Commission's determination.

7.5.908 Appeals[1164]

All appeals of zoning enforcement decisions made by the Manager in accordance with this Section 7.5.9 shall be heard by the Planning Commission in accord with Section 7.5.418 (Appeals).

7.5.909 Additional Provisions[1165]

A. The Manager is authorized to promulgate procedures and guidelines to accomplish the purposes of this Section 7.5.9. Copies of any procedures and guidelines shall be available for inspection at the offices of the Manager during regular business hours.

B. No systematic or programmatic UDC enforcement program shall be initiated for a neighborhood or area within the City without the prior approval of the Manager.

C. Land use inspectors may be granted special investigative authority under Section 8.1.204 of the City Code. These powers shall be limited to the authority to issue summons and complaints for violations of this Section 7.5.9.

[1164] Carries forward Section 7.5.1007 (Appeals) of the existing zoning and subdivision ordinance. Provisions on when an appeal operates as a stay on enforcement was not repeated here in order to avoid repeating Section 7.5.418 (Appeals) and possible future inconsistencies with that text.
[1165] Consolidates Sections 7.5.1002 (Comprehensive Zoning Enforcement Process) (last sentence only), 1011 (Procedures and Guidelines) and 1012 (Special Investigator) of the existing zoning and subdivision ordinance.

7.5.910 Short-Term Rental Unit Permit Suspension or Revocation[1166]

The provisions of Section 7.5.507 (Short-Term Rental Unit Permit) shall be enforced through the following procedures:

A. A notice to show cause shall be is served in accordance with Section 7.5.906B (Service of Notice) no less than 10 days before the hearing on the notice before the Planning Commission. The notice to show cause shall give the owner notice of the alleged grounds for suspension or revocation and of the date, time, and place of the hearing.

B. The Planning Commission shall hold a public hearing on the allegations contained in the notice to show cause. The Planning Commission may suspend or revoke a permit if it finds, by a preponderance of the evidence, that:

1. The operation of the short-term rental unit no longer conforms with the rules, regulations, or requirements of Section 7.3.301C (Short-Term Rental Unit); or

2. The owner has violated a condition of approval.

3. The owner has violated the rules and regulations adopted by the City related to short-term rental units.

C. A decision by the Planning Commission to suspend or revoke a permit may be appealed in accordance with Section 7.5.418 (Appeals).

D. A suspension or revocation shall be effective immediately upon the decision of the Planning Commission or, if appealed, of the City Council.[1167]

E. A suspended permit shall be suspended for a term not to exceed 30 days, and for so long thereafter until reinstated by the Manager upon proof that the cause of the suspension has been remedied.[1168]

F. Suspension or revocation on non-renewal of a permit may be in addition to any remedy provided for in this UDC including the remedies available in this Section 7.5.9.

7.5.10 Grading and Land Disturbance Enforcement[1169]

7.5.1001 Purpose[1170]

The purpose of this Section is to protect the public health, safety, and welfare by requiring compliance with the standards relating to grading and erosion control in this UDC.

7.5.1002 Applicability

The policies in this Section apply to enforcement at all permitted sites covered by Grading and Erosion Control (GEC) Permits and Associate GEC Permits in the City pursuant to Section 7.4.6. The City Engineer retains all options concerning chosen enforcement approaches and compliance is required at all times. Enforcement policies and procedures are set forth in the Stormwater Criteria Manual (SCM).

[1166] Relocates Section 7.5.1707 (Permit Suspension or Revocation) of the existing zoning and subdivision ordinance from the short-term rental permit section to the general enforcement section. The notice provision in the current code has been replaced with a reference to the general zoning enforcement notice requirement, which is similar, and some language has been refined for clarity.
[1167] Provisions on when an appeal operates as a stay on enforcement was not repeated here in order to avoid repeating Section 7.5.418 (Appeals) and possible future inconsistencies with that text.
[1168]
[1169] Carries forward administrative provisions relating to grading and erosion control from Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of the existing zoning and subdivision ordinance.
[1170] New purpose statement.

7.5.1003 Enforcement Remedies[1171]

If the City Engineer determines that an activity governed by this Section 7.5.10 is creating a nuisance to the public health, safety, and welfare or is not compliant with the requirements of this UDC, the City Engineer may use any or all of the powers listed below:

A. Informal Contact

The City Engineer shall have the authority to effectuate the abatement of the nuisance or compliance through informal meetings or conversations resulting in a verbal agreement.

B. Letter of Noncompliance

The City Engineer may issue a letter of noncompliance to the property owner, developer, and/or contractor that contains a description of the measures required to eliminate the nuisance or noncompliance and a date by which these measures must be implemented.

C. Stop Work Order

1. If an imminent and substantial hazard exists that jeopardizes public safety, property, and/or water resources, including water quality, the City Engineer may issue an immediate stop work order and/or take emergency actions to abate or minimize the hazard at the full expense of the record owner of the property. A stop work order shall be in effect from the time issued.

2. The City Engineer may issue a stop work order for the entire site or a specified portion of the site for the purpose of preventing any adverse impacts or minimizing additional adverse impacts. The City Engineer may specify allowable work in order to eliminate the nuisance or bring the site into compliance.

D. Revocation of Permit

The City Engineer may temporarily or permanently revoke the GEC Permit or Associate GEC Permit.

E. Notice and Order

The City Engineer may issue a notice and order ordering the elimination of the nuisance and/or noncompliance by a specified date based on the nature of the violation. If compliance with the notice and order is not achieved by the deadline, the City Engineer may proceed with abatement as authorized in this Section 7.5.10.

F. Civil Action

The City Engineer may ask the City Attorney to initiate a civil action in the District Court for injunctive relief to abate the violations.

G. Issuance of Summons

The City Engineer may request issuance of a Municipal Court summons for violations of this Section 7.5.10.

H. Additional Actions

Nothing in this Section 7.5.10 shall be construed to preclude the City Engineer from seeking other enforcement actions or remedies in addition to or in lieu of the remedies granted in this Section 7.5.10. Enforcement actions or remedies provided in this Section 7.5.10 shall be cumulative and in addition to any other remedies which may be available to the City Engineer.

7.5.1004 Procedures[1172]

A. Notice

Any notice required as part of enforcement of this UDC in accord with this Section 7.5.10 shall be in writing and include:

[1171] Carries forward Section 7.7.1509 with minimal changes.
[1172] Consolidates Sections 7.5.1007 (Appeals), 7.5.1008 (Failure to Comply with Notice and Order or Agreement to Abate), and 7.5.1009 (Lien Assessment) of the existing zoning and subdivision ordinance.

1. The street address and a description sufficient for identification of the property upon which the violation, nuisance, or noncompliance is located.
2. A statement of the asserted violation, nuisance, or noncompliance.
3. A statement of the action required to be taken and/or the date or time period by which the violation must be abated or otherwise corrected.
4. A statement advising that if any required corrective measures are not commenced within the time specified, the City Engineer may proceed to cause the corrective measures to be undertaken and charge the corrective measures against the property or its owner.
5. A statement advising that any person having any record title or legal interest in the property may appeal from the notice and order directly to the Storm Drainage Board[1173] provided the appeal is made in writing and filed with the City Engineer within 10 days from the date of service of the notice and order, that failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

B. Service of Notice

1. General

The notice and order, and any amended or supplemental order, shall be served upon the record owner or the owner's agent and posted on the property. Failure to serve any person required to be served shall not invalidate any proceedings as to any other person duly served or relieve any person from any duty or obligation imposed by the provisions of this Section 7.5.10.

2. Method of Service

a. Service of the notice and order shall be made either in person or by mailing a copy of the notice and order by certified mail, postage prepaid, return receipt requested, to each owner or agent of the owner at the address which appears on the assessment roll of the County or is known to the City Engineer. If no address of any person so appears or is not known to the City Engineer, then a copy of the notice and order shall be mailed, addressed to the person, at the address of the real property involved in the proceedings. Failure of any person to receive notice shall not affect the validity of any proceedings pursuant to this Section 7.5.10.

b. Service by certified mail in the manner provided shall be effective on the date of mailing. Service in person shall be effective on the date service is effectuated.

3. Proof of Service

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the City Engineer.

7.5.1005 Penalties[1174]

A. Any failure, neglect, or refusal to obey or comply with a notice and order or a stop work order shall be a violation of the City Code punishable by up to 90 days in jail, a fine of not less than $250 or more

[1173] Text currently reads Grading Board of Appeals, but the Storm Drainage Board currently serves as the Grading Board of Appeals.
[1174] Carries forward Section 7.7.1515 of the existing zoning and subdivision ordinance. In the current code, the list of violations in subsection B included violations of four specific requirements in Section 7.7.1505, which listed basic grading, erosion, and stormwater quality requirements. However, City staff substantially updated these requirements and replaced these specific requirements with a reference to the Stormwater Criteria Manual. Therefore, we have removed this fourth provision, leaving three.

than $500, or a combination thereof. Each day in violation of a stop work order or notice and order shall be deemed a separate offense.

B. Ongoing construction activities that take place takes place in the following circumstances shall be a violation of the City Code punishable by up to 90 days in jail, a fine of not less than $250 or more than $500, or a combination thereof. Each day in violation of the following shall be deemed a separate offense:

1. If a stop work order or notice and order has been issued by the City Engineer, except for specific construction activities allowed as a part of the stop work order or notice and order; or

2. Without an active GEC Permit or Associate GEC Permit, if required by this UDC.

7.5.1006 Appeals[1175]

A. General

1. All appeals of zoning enforcement decisions made by the City Engineer in accordance with this Section 7.5.10 shall be heard by the Storm Drainage Board pursuant to this Section 7.5.1006. In hearing appeals, the Storm Drainage Board may make reasonable interpretations of the provisions Section 7.5.1006.

B. Eligibility, Initiation, and Effect of Appeal

1. Any person served may appeal from any notice and order any action of the City Engineer in accord with this Section 7.5.10 by filing a written appeal with the City Engineer.

2. The written appeal shall be filed within business 10 days after the date of service of the notice and order, and if the end of such period falls on a weekend or holiday, then the appeal shall be filed on the next business day.[1176] The appeal shall include:[1177]

a. The names, official mailing addresses, and signatures of all parties named as appellants.

b. A brief statement setting forth the legal interest of each of the appellants in the land involved in the notice and order.

c. A brief statement, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant. The appellant must substantiate the following:

(1) Identify the specific City Code provisions which are in dispute.

(2) Show that the City Engineer's decision is incorrect because of one or more of the following:

(a) It was against the express language of the City Code;

(b) It was against the express intent of the City Code;

(c) It is unreasonable;

(d) It is erroneous; and/or

(e) It is clearly contrary to law.

d. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order should be reversed, modified, or otherwise set aside. The appellant shall identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the

[1175] Consolidates the procedures relating to the appeal of a decision by the City Engineer and the hearing and decision of the Grading Board of Appeals, from Section 7.7.1511 through 1514 of the existing zoning and subdivision ordinance.
[1176] Text revised to clarify that the filing deadline is calculated based on business days (rather than calendar days).
[1177] These application submittal requirements will be removed from the UDC and placed on the City's website.

appellant, and show that the burdens placed on the appellant outweigh the benefits to the community, including the general health, safety, and welfare.

3. If any required appeal information is not provided, the City Engineer shall notify the appellant that the appeal will not be scheduled until all required information is received.

4. Any stop work order or notice and order issued by the City Engineer shall be in effect from the time issued. The notice and order or stop work order shall be in effect and remain in effect during the pendency of any appeal. Failure to comply with a stop work order or notice and order shall be a violation of the City Code regardless of whether an appeal has been filed or is pending before the Storm Drainage Board or the courts of Colorado.

5. The failure of any person to file an appeal in accord with this Section 7.5.1006 shall constitute a waiver of the right to a hearing and adjudication of all or a portion of the notice and order, or any portion thereof

C. Notice

1. The hearing shall be set to take place between 10 and 30 days from the date the appeal was received at the office of the City Engineer. The City Engineer shall provide written notice to the appellant of the time, date, and place of the hearing .

2. A hearing notice shall be posted on or adjacent to the affected property by the appellant or a designated representative at least 10 days prior to the date of the hearing. The appellant or designated representative shall also sign an affidavit stating the property was properly posted in accord with the posting requirements of the City Engineer. The completed affidavit must be received by the City Engineer at least three days prior to the day of the hearing, or the hearing will be canceled.

F. Meeting and Decision

3. The hearing on the appeal shall only consider those matters or issues specifically raised by the appellant in the written appeal.

4. An audio or audio/video recording of the entire proceeding shall be made by the City Engineer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a transcript fee established by the City Council.

5. The Storm Drainage Board shall have the authority to make and adopt rules and regulations governing procedures before the Storm Drainage Board. However, Colorado Rules of Evidence shall not apply at the hearing. The City Engineer and appellants shall have the following rights:

a. To call and examine witnesses on any relevant matter or issue;

b. To introduce documents or other physical evidence;

c. To cross examine opposing witnesses on any relevant matter or issue;

d. To impeach any witness regardless of which party first called them to testify;

e. To rebut the evidence against them; and

f. To represent themselves or to be represented by a licensed Colorado attorney. The City Engineer shall be represented by the Office of the City Attorney.

6. At the conclusion of the hearing on appeal, the Storm Drainage Board may modify, affirm, or reverse the decision or requirements of the notice and order.

7. Any appellant who is aggrieved by the decision of the Storm Drainage Board may appeal that decision to the courts of Colorado in accord with the Colorado Rules of Civil Procedure, rule 106(a)(4), as amended.

7.5.1007 Billing of Property Owner[1178]

A. Imposition of Expenses

1. The City Engineer shall keep an itemized account of the expenses incurred by Stormwater Enterprise in correction of any nuisance to the public health, safety, and welfare pursuant to this Section 7.5.10. The City Engineer shall then bill the property owner for all costs incurred by Stormwater Enterprise.

2. Service of the bill shall be made either personally or by mailing a copy of the bill by certified mail, postage prepaid, return receipt requested, to each property owner at their address as it appears on the tax records of the County or as known to the City Engineer.

3. If full payment is not received within 30 days of receipt of bill (or 30 days from mailing if no return receipt received), the City Engineer shall ask the City Clerk to schedule a hearing before City Council on charges to be made against the property owner or the property.

B. Setting of Hearing

The City Clerk shall fix the time, date, and place for hearing the charges as billed by the City Engineer, and any protests or objections to the charges. The City Clerk shall cause notice of the hearing to be served by certified mail, postage prepaid, return receipt requested, addressed to the property owner as their name appears on the tax records of the County Assessor, if such so appears, or as known to the Clerk. Notice shall be given at least 10 days prior to the date set for the hearing, and shall specify the day, hour, and place when City Council will hear and pass upon the charges billed by the City Engineer, together with any objections or protests which may be filed in accord with Subsection C below.

C. Protests and Objections

Any property owner affected by the proposed charge may file written protests or objections with the City Clerk. The protest or objection must be received by the City Clerk at least the day before the hearing. Each protest or objection must contain a description of the property and the grounds of the protest or objection. The City Clerk shall endorse on every protest or objection the date it was received and shall present the protest or objections to the City Council at the time set for the hearing. No other protests or objections shall be considered.

D. Hearing and Decision

1. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the charges as billed by the City Engineer together with any objections or protests. The Council may make revisions, corrections, and modifications to the charges it may deem just. The decision of the City Council on the charges, and on all protests or objections shall be final and conclusive.

2. The City Council may order that a charge be made a personal obligation of the property owner or assess the charge against the property involved:

   a. If the City Council orders that the charge be a personal obligation of the property owner, it shall direct the City Attorney to collect the same on behalf of the City by use of all appropriate legal remedies.

   b. If the City Council orders that the charge be assessed against the property, it shall confirm the assessment roll, and the assessment shall then constitute a special assessment against the property and shall be collected in the same manner as any other special assessment of the City.

[1178] Carries forward and reorganizes Sections 7.7.1516 (Accounting of Expenses/Billing of Property Owner), 1517 (Setting of Hearing), 1518 (Protests and Objections), 1519 (Hearing on Report, Protest), 1520 (Personal Obligation or Special Assessment), 1521 (Contest Assessment), 1522 (Lien of Assessment), 1523 (Report to Assessor and Tax Collector), 1524 (Collection of Assessment), and 1525 (Repayment of Correction Fund) of the current zoning and subdivision ordinance.

E. Post-Decision Actions and Limitations

1. The validity of any assessment made pursuant to this Section 7.5.10 shall not be contested in any action or proceeding unless the contest is commenced within 30 days after the assessment is placed upon the assessment roll. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after entry of the judgment.

2. Immediately upon being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The liens shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens except for State, County and municipal liens with which it shall be at parity. The liens shall continue until the assessment and all interest due and payable are paid.

3. All assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of one percent per month from and after the date.

4. After confirmation of the report, certified copies of the assessment shall be given to the County Treasurer on or before October 15.

5. The amount of the assessment shall be collected at the same time and in the same manner as general taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for general municipal taxes. All laws applicable to the levy, collection, and enforcement of general municipal taxes shall be applicable to the assessment.

6. All money received by payment of the charge or assessment or from the sale of property at foreclosure sale shall be paid to the Chief Financial Officer who shall credit the same to the grading correction fund.

7.5.1008 Liability and Limitations[1179]

A. Liability of Others

Any person who engages in grading, erosion control, and/or stormwater quality control activities is declared to be totally responsible to those persons who may have been endangered or, in fact, is endangered, as a result of not having or not following a grading plan and/or an erosion and stormwater quality control plan or following an incorrect grading plan and/or an erosion and stormwater quality control plan.

B. Liability of Storm Drainage Board Members

Members of the Storm Drainage Board acting for the City in good faith and without malice for the City in the discharge of their duties, shall not hereby render themselves personally liable, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reason of any act or omission related to the discharge of their duties. Any suit brought against a member or members of the Board, due to an act or omission performed by them in the discharge of their duties, shall be defended by the City to the final termination of the proceedings.

[1179] Carries forward and reorganizes Sections 7.7.11512D (Liability of Grading Board) and 1526 (Responsibility and Liability) or the current zoning and subdivision ordinance.

7.5.11 STORMWATER ENFORCEMENT[1180]

7.5.1101 Purpose

The purpose of this Section is to protect the public health, safety, and welfare by requiring compliance with the standards relating to maintenance of permanent stormwater control measures required by this UDC.

7.5.1102 Enforcement

A. Maintenance and Repair by City

If maintenance activities are not completed in a timely manner or as specified in the approved plan or if there exists an immediate danger to public health or safety as a result of the permanent control measure, the City Engineer, other City staff under the direction of the City Engineer, or a contractor engaged by the City Engineer may enter upon the subject private or public property and complete the necessary maintenance and/or repair at the owner's expense.

B. Notice of Deficiency

If deficiencies with maintenance of permanent stormwater measures are noted during City inspections, the City shall notify the owner by U.S. mail, first class, postage prepaid with a certificate of mailing, at the property's legal address listed in the records of the County Assessor's Office. The responsible party shall have 20 business days or other time frame mutually agreed to between the Stormwater Enterprise Manager and the responsible party to correct the deficiencies. The Stormwater Enterprise Manager shall then conduct a follow up inspection to verify the repairs. If repairs are not undertaken or are not found to be done properly, the Stormwater Enterprise Manager may complete the necessary maintenance at the responsible party's expense.

C. Notice of Violation

If the annual report mandated as part of the Inspection and Maintenance (IM) Plan required by Section 7.4.703B is not received by the City, the Stormwater Enterprise Manager shall notify the owner of the missed inspection report by U.S. mail, first class, postage prepaid with a certificate of mailing, at the property's legal address listed in the records of the El Paso County Assessor's Office. The responsible party will have 20 business days to complete the inspection and deliver it to the Stormwater Enterprise Manager. A notice of violation may be issued by the Stormwater Enterprise Manager if an inspection is not submitted after the 20th business day. The notice will include a date which will be identified as the “date of notice of violation” for purposes of appeal rights.

D. Appeals

Any person receiving a notice of violation under this Section may appeal the determination of the Stormwater Enterprise Manager to the Storm Drainage Board,[1181] as follows:

1. The notice of appeal must be received by the Director within 10 days from the date of the notice of violation. A hearing on the appeal before the Director shall take place within 15 days from the date the City received the timely notice of appeal.

2. An appeal of the Storm Drainage Board’s determination can be made to the Mayor. The notice of appeal must be received by the Mayor within10 days from the date of the Director’s determination. A de novo hearing on the appeal before the Mayor shall take place within 15 days from the date the Mayor received a timely notice of appeal of the Director’s determination. The decision of the Mayor shall be final.

[1180] This adopts and reorganizes the provisions relating to enforcement of permanent stormwater control measures in Section 7.7.1527 of the existing zoning and subdivision ordinance. We understand that City Council will be presented with recommend changes to the stormwater appeals process to conform with the City’s MS4 permit. A later draft of this section will incorporate those modifications.

[1181] If a pending ordinance changing the appeal process for stormwater-related decisions is approved by City Council, those changes will be reflected in the Consolidated Draft.

7.5.1103 Charging Cost of Abatement

A. Within 30 days after maintenance and/or repair of the permanent control measure by Stormwater Engineering, the Stormwater Enterprise Manager shall notify in writing the property owner of the cost of repair, including administrative costs. The Stormwater Enterprise Manager notice shall include an "official notice date."

B. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days of the "official notice date." The City Clerk shall set the matter for public hearing by the City Council and shall notify the appellant of the date of the hearing. The decision of the City Council shall be set forth by resolution and shall be final.

7.5.1104 Liens

A. In addition to any lien placed upon real property, the cost of abatement, including administrative costs, shall be deemed a joint and severable personal debt of the property owner.

B. If the amount due is not paid within 10 days of the decision of the City Council, or the expiration of the time in which to file an appeal to City Council under this Section 7.5.11 if no appeal is filed, the charges shall become a special assessment against the property and shall constitute a priority lien on the property for the amount of the assessment. This lien shall be deemed in priority of, and superior to, any and all liens then existing on the property or later levied upon the property.

C. A copy of the resolution shall be filed with the County Assessor and the County Treasurer so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the full amount of the assessment on the bill for taxes levied against the parcel of land.

7.5.12 Historic Preservation Enforcement[1182]

7.5.1201 Enforcement

A. Regulations in this UDC relating to historic preservation shall enforced in accordance with Section 7.5.9 (General Enforcement). Appeals from notices and orders alleging violations of the regulations relating to historic preservation shall be in accord with Section 7.5.908 (Appeals).

B. On appeal, the Planning Commission or City Council shall have the power after hearing to order restoration of the building, structure, site, or object to its appearance or setting prior to the violation. In addition, if any violation of provisions of this UDC subject to enforcement by this Section 7.5.12 are by persons licensed or registered under Chapter 2 of the Building Code, suspension or revocation proceedings may be commenced under the provisions of Chapter 2 of the Building Code.

7.5.1202 Failure to Comply with Order to Restore

A. It shall be unlawful for any person to fail or refuse to comply with any order issued to that person pursuant to this Section 7.5.12.

B. In the event that any order issued in accordance with this Section 7.5.12 or Section 7.5.9 (General Enforcement) is not complied with in such reasonable time as is specified in the order, the Manager, after notice to the owner, or agent of the owner or occupant, may direct restoration through private contract. The procedures outlined in the City Code for the collection of the cost and expenses thereof shall apply independently and in addition to the penalty provided by this UDC for violation of any provisions of this UDC.

[1182] From Sections 7.5.1608 (Enforcement), 7.5.1609 (Failure to Comply with Order to Restore), and 7.5.1610 (Lien Assessment) of the current zoning and subdivision ordinance with updates to references and minor revisions.

7.5.1203 Lien Assessment[1183]

A. If the owner or agent of the owner fails to pay the cost and expenses for restoration within 30 days after billing, a lien may be assessed against the property for such cost in accord with this UDC.

B. If the application of any provision of this Section 7.5.12 to any lot, building, or other structure or a tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that lot, building, or other structure or tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered, and such decision shall not affect, impair, or nullify all or any other part of the UDC regulations concerning historic preservation or the application of any historic preservation regulation in this UDC to any other lot, building, or other structure or tract of land.

C. The Building Code for historic buildings identifies situations in which the Regional Building Official may authorize repairs, alterations, or additions necessary for preservation that are not in conformance with requirements of technical codes that would otherwise apply.

D. Regional Building Code Section 112 (Dangerous Buildings) provides for a just, equitable, and practical method for dealing with dangerous buildings.

7.5.13 BUILDING CODE ENFORCEMENT[1184]

7.5.1301 Penalty Provisions from the Regional Building Code[1185]

The RBD Code is subject to the following penalty provisions:

G. RBC101.8. Violations

Any person violating the Building Code or any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $500, or imprisoned not more than 90 calendar days in the City jail or County jail, or both. A separate offense shall be deemed committed for each and every calendar day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of this Code or of any provision of the Building Code, the City Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

A. RBC103.12. Authority to Impose a Fine

The Building Official may impose an administrative fine in an amount of up to $1,000.00 on any person or entity engaged in any construction consulting work or construction work covered by this Code within the jurisdiction who engages in this work in violation of any provisions of this Code. Appeals to this action may be made as provided for elsewhere in this Code or the RBC, as applicable. The Building Official shall make monthly reports of any imposed fines to the Board of Review.

B. RBC105.2.3. Emergency Work

All work performed on an emergency basis, as determined by the Building Official, to maintain an existing service or to maintain an existing installation, building or structure, where the maintenance is necessary to protect life or property, shall not be subject to penalty if application for any required permits is made within 72 hours after commencement of the emergency work.

[1183] Reworded for clarity.
[1184] Carries forward the enforcement and penalty provisions of Article 10, Part 1 (General Provisions) of the existing zoning and subdivision ordinance with minor revisions for clarity and consistency. No substantive changes have been made.
[1185] The need to include this Section in the UDC is still under discussion. If the Section remains in the in the UDC, the provisions of 7.5.1301 may be revised to better integrated with those of following Subsections of Section 7.5.13, and to avoid overlaps.

C. RBC112.2.5.3. Proof of Service

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

D. RBC112.3.1. Form of Appeal

Any person entitled to service under section RBC112.2.5 of this Code may appeal from any notice and order to any action of the Building Official by filing at the Office of the Building Official within 30 calendar days from the date of the service of the order a written appeal containing:

1. A heading in the words: “Before the Board of Appeals.”.
2. A caption reading: “Appeal of _____,” giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
5. A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
6. The signature of all parties named as appellants, and that, in ordinary and concise language, of the specific order or action protested, together with any material facts claimed to support the contentions of the applicant.
7. The signature of all parties named as appellants, and their official mailing addresses.
8. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

E. RBC201.6.6. Felony; Criminal Fraud

No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by this jurisdiction, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in this jurisdiction.

F. RBC201.10.4. Renewal with Fees

Failure to renew a license within this 45 calendar day period after the expiration date of the license will require payment of penalty at 50 percent of the license fee if renewed within 90 days of the expiration date. After 90 days to 135 days the penalty will be equal to the license fee, after 135 days up to 180 days the penalty will be equal to twice the license fee. All requests for renewals after 180 days from the expiration date shall require payment of all fees accrued, re-application, examination, evaluation by the respective committee, and approval by the Board of Review.

G. Appendix B

P. Investigation Fee: Work Without A Permit.

Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee that would be required by this Code if a permit were issued. The payment of such an investigation

fee shall not exempt any person from compliance with any provisions of this Code nor from any prescribed by law.

Q. Re-Inspection Fees:

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete, when corrections required by a previous inspection have not been made, or when an additional inspection is required for alterations made after completion of initial inspection.

This is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of requesting inspections before the job is ready for such an inspection or re-inspection.

Re-inspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until such fees have been paid.

7.5.1302 Violations

Any person violating any provision of the Building Code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $500 or imprisoned not more than 90 calendar days in the City Jail or County Jail, or both. A separate offense shall be deemed committed for each and every calendar day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or remodeled, used or maintained in violation of the Building Code or of any provision of the Building Code, the City Attorney, in addition to other remedies provided by law, may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use.

7.5.1303 Enforcement

In addition to the powers under the RBD Code,[1186] the Building Official has the following authority under this UDC:

A. Whenever any work is being done contrary to the provisions of this UDC, to order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; such persons shall stop such work until authorized by the Building Official to proceed.

B. Whenever any structure is being used contrary to the provisions of this UDC, to order its use discontinued and the structure, or portion thereof, vacated by notice served on any person causing the use to be continued. The person shall:

1. Discontinue the use within 10 days after receipt of the notice; or

2. Make the structure, or portion of the structure, comply with requirements of this UDC.

C. In the event the use of the structure contrary to the provisions of this UDC or the Building Code results in an unsafe building, Article 14 of this Chapter shall apply.[1187]

D. To disconnect, or authorize a representative to disconnect, any utility service or energy supplied to the building, structure, or building service equipment tin the building or structure regulated by this Code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life and property. The Building Official shall, whenever possible, notify the serving utility and the owner and occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action, and shall notify the serving utility, owner and occupant of the

[1186]

[1187] Reference to “this Code” clarified.

building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

E. To order that equipment be removed or restored to a safe or sanitary condition, as appropriate, when the Building Official ascertains that the equipment, or a portion thereof, regulated by this Code has become hazardous to life, health, or property. The order shall be in writing and contain a fixed time limit for compliance with such order. Persons shall not use defective equipment after receiving a notice.

F. Following an order to disconnect, to authorize reconnection to an energy, fuel, or power supply or to supply energy or fuel to any equipment regulated by this Code after it has been condemned, disconnected, or ordered to be disconnected by the Building Official.

G. To impose an administrative fine in an amount up to $1,000 on any person or entity engaged in any construction consulting work or construction work covered by this Code within the City or within the zoned area of El Paso County who engages in said work in violation of any provisions of this Code. The Building Official shall make monthly reports of fines imposed under this Subsection G to the Board of Review.

H. To record a certificate of alleged noncompliance 30 days after notice of noncompliance is posted on the building or sent by certified mail to the individual or entity as concerns any work done by any individual or entity which allegedly fails to comply with the final inspection requirements of this Code. Following corrections to ensure the work complies with the Code, the Building Official may record a release of the certificate of alleged noncompliance.

7.5.1304 Failure to Obey Order

If, after any order of the Building Official or Board of Appeals made pursuant to section RBC112 (dangerous buildings) of the Building Code has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Building Official may either cause such person to be prosecuted under Section RBC112.3.11 of the Building Code or institute any appropriate action to abate such building as a public nuisance.

7.5.1305 Felony or Criminal Fraud

No person or entity convicted by a court having competent jurisdiction of a felony, or for civil or criminal fraud, constructive or actual, for work related to any license issued by the Building Department, or for work related to the building trades in any jurisdiction, shall be granted a license or registration, or serve as an examinee for a contractor in the City.

7.5.1306 Contractor Penalty Provisions

A. Punishable Acts and Omissions

The following actions shall be considered punishable:

1. Willfully violating any provisions of the Building Code including any codes which are adopted by reference.

1. Failure to comply with any lawful order of the Building Official or of any other authorized representative employed by the Building Department pertaining to the administration of the Building Code and the codes which have been adopted by reference.

2. Using a contractor's license to obtain permits required under the Building Code for work that will not be performed by or supervised by the contractor.

3. Misrepresentation by an applicant of a material fact when applying for a contractor's license.

4. Failure to obtain a proper permit for any work for which a permit is required by virtue of the Building Code.

5. Commitment of any act of willful and wanton negligence in the conduct of the contractor's or other person's specific trade or business on work done by the contractor or other person that is regulated by the provisions of the Building Code.

6. Ordinary negligence of the contractor or other person, evidenced by letters of reprimand and/or incident reports received by the contractor within a three-year time period that are, in the judgment of the Board of Review, sufficient in number and severity to warrant revocation or suspension of the contractor's license.

B. Automatic Revocation or Suspension

A license or registration, or the right of an examinee or principal of the contractor to serve as a contractor or as an examinee of a contractor, shall automatically be suspended or revoked by the Building Official as follows:

1. Registrations within this jurisdiction shall be automatically revoked or suspended upon revocation, suspension, or refusal to renew any required Colorado State license.

2. Any license or registration within this jurisdiction shall be automatically suspended upon lapse, cancellation, or reduction of insurance coverage below that required by section RBC201.6 of the Building Code. This suspension shall remain in effect until proof of the reinstatement of the required coverage is presented to the Building Department. Failure to present this proof within 12 months from the date of the lapse, cancellation, or reduction shall result in automatic revocation of the license or registration.

3. Conviction by a court having competent jurisdiction of the contractor and/or its examinee or registrant for a felony, or for civil or criminal fraud, constructive or actual, for work related to any license under the Building Code, shall result in automatic revocation of the license or registration and revocation of the right of the examinee, registrant, or principals of the contractor to serve as contractor or examinee or registrant for another contractor after notification by the Board of Review. The notification shall be served personally or posted by certified mail, return receipt requested, to the last known mailing address.

C. Voluntary Suspension

1. The Board of Review may suspend licenses or registrations upon the voluntary written request for this action by the contractor. These suspensions shall not exceed a period of 12 months unless a notarized annual certification from the contractor's employer is furnished to the Building Department indicating that the contractor is engaged in an active capacity in the field of building construction.

2. While under voluntary suspension, the contractor need not carry insurance, but shall be responsible for all license or registration fees normally due.

3. The voluntary suspension shall be automatically lifted at any point during the 12-month period under the following conditions:

   a. Written request is made to the Board of Review by the contractor.

   b. Proof of insurance is provided in accordance with Section RBC201.5 of the Building Code.

4. In the event the contractor does not rescind the voluntary suspension within the 12 month period as provided in Subsection 3 above, or furnish proof of active engagement in the construction field, as provided in Subsection 1 above, in order to obtain a new license or registration, the contractor must then meet all requirements of Sections RBD201.5 and RBC201.6 of the Building Code.

7.5.1307 Altering, Defacing, or Removing a Numeric Address

It shall be unlawful for any person to alter, deface or remove any number placed on any premises in accord with[1188] the requirements of Section RBC312 of the Building Code, except for repair or replacement of such number. Upon notice, actual or otherwise, repair or replacement of any number shall be completed within 24 hours.

7.5.1308 Failure to Abate a Swimming Pool Nuisance

Any party responsible for the operation of a swimming pool not in compliance with Section RBC314 of the Building Code, or who fails to obey an order of the Building Official to abate the nuisance involved, or who refuses to permit the Building Official to abate the nuisance involved, or who refuses to permit the Building Official or the Building Official's authorized representative to inspect the swimming pool, shall be guilty of a misdemeanor.

1188

Article 7.6 Definitions and Rules of Construction

Note about Definitions and Rules of Construction: New in the Revised Public Draft is Section 7.6.2, Rules of Measurement and Calculation, which largely is carried forward from the existing zoning and subdivision ordinance. The definitions in Article 7.6.3 have been updated to reflect comments of City staff, RetoolCOS Advisory Committee members, and the public during reviews of both Module 1 and Module 2. Additional definitions have been added as well.

7.6.1 Rules of Construction

7.6.101 Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. More specifically:

A. The words “owner,” “person,” or “developer” include a firm, association, partnership, trust, company, or a corporation as well as an individual.

B. The words “used” or “occupied” include the words “intended, arranged, maintained, or designed to be used or occupied”.

C. The word “lot” includes the words “plot” or “parcel.”

D. The words “existing,” “existed,” “exists,” and “occupied” shall imply the modifier “lawfully.”

E. The terms “district,” “zone,” “zone district,” and “zoning district” shall all refer to the zone districts defined by this UDC.

7.6.102 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

7.6.103 Computation of Time

The time in which an act is required or permitted to be done pursuant to this UDC shall be computed as follows, unless otherwise stated in this UDC or an adopted City regulation or manual.[1189]

A. Where performance is permitted or required within a stated number of days, the computation of the deadline or required date shall exclude the first day or the period and include the last day of the period.

B. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or a holiday observed by the City.

7.6.104 Public Bodies, Documents, and Authority

A. All public officials, bodies, and agencies to which references are made are those of the City of Colorado Springs, unless otherwise expressly stated.

B. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

[1189] Text revised for clarity.

C. Whenever a provision of this UDC requires the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. The person to whom authority under this UDC has been delegated is sometimes referred to as a "designee."

D. Whenever a provision of this UDC identifies an individual or entity associated with an application or with property, that provision shall be construed as including any legally authorized agents or assigns of that individual, but the City may require proof of such legal authorization before authorizing any agent or assign to take actions related to any application or property for which they are not the property owner.

7.6.105 Mandatory and Discretionary Terms

The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms.

7.6.106 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. "And" indicates that all connected items, conditions, provisions, or events apply; and

B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

7.6.107 Tenses, Plural, and Gender

A. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary.

B. The singular includes the plural and the plural the singular unless the context clearly indicates the contrary.

C. Words used in the masculine gender include the feminine gender and vice versa.

7.6.108 Heading, Illustrations, and Text

In case of any difference of meaning or implication between the text of this UDC and any heading, drawing, table, figure, or illustration, the text shall control.

7.6.109 Zone District Boundaries[1190]

Zone district boundaries on the Official UDC Map shall be interpreted as follows:

A. Unless otherwise indicated, the zone district boundaries are the centerline of streets, alleys, waterways, or railroad rights-of-way. Where street, alley, or other rights-of-way lie adjacent to each other, the zone boundary is the imaginary line bisecting the combined width of the adjacent rights-of-way or such line extended. The area within any of the rights-of-way is not granted any of the use rights associated with the overlaying zone district.

B. Where no rights-of-way exist and the zone boundaries are indicated as approximately following lot or block lines, such lines shall be considered as district boundaries.

C. In unsubdivided property or where a boundary divides a property, boundaries on Official UDC Map shall be determined by use of the scale indicated on such maps unless otherwise dimensioned.

D. Whenever a public street, alley, or other right-of-way has been vacated, the zone district adjoining each side of the right-of-way shall be extended to the former centerline. The regulations associated with the zone district shall apply to the area of vacation.

[1190] Carries forward Section 7.2.105D (Boundaries of Zones) from the existing zoning and subdivision ordinance, with more changes for conformity and replaces the procedure for resolving uncertainty in zone district boundaries with a reference to Section <7.5.527> (Interpretation of UDC).

E. Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zone district boundary on the zoning map of the City of Colorado Springs, the map shall be interpreted in accord with Section <7.5.525>.

7.6.2 RULES OF MEASUREMENT AND CALCULATION[1191]

7.6.201 Density

Density shall be calculated by the number of dwelling units per acre.

7.6.202 Fractions

A. Off-Street Parking[1192]

When the computation of the required off street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions of 0.5 or less shall be rounded to the next lowest whole number. Fractions greater than 0.5 shall be rounded to the next highest whole number.

B. Landscaping[1193]

Where a calculation of a landscaping requirement results in a fractional number, the requirement shall be considered the next greatest whole number.

7.6.203 Lot and Building Standards

A. Lot Width

The minimum horizontal distance between the side lot lines measured along a straight line most parallel to the front lot line. This minimum measurement or greater is maintained from the front building setback to the rear building setback.

B. Lot Depth

The least distance from the rear lot line to the front lot line.

C. Lot Area

The total area within the lot lines of a lot.

D. Lot Coverage

The percentage of the lot area that may be covered by all of the footprints of the buildings and structures on a lot including detached garages, carports, sheds, gazebos, covered patios, and decks.

E. Floor Area

The total horizontal area of the floors of a building measured from the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces and maneuvering areas, or any space where the floor to ceiling height is less than seven and one-half feet.

F. Floor Area Ratio

The gross floor area of all buildings on a lot divided by the lot area.

7.6.204 Height

A. Building Height

The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of the roof surface of a flat roof and to a point five feet below the highest ridge of a gable, hipped, or gambrel roof. The average elevation of the finished grade adjoining the building

[1191] From Article 7, Part 2 (Definitions) unless otherwise noted. All provisions are new in the Revised Public Draft.
[1192] This carries forward Sections 7.3.712.A and 7.4.2B.03 of the existing zoning and subdivision ordinance.
[1193] This carries forward Section 7.4.308 of the existing zoning and subdivision ordinance.

shall be the average of the exposed exterior elevations of all major corners of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.

B. Fence Height[1194]

Fence height is measured from the top of the fence, including fence poles, posts, and finials, to the finished grade on both sides of the fence, in accordance with the following:

1. If the height of the two sides varies, then the larger of the two measurements shall be used in determining the height of the fence.
2. If the fence is located within three feet of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.
3. The finished grade of the fence area shall not be altered to artificially comply with these regulations.
4. An additional 12 inches of height is permitted for fence posts, poles, and finials spaced at least eight feet from each other.

C. Height in the AP-O District[1195]

For the purpose of determining the height of structures, objects, ground, property, and airspace, the datum shall be mean sea level elevation unless otherwise specified.

7.6.205 Separation Measurements[1196]

Where this UDC requires that certain uses be separated by a certain distance from other uses of the same type or other specified uses or properties, the separation distance shall be made by measuring from the nearest property line of the proposed use to the nearest property line of the other use or property, in a straight line without regard to intervening structures or objects.

7.6.206 Setbacks[1197]

A setback is a line within a lot which is parallel to and measured from a corresponding lot line, forming the boundary of a required yard and establishing the minimum distance that a structure, landscaping, parking, or other designated item must be from that lot line.

A. Front Yard Setback

The area from the side property line to side property line starting at the front property line and ending at the minimum front yard setback point as prescribed by the zone district or Development Plan.

B. Rear Yard Setback

The area from the side property line to side property line starting at the rear property line and ending at the minimum rear yard setback point as prescribed by the zone district or Development Plan.

C. Side Yard Setback

The area located between the minimum front yard setback and the minimum rear yard setback that runs parallel to the side property lines. The width of the side yard setback shall be measured from the side property line to a point prescribed by the zone district or Development Plan.

[1194] This carries forward Section 7.4.102.A of the existing zoning and subdivision ordinance.
[1195] This carries forward the definition in Section 7.3.506.B of the existing zoning and subdivision ordinance.
[1196] Consolidates the existing method of measurement from various places in the existing zoning and subdivision ordinance, with refinements for clarity.
[1197] From Article 7, Part 1 (General Provisions).

7.6.3 DEFINITIONS[1198]

Notes on Definitions

Definitions are listed in alphabetical order. However, certain definitions that relate to a specific topic or chapter are grouped together for ease of reference. The grouped list of definitions is listed below:

-- Airport-related definitions
-- Historic preservation-related definitions
-- Marijuana-related definitions
-- Recycling Processing Center definitions
-- Reinspection-related definitions
-- Sign-related definitions
-- Wireless Communications Facility (WCF) and related definitions

A

Abutting[1199]

Bordering or touching, such as sharing a common lot line. Lots that are separated by a street, right-of-way, or platted alley are not abutting.

Accessory Dwelling Unit (ADU)

See Dwelling, Accessory.

Accessory Family Suite[1200]

An accessory family suite may be made up of a room or group of rooms forming a single habitable area with facilities for one or more persons with provisions for living, sleeping, cooking, and sanitation, and is located within a principal single-family detached unit. An accessory family suite is not considered a separate dwelling unit for purposes of this UDC provided all the requirements are met and the accessory family suite is in continual compliance.

Adjacent[1201]

Lots, buildings, uses, or other features regulated by this UDC that would be bordering or touching except for an intervening trail, street, right-of-way, or platted alley if the lot lines for the properties containing the building, use, or other feature in question were extended across the intervening trail, street, right-of-way, or platted alley until they intersected, unless otherwise stated in this UDC or an adopted City regulation or manual.

Adjacent Property Owner[1202]

The owner of property that is adjacent to any property under review.

[1198] This section contains definitions relating to uses and districts and development standards. Additional definitions drafted subsequent to the release of Modules 1 and 2 are included in this Revised Public Draft. The list of Master Plan land use categories in current Section 7.5.4.10 were not carried forward. It is very unusual for codes to have a separate list of land uses for a specific type of plan, and could be very confusing to both property owners and the public. In the future, the high-level (e.g. Commercial and Industrial) and mid-level (Eating, Drinking, and Lodging) land use categories from Table 7.3.2-A can be used as land use categories for purpose of Master Plan approvals, if needed. Definitions that are no longer used in the UDC were not carried forward. Recently adopted definitions related to Wireless Telecommunication Facilities (WTF) were added, and existing definitions related to Commercial Mobile Radio Service (CMRS) were deleted per City Council ordinance.
[1199] New definition.
[1200] This carries forward the definition in Ordinance No. 20-37.
[1201] New definition.
[1202] From Article 7, Part 1 (General Provisions), revised for clarity and consistency with definition of adjacent.

Adult Entertainment[1203]

An establishment having as a substantial or significant portion of its business the offering of entertainment, scenes, or other presentations characterized by emphasis on depiction or description of Specified Sexual Activities or Specified Anatomical Areas. This use includes but is not limited to adult arcades, adult cabarets, adult motels, adult motion picture theaters, adult theaters, and/or sexual encounter establishments.

Adult Retail[1204]

An establishment having as a substantial or significant portion of its business the offering of stocks in trade of materials characterized by emphasis on depiction or description of Specified Sexual Activities or Specified Anatomical Areas. This use includes but is not limited to adult book or video stores, adult bakeries, and adult toy stores.

Adult or Child Day Care Center[1205]

A state-licensed facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and that is not located in a dwelling unit occupied by any of the operators of the facility, and in which no children or elderly adults are offered overnight accommodation. This use includes but is not limited to facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, day camps, adult care centers, or elder care centers, and shall include those facilities that give a maximum of 10 hour care for dependent and neglected children. The use does not include a kindergarten maintained in connection with an Elementary School of at least six grades.

Adult or Child Care Facility, Large

A facility that provides care for 16 or more children under the age of 16 years, or not more than 16 elderly adults, who are not related to the owner, operator, or manager of the facility.

Adult or Child Care Facility, Small

A facility that provides care of between six to 15 children under the age of 16 years, or five to 15 elderly adults, who are not related to the owner, operator, or manager of the facility.

Affected Party[1206]

An Affected Party is a person or entity aggrieved by an appealable administrative decision made by the Manager or other City official under this UDC and who may appeal the decision. For purposes of appeals under this UDC, an Affected Party is:

A. The applicant for the decision being appealed;

B. The owner of a lot or parcel of land located within 300 feet of the perimeter of the applicant's lot or parcel; or

C. A neighborhood association whose boundaries include the applicant's lot or parcel, as those boundaries are shown on the City's records on the date the application was determined to be complete by the Manager.

Agricultural Production[1207]

The raising of animals or production of animal products, such as eggs or dairy products, and the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. Typical uses include grazing, ranching, dairy farming, and poultry farming, and may include accessory retail sales under certain conditions.

[1203] New definition for a new use; including reference to existing ordinance's more complex categorization of these uses.
[1204] New definition for a new use; including reference to existing ordinance's primary listed us in this category.
[1205] This is a new definition that builds upon the existing definition in Section 7.2.302D.6 of the existing zoning and subdivision ordinance and adds explicit allowances for adult day care facilities. It clarifies that the day care center is a use not accessory to a residential dwelling, establishes the number of adults that are permitted, and establishes two different sizes of facilities – large and small.
[1206] New definition in Revised Public Draft that establishes who may appeal a decision made under this UDC.
[1207] This combines the existing definitions in Section 7.2.302H.1 and .3 of the existing zoning and subdivision ordinance.

Agricultural Sales and Service[1208]

An establishment engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms.

Airport-Related Definitions[1209]

Accident Potential Subzone-1 (APZ-1)

The corresponding subzone indicated on the Airport Overlay District Map. This subzone applies to ground level development up to the maximum height of the base zone.

Accident Potential Subzone 2 (APZ-2)

The corresponding subzone indicated as such on the Airport Overlay District Map. This subzone applies to ground level development up to the maximum height of the base zone district.

Aircraft

Any unassembled, partially assembled, or fully assembled collection of parts, operational or nonoperational, that make a contrivance now known or later invented, used, or designed for navigation of or flight in the air or space regardless of the form of propulsion that powers the aircraft in flight.

Aircraft Navigation Subzone (ANAV)

The subzone at and above the ground as depicted on the Airport Overlay District Map as adopted and amended by the City of Colorado Springs. The ANAV encompasses all land within the overlay.

Airport[1210]

A facility relating to the landing or taking off of aircraft such as a landing field, aircraft parking, and service facilities, including related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. For purposes of Section 7.2.503, AP-O: Airport Overlay, only, the commercial service facility now known as City of Colorado Springs Municipal Airport, or any future name or common reference for that facility that may be promulgated, adopted, or referred to; or any and all future commercial service facility or facilities developed within the City of Colorado Springs.

Airport Noise Subzone (ADNL)

The subzone indicated by lines of increasing projected annual average noise exposure (DNL) from 65 DNL to 70 DNL, 70 DNL to 75 DNL, and 75 DNL to 80 DNL. (See also the definition of DNL.)

Airport Overlay Zone (AO)

An overlay zone, including associated subzones that are together superimposed on existing base zones.

[1208] This carries forward the definition in Section 7.2.302C.1 of the existing zoning and subdivision ordinance.

[1209] Most of these definitions are carried forward from Section 7.3.506B of the existing zoning and subdivision ordinance regarding the AP-O overlay district and are subject to change. See the discussion in the footnotes to the AP-O and APD districts and the footnote below. The definitions of “Determination” and “Hazard to Air Navigation” were relocated from elsewhere in this Section, and the definition of “Landing Area” was removed at staff’s direction.

[1210] This carries forward the definitions in Sections. 7.2.302G.1 and 7.3.506B of the existing zoning and subdivision ordinance with refinements. The definition currently defines airport as the Colorado Springs Municipal Airport and other commercial facilities. There are continuing discussions regarding how to terminology regarding uses that are restricted near airports as well as updating substantive land use regulations on compatibility with airport operations. These continuing discussions involve both the Colorado Springs Municipal Airport/Peterson Air Force Base and the United States Air Force Academy airport. As these issues are resolved between the City and the airport operators, those revised regulations will be incorporated into this UDC.

Determination[1211]

When used in the context of airport and airspace studies and regulations, a final written aeronautical and/or airspace study reply received from the FAA in direct response to filing notice under 14 CFR part 77.

Hazard to Air Navigation[1212]

Any improvement or use of land that obstructs or otherwise has a significant adverse impact on the airspace required for the flight of aircraft, as determined by the FAA under 14 CFR part 77 and related FAA orders and regulations as may be changed or amended.

Runway[1213]

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ)[1214]

A subarea so designated on the AP-O zone district map.

Alley[1215]

A public right-of-way that provides only secondary access to property. For the purpose of Section 7.4.3 (Subdivision Standards), an alley is not considered to be a street.

Animal Care Facility[1216]

A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases, including veterinary services, and in which boarding, breeding, grooming, training, and daytime or overnight care of more than four domesticated animals is permitted. This use also includes public facilities for the temporary impoundment of animals found abandoned or removed from other locations due to improper care, and may include an animal crematorium as an accessory use.

Animal, Small[1217]

Animals such as dogs, cats, birds, fish, and other comparable animals customarily kept as household pets.

Animal Large

All animals that are not commonly kept as household pets, and specifically excluding those listed in the definition of Animal, Small.

Antenna[1218]

Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electronic signals, and that does not meet the definition of an antenna for purposes of Wireless Communication Facilities.

Arterial Roadway[1219]

Those roadways designated as freeway, expressway, major arterial, or minor arterial on the City major traffic thoroughfare plan.

[1211] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance.
[1212] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance.
[1213] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance with minor refinements.
[1214] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance with minor refinements.
[1215] From Article 7, Part 1 (General Provisions).
[1216] This combines definitions from Sections 7.2.302.C.20 and .35. Definition revised to exclude Small Animal Clinic, which is now a separate use, to exclude sale for compensation, which is now a retail sales use, and to include animal shelters.
[1217] This definition is adapted from the definition of “Pet Services” in Section 7.2.302C.28 of the existing zoning and subdivision ordinance.
[1218] This is a new definition defining antennas that are not part of WCFs.
[1219] From Article 7, Part 10 (Arterial Roadway Bridges).

Arterial Roadway Bridge[1220]

A structure which is constructed to carry an arterial roadway over any natural or manmade channel.

As Built Plans[1221]

Revised plans reflecting the actual conditions of a landscape or irrigation system installation.

Associate Grading and Erosion Control (GEC) Permit[1222]

A City Associate Grading and Erosion Control Permit, which is required on individual sites within multi-lot residential or commercial projects with an overall GEC Permit where ownership has changed. This permit is legally associated with the existing GEC Permit for the larger development.

Assurance[1223]

A financial commitment, consisting of letters of credit, subdivision bond, cash, or other instruments approved as to form by the City Attorney, to cover the cost of public improvements, including, but not limited to, drainage, street, erosion control, public and private Permanent Control Measures, and public and private channel improvements, necessitated by approval of a subdivision.

Automobile and Light Vehicle Repair[1224]

A facility primarily engaged in service or repair of automobiles, motorcycles, and light trucks with a GVWR of 15,000 pounds or less, including the sale, installation, maintenance, and servicing of installation and parts and the accessory storage or parking of vehicles that are awaiting service or pick-up, but excluding the storage of junk vehicles. There are two types of Automobile and Light Vehicle Repair facilities:

Automobile and Light Vehicle Repair, Minor

An establishment that provides minor and routine maintenance or repair to automobiles and light vehicles, including tire sales and installation, wheel and brake work, muffler replacement, oil and fluid changes, glass repair, and similar repairs that produce few noise or other impacts on surrounding properties, but not including the additional types of repairs included in the definition of Automobile and Light Vehicle Repair, Major.

Automobile and Light Vehicle Repair, Major

This use includes all the activities in Automobile and Light Vehicle Repair, Light as well as body and fender repairs, vehicle painting, engine, motor, and transmission rebuilding, and other types of repair and rebuilding of vehicles or parts of vehicles that may have greater impact on the surrounding properties.

Automobile and Light Vehicle Sales and Rental[1225]

An establishment consisting of buildings and yards used for display and sale or rental of automobiles, light trucks, motorcycles, recreational vehicles, or boats with a Gross Vehicle Weight Rating (GVWR) of 15,000 pounds or less, including incidental storage, maintenance, and servicing.

[1220] From Article 7, Part 10 (Arterial Roadway Bridges).
[1221] From Article 4, Part 3 (Landscaping Standards).
[1222] From proposed amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance introduced in late 2020.
[1223] From Article 7, Part 1 (General Provisions) with revisions by staff to reference PCMs and channel improvements in the Revised Public Draft.
[1224] This is a new definition that is adapted from the definition of “Automotive Repair Garage” in Section 7.2.302C.2.b, Automotive Repair Garage, of the existing zoning and subdivision ordinance.
[1225] This carries forward the definition in Section 7.2.302C.2.c of the existing zoning and subdivision ordinance with minor refinements.

Automobile and Light Vehicle Storage[1226]

Any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of storing operable automobiles, trucks with a Gross Vehicle Weight Rating (GVWR) of 15,000 pounds or less, motorcycles, recreational vehicles, or boats. This use shall not include vehicle dismantling or junkyards.

Automobile and Light Vehicle Wash[1227]

An establishment for washing and cleaning automobiles and vehicles with a Gross Vehicle Weight Rating (GVWR) of 15,000 pounds or less. This use may include car washes in which all activities are completely enclosed or car washes in which some activities are outside.

B

Bar[1228]

An establishment engaged in the preparation and retail sale of alcoholic beverages, alcoholic liquor or fermented malt beverages as defined by Chapter 2, Article 5, Part 1 of this Code, for consumption on the premises. This use includes taverns, cocktail lounges, and similar uses, but does not include a restaurant.

Bed and Breakfast[1229]

A dwelling unit that provides temporary accommodations and breakfast to overnight guests for a fee with up to 15 guestrooms or suites.

Beehive[1230]

Any structure containing bees and designed to receive movable frames of comb.

Berm[1231]

An earthen mound designed to provide visual interest on a site, screening of undesirable views, noise reduction, etc.

Bicycle Plan[1232]

The City of Colorado Springs bicycle plan, adopted by the City Council and all subsequent amendments to that plan.

Block[1233]

A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Broadcasting Tower[1234]

A structure used for the transmission or broadcasting of radio, television, or microwaves.

[1226] This carries forward the definition in Section 7.2.302C.2.d of the existing zoning and subdivision ordinance.
[1227] This carries forward the definition in Section 7.2.302C.2.e of the existing zoning and subdivision ordinance.
[1228] This carries forward the definition in Section 7.2.302C.3 of the existing zoning and subdivision ordinance with minor refinements. The distinction between bars, restaurants, micro-breweries, micro-distilleries, and micro-wineries is under continuing discussion with staff.
[1229] This carries forward the definition in Section 7.2.302C.4 of the existing zoning and subdivision ordinance.
[1230] This is a new definition from C.R.S. § 35-25-102(16).
[1231] From Article 4, Part 3 (Landscaping Standards).
[1232] From Article 7, Part 1 (General Provisions). Reference to Comprehensive Plan deleted, since PlanCOS does not include this element and the topic is being addressed in the City's current complete streets policy discussions.
[1233] From Article 7, Part 1 (General Provisions).
[1234] This is based on the definition in Section 7.2.302I.1 of the existing zoning and subdivision ordinance, except does not specify an accessory function; this reflects the fact that broadcasting towers may not be located on the same property as the use generating the content being transmitted.

Building Length[1235]

The number of linear feet of the exterior wall of the side of the building where the sign is placed.

Building Plaque[1236]

A plaque designating names of buildings, occupants, and/or date of erection and other items such as architect, contractor or others involved in the building creation cut into or attached to the building.

C

Campground or Recreational Vehicle Park[1237]

A facility providing camping or parking uses and incidental services for travelers in recreational vehicles or tents.

Canopy[1238]

A. For purposes of landscaping, buffering, and screening regulations, the upper vegetative cover of a tree or plant grouping.

B. For all other purposes, a permanent roof-like shelter either not attached to or requiring support from an adjacent structure.

Carport[1239]

A covered shelter for automobiles or light vehicles that is open on at least two sides.

CDOT[1240]

The Colorado Department of Transportation.

Cemetery[1241]

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. Accessory uses that are allowed in conjunction with and within the boundary of a cemetery include columbarium, mausoleum, mortuary, funeral services, and crematory services.

Changeable Copy Sign[1242]

A sign or portion of a sign on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

Channel Width[1243]

In a stream, the distance from the toe of the channel bank on one side of the channel to toe of the channel bank on the other side of the channel, unless otherwise stated in this UDC or an adopted City regulation or manual.

[1235] From Article 4, Part 4 (Signs).
[1236] From Article 4, Part 4 (Signs).
[1237] This carries forward the definition in Section 7.2.302C.8 of the existing zoning and subdivision ordinance.
[1238] From Article 4, Part 4 (Signs).
[1239] New definition.
[1240] New definition added in the Revised Public Draft.
[1241] This carries forward the definition in Section 7.2.302D.2 of the existing zoning and subdivision ordinance with minor refinements.
[1242] From Article 4, Part 4 (Signs).
[1243] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision but adds caveat that specific regulations may use a different definition.

Club, Lodge, and Service Organization[1244]

A use providing meeting, recreational, or social facilities for a private, nonprofit, or noncommercial association, primarily for use by members and guests, but not including uses where the chief activity is providing a service customarily carried on as a business. Typical uses include private social clubs, fraternal organizations, health clubs, country clubs, and nonprofit recreation or community centers.

Colorado Springs Construction Index[1245]

The annual cost escalation instrument for improvement construction, regional infrastructure fees and other shared obligations identified in annexation agreements. The index has two components: construction costs and land costs. The construction portion is adjusted using the annual increase for the unit drainage fees in the Drainage Basin Fee Program. The land portion is adjusted using the annual school/park fee as a base. If no land cost is associated with the required obligation, then the annual escalation of that fee would be calculated using only the construction portion of the index.

Columbarium[1246]

A place used for the internment of cremated human or animal cremated remains in an above-ground wall or other structure.

Commercial Feedlot[1247]

A site of more than 15,000 square feet for the feeding of livestock and poultry.

Comprehensive Plan[1248]

The Comprehensive Plan of the City of Colorado Springs and all subsequent amendments to that plan.

Concept Plan[1249]

A graphic representation drawn to scale of a proposed development of a particular project or area.

Construction Activity[1250]

For purpose of grading, erosion control, and stormwater regulations, a ground surface disturbing and associated activity (land disturbance) that includes, but is not limited to, clearing, grading, excavation, demolition, or installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Activities that include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility are not considered construction activities. Activities to conduct repairs that are not part of regular maintenance, and activities that are for replacement, are considered construction activities and are not considered routine maintenance. Repaving activities where underlying or surrounding soil is cleared, graded, or excavated as part of the repaving operation are construction activities. Construction activity occurs from initial ground breaking to final stabilization regardless of ownership of the construction activities.

[1244] This carries forward the definition in Section 7.2.302D.3 of the existing zoning and subdivision ordinance. These definitions will be updated to conform with the substance of the new regulations that are currently being developed.
[1245] From Article 7, Part 1 (General Provisions) with reference to DBFP added.
[1246] New definition.
[1247] This carries forward the definition in Section 7.2.302C.2 of the existing zoning and subdivision ordinance with minor refinements.
[1248] From Article 7, Part 1 (General Provisions).
[1249] From Article 7, Part 1 (General Provisions). This definition will be revised when the distinctions between Master Plan, Concept Plan, Development Plan, and Site Plan are reviewed as part of Module 3. Requirement that the plan comply with the UDC was deleted, because regulations do not belong in definitions. The compliance or non-compliance is determined through the project review and approval process.
[1250] New definition provided by the Stormwater Enterprise.

Construction Control Measures[1251]

Structural and non-structural Control Measures used to limit erosion and the transport of soil and other pollutants within or leaving construction sites. Construction Control Measures can be temporary (e.g. silt fence) and permanent (e.g. seeding).

Construction Office or Yard, Temporary[1252]

The temporary use of land prior, during, and after construction activities that involve equipment, storage, loading or unloading of construction materials or equipment, or offices, and accessory structures such as fences, walls, buildings, and barricades. This use does not include a model home or modular building used as a Real Estate Sales or Business Office, Temporary.

Construction Sales and Service[1253]

An establishment primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, or a public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and related activities. This use includes home improvement stores, building materials stores, or tool and equipment rental or sales. This use excludes those uses classified under Vehicle-Related Uses.

Corner Visibility Triangle[1254]

The triangular area at the intersection of the curb lines of two streets or a railroad right-of-way line and a street curb line with dimensions from such curb lines necessary to protect required minimum horizontal and vertical sight distances as shown in the Traffic Criteria Manual or as otherwise required by the City Engineer based on considerations of traffic, bicycle, and pedestrian safety.

Corral[1255]

A pen or enclosure for confining hoofed animals.

Correctional Facility/Juvenile Detention Facility[1256]

A public or private use that provides housing and care for individuals legally confined and is designed to isolate those individuals from a surrounding community.

Cottage Food[1257]

Food provided for sale directly to “informed end users” as defined in the Colorado Cottage Foods Act, C.R.S. § 25-4.1614.

Crematorium[1258]

An establishment exclusively providing services for the incineration of human or animal corpses.

[1251] From amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance adopted in Ordinance No. 21-05 in January 2021.
[1252] New definition.
[1253] This consolidates the definitions in Sections 7.2.302C.11 and D.10 (regarding “Maintenance and Service Facility”) of the existing zoning and subdivision ordinance with minor refinements.
[1254] Section 7.2.201 of the existing zoning and subdivision ordinance revised to delete references to 55 foot dimension and to reflect current practice. The reference to alternatives required by City Engineer added in Revised Public Draft to reflet current practice.
[1255] From Article 2, Part 2 (Definitions).
[1256] This carries forward the definition for “Detention Facility” in Section 7.2.302D.7 of the existing zoning and subdivision ordinance. In the Revised Public Draft, its name has been changed to reduce confusion with stormwater detention facilities.
[1257] This carries forward the definition in Section 7.5.1503M.2 of the existing zoning and subdivision ordinance.
[1258] This carries forward the definition in Section 7.2.302D.4 of the existing zoning and subdivision ordinance.

D

Deciduous[1259]

A plant with foliage that is shed annually.

Dedication[1260]

The procedure by which private property is transferred to a public entity for a public use.

Detached Structure[1261]

A structure that is not attached to another structure, and that has no wall in common with another structure, and that is separated by three feet or more from any other structure. Structures that are connected by a covered, unenclosed breezeway shall be considered detached if the breezeway is less than 12 feet in height or less than six feet in width.

Detoxification Center[1262]

A convalescent establishment that provides 24 hour medical supervision, lodging, and meals to individuals who need help to remove the effects of alcohol or drugs.

Development[1263]

Any activity that alters the ground on a property. Development may include construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading. For the purposes of this UDC, this term includes new development and redevelopment on existing lots.

Development Plan[1264]

A detailed graphic representation drawn, to scale, of a proposed development of a particular site that meets all requirements of this UDC.

DNL[1265]

A day-night (sound) level that recognizes the added impact of nighttime noise. It is a 24-hour average noise level based on A-weighting with ten dBA added between 10:00 P.M. and 7:00 P.M. DNL is expressed visually via contour lines in five DNL increments.

Domestic Violence Safe House[1266]

A residential operation whose primary function is the provision of a confidential residence that provides a safe haven for persons who have been victimized by physical, emotional, or mental abuse for purposes of rehabilitation or special care. The safe house may permit housing for both single persons as well as individuals with children.

Drainage Criteria Manual

[Definition to be inserted based on current work by Stormwater Enterprise]

[1259] From Article 4, Part 3 (Landscaping Standards).
[1260] From Article 7, Part 1 (General Provisions).
[1261] From Article 2, Part 2 (Definitions).
[1262] This carries forward the definition in Section 7.2.302A.4.m of the existing zoning and subdivision ordinance.
[1263] New definition.
[1264] From Article 7, Part 1 (General Provisions).
[1265] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance.
[1266] This carries forward the existing definition in Section 7.2.302A.5.h of the existing zoning and subdivision ordinance.

Drainage Report, Final[1267]

A document prepared in accord with the Drainage Criteria Manual which analyzes all stormwater features of the proposed development in the detail necessary to complete construction plans for all project stormwater improvements, including grading details and off-site facilities as applicable.

Drainage Report, Preliminary[1268]

A document, prepared in accord with the Drainage Criteria Manual, which analyzes all stormwater features of the proposed development at a preliminary design level.

Drip Line[1269]

A vertical line extending from the tips of the outermost branches of a tree to the ground.

Drive-Through, Accessory[1270]

A facility that permits customers to receive services, obtain goods, or be entertained from an accompanying principal use through a window, kiosk, speaker, or other structure, while remaining in their automobiles or light vehicles.

Drug and Alcohol Treatment Facility[1271]

An establishment that may be Colorado State licensed or certified by the appropriate State agency that provides 24 hour care, treatment, rehabilitation, and counseling for persons with alcohol, narcotic, or substance abuse or a combination of those forms of abuse and operated under private, public, or nonprofit sponsorship.

Dwelling, Accessory[1272]

A dwelling unit that is subordinate to the principal residential unit on the lot, that is located upon the same lot as the principal unit, and that remains under the same ownership as the principal unit. There are two types of accessory dwelling units:

Integrated

An accessory dwelling unit that is located inside of the principal residential unit on the lot, or attached by a shared common wall.

Detached

An accessory dwelling unit located within an accessory structure.

Dwelling, Live/work[1273]

An integrated housing unit and work space under single ownership in a structure in which the residential portion of the unit shall contain at least 400 square feet of gross floor area. The commercial space shall allow activities compatible with residential use with respect to noise, smoke, vibration, smell, electrical interference, and fire hazard, and may include such uses as professional services and offices, and the creation, display, and sale of art, craftwork, jewelry, fabrication of cloth goods, and similar activities.

[1267] From Article 7, Part 1 (General Provisions) with revisions by staff in the Revised Public Draft, including deletion of reference to street grades.
[1268] From Article 7, Part 1 (General Provisions) significantly redrafted by staff in the Revised Public Draft.
[1269] From Article 4, Part 3 (Landscaping Standards).
[1270] This carries forward the definition of “Drive-Up/In/Through Facility” in Section 7.2.201 of the existing zoning and subdivision ordinance with minor refinements for clarification.
[1271] This carries forward the existing definition in Section 7.2.302A.5.k of the existing zoning and subdivision ordinance.
[1272] This is the recently adopted definition in Ordinance No. 20-38.
[1273] This carries forward the existing definition in Section 7.2.201 of the existing zoning and subdivision ordinance with minor refinements.

Dwelling, Multi-family[1274]

A building for residential purposes with five or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common or individual stairwells exterior to any dwelling units. This use does not include structures meeting the definition of a Single-Family Attached Dwelling (Townhouse).

Dwelling, Single-Family Attached (Townhouse)[1275]

A building with three or more attached dwelling units, each of which are attached to at least one other dwelling unit by a party wall extending from at least ground level to the top of the side wall of the last floor designed for human occupancy, and arranged in a side-to-side configuration rather than stacked, and where the front door of each dwelling unit faces and has direct access to a street without passing through a lobby or other area shared with other dwelling units.

Dwelling, Single-Family Detached[1276]

A building with one dwelling unit located on one site, with no physical or structural connection to any other dwelling unit and used exclusively for occupancy by one family. This definition includes a tiny house (detached dwelling of 400 square or less of gross floor area) that meets the standards of the Regional Building Code for long-term occupancy. This use may include an integrated accessory dwelling unit, subject to the provisions of Section 7.3.304F.

Dwelling, Stacked Townhouse[1277]

A building in which two dwelling units arranged one above the other, with each stack of two units separated from other stacks by a fire rated vertical common party wall running from the foundation to the roof of the building. This definition includes dwellings commonly referred to as “piggyback” and “two-over-two” townhouses and “stacked flats.”

Dwelling, Two-Family (Duplex)[1278]

A single building located on one lot, with no physical or structural connection to any other building, that consists of two attached dwelling units, with each unit used exclusively for occupancy by one family, one unit not being accessory to the others, and that does not meet the definition of a Single-Family Attached Dwellings (Townhouse), or a Stacked Townhouse Dwelling. A Dwelling, Single-Family Detached with an integrated accessory dwelling unit is not included in this definition.

Dwelling, Two-Family on Two Lots[1279]

A two-family (duplex) dwelling where the dwelling units are attached by a party wall and arranged in a side-by-side configuration, with each dwelling unit located on its own lot.

Dwelling, Three-Family or Four-Family (Triplex or Fourplex)[1280]

A single building located on one site with no physical or structural connection to any other building that consists of three or four attached dwelling units, with each unit used exclusively for occupancy by one family and that does not meet the definition of a Single-Family Attached Dwellings (Townhouse).

[1274] This is a replacement for the existing definition and is intended to include buildings with more than four dwelling units not including townhouses; the existing definition (Section 7.302A.8) incorporates townhouses, which are a separate use in the UDC.
[1275] This revises the existing definition in Section 7.302A.8.c of the existing zoning and subdivision ordinance. Reference to public street changed to street in Revised Public Draft.
[1276] This carries forward the existing definition in Section 7.2.302A.11 of the existing zoning and subdivision ordinance with minor refinements, a reference to tiny houses, and the changes in Ordinance No. 20-38.
[1277] This is a new definition for a new use added in the Revised Public Draft.
[1278] This is carried forward from Section 7.2.302A.13 of the existing zoning and subdivision ordinance, revised to avoid overlap with the definition of a multi-dwelling or townhouse, and including the changes in Ordinance No. 20-38. Definition revised since Module 1 to add “on one site” clause because necessary to complete Module 2 dimensional standards.
[1279] This is a new definition for a new use added in the Revised Public Draft.
[1280] This is a new definition for a new use, adapted from the definitions for one- and two-family dwellings. Definition revised since Module 1 to add “on one site” clause because necessary to complete Module 2 dimensional standards.

Dwelling Unit[1281]

Any room, or group of rooms, located within a building and forming a single habitable area with facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

Easement[1282]

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of the owner's property.

Ecosystem[1283]

A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

Electric Vehicle Charging Station, Accessory[1284]

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

Encroachment[1285]

The projection or intrusion of a building, structure, or other land-disturbing activity into an area where such projections or intrusions are typically prohibited, such as a setback or a public right-of-way.

Entertainment or Recreation, Indoor[1286]

Indoor facilities for entertainment, sports, and recreational activities conducted within an enclosed building, such as motion picture theaters, meeting halls, dance halls, bowling alleys, pool halls, ice and roller skating rinks, mechanical and electronic amusement galleries, indoor racquetball, swimming, and/or tennis facilities.

Entertainment or Recreation, Outdoor[1287]

Outdoor facilities for entertainment, sports, and recreational activities such as zoos, safaris, sports arenas, racing facilities, amusement parks, driving ranges, miniature golf courses, golf courses, swimming pools, pickleball courts, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

Erosion[1288]

The process by which the ground surface is worn away by action of wind, water, gravity, or any combination of those forces.

Evapotranspiration[1289]

A measure of water depletion from the soil due to evaporation from the soil surface and transpiration through plant foliage.

[1281] This is the recently adopted definition in Ordinance No. 20-38.
[1282] From Article 7, Part 1 (General Provisions).
[1283] From Article 4, Part 3 (Landscaping Standards).
[1284] New definition for a new use.
[1285] New definition added in the Revised Public Draft.
[1286] This adapts and consolidates the definitions of "Indoor Entertainment," "Indoor Sports and Recreation" Teen Club and Adult Club in Sections 7.2.302.C.30.a and .b, C.35, and C.36 of the existing zoning and subdivision ordinance.
[1287] This adapts and consolidates the definitions of "Outdoor Entertainment" and "Outdoor Sports and Recreation" in Section 7.2.302.C.30.c and .d of the existing zoning and subdivision ordinance.
[1288] From Article 7, Part 15. (Grading Plans and Erosion and Stormwater Quality Control Plans).
[1289] From Article 4, Part 3 (Landscaping Standards).

Evergreen[1290]

A plant with foliage that persists and remains green year-round.

Excavation[1291]

The mechanical removal of earth material.

F

Façade[1292]

The portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and extending across the entire width of the building elevation.

Family[1293]

An individual, two or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one dwelling unit. The definition of "family" shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.

Family Care Home[1294]

A Colorado State licensed establishment that provides regular full time care to foster children under 18 years of age on a 24 hour basis.

Family Care Home, Large[1295]

A facility composed of a minimum of five to a maximum of 11 foster children, in addition to any and all existing family members.

Family Care Home, Small[1296]

A facility composed of a minimum of two to a maximum of four foster children, in addition to any and all existing family members.

Family Support Residence[1297]

A residential operation where lodging, meals, and counseling services are provided to six or more persons who are members of families that have other family members that have been diagnosed with a terminal illness or an illness requiring long term hospital care. The primary concern of the facility is to provide support to family members (i.e., Ronald McDonald House).

Federal Aviation Administration (FAA)[1298]

The United States Department of Transportation, Federal Aviation Administration, or any successor agency.

[1290] From Article 4, Part 3 (Landscaping Standards).
[1291] From Article 7, Part 15. (Grading Plans and Erosion and Stormwater Quality Control Plans)
[1292] New definition.
[1293] This definition has been revised to include the current definitions of Human Services Establishment Not Requiring a Colorado Springs Human Services Establishments Permit and Human Service Home, both of which are currently treated as being included in the definition of Family. As a result of this change, small group living facilities providing services to between 6 and 8 persons would no longer require a Human Services permit to operate. Possible expansion of this definition to include two to four children placed into a home for foster care by a court or public agency (provided the home is property licensed) is still under discussion with staff.
[1294] This carries forward the existing definition in Section 7.2.302A.5.d of the existing zoning and subdivision ordinance. In the Revised Public Draft, the definition has been reorganized for consistency with definitions of other uses that contain differentiations based on the size of the use.
[1295] This carries forward the existing definition in Section 7.2.302A.5.e of the existing zoning and subdivision ordinance.
[1296] This defined use may be deleted from the UDC if the definition of Family is revised to include two to four foster children placed by a court or public agency, subject to additional discussion with staff.
[1297] This carries forward the definition in Section 7.2.302A.4.i of the existing zoning and subdivision ordinance.
[1298] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance.

Fill[1299]

When used in the context of grading, erosion, and stormwater regulations, a deposit of earth material by mechanical means.

Final Plat[1300]

A map prepared in accord with the provisions of Section <7.5.518> which is presented to the City for approval and which, if approved, will be recorded by the City with the El Paso County Clerk and Recorder, and a copy thereof shall be filed with the City Engineer.

Fuel Dispensing Station[1301]

An establishment that provides petroleum-based, natural gas, electric power, or other forms of fuel and/or minor maintenance services to motor vehicles. Accessory uses may include a convenience store (with food sales) and/or car wash.

Fuels Management[1302]

When used in the context of wildfire risk reduction in the WP-O zone district, the modification of the natural vegetation within the wildfire risk safety zone.

Funeral Services[1303]

Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals, and included but not limited to columbarium, mausoleum, mortuary, funeral services, and crematory services.

G

Garage[1304]

A building or portion of a building designed or used for the shelter of automobiles or light vehicles that is enclosed or partially enclosed on all sides except that on which the vehicle enters and exits.

Garage Sale[1305]

A temporary use involving the sale or offering for sale articles of tangible personal property by the owner, lessee, or other occupant of a dwelling unit. The term garage sale shall include patio sale, yard sale, or any similar sale.

Geothermal Energy Equipment, Accessory[1306]

Equipment designed to collect heat from beneath the surface of the earth for use in heating a structure or for conversion into other forms of energy.

Golf Course[1307]

A large unobstructed acreage with at least nine holes for playing a game of golf and may be improved with tees, greens, fairways, hazards, and/or a clubhouse.

[1299] From Article 7, Part 15. (Grading Plans and Erosion and Stormwater Quality Control Plans)
[1300] From Article 7, Part 1 (General Provisions).
[1301] New definition.
[1302] Definition incorporated from Title 8, Appendix K wildfire protection standards.
[1303] This carries forward the definition in Section 7.2.302C.17 of the existing zoning and subdivision ordinance with refinements.
[1304] New definition.
[1305] This carries forward the definition in Section 7.2.201 of the existing zoning and subdivision ordinance.
[1306] New definition for a new use.
[1307] New definition.

Grading[1308]

When used in the context of grading, erosion, and stormwater regulations, any excavating or filling or combination of those activities.

Grading and Erosion Control (GEC) Permit[1309]

A permit that is required prior to discharging stormwater from a construction site within the City. References to a GEC Permit include both the GEC Permit and the Associate GEC Permit.

Grading and Erosion Control (GEC) Plan[1310]

A plan required under the City grading and erosion control regulations that identifies measures that will be implemented to minimize the discharge of pollutants in stormwater.

Greenhouse[1311]

A commercial land use involving the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. Accessory retail sales may be included under certain conditions. Typical uses include wholesale plant nurseries and greenhouses for plants grown on-site.

Greenhouse, Accessory[1312]

A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for personal enjoyment.

Greenway[1313]

A linear open space or park that provides passive recreation opportunities and/or bicycle or pedestrian paths. It often contains a waterway with surrounding natural creek environment including water channels, floodplain, and riparian vegetation.

Gross Vehicle Weight Rating (GVWR)[1314]

The sum of the actual weight of the vehicle and the maximum weight that the vehicle is designed to transport.

Ground Cover[1315]

Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

Group Cooperative Living[1316]

A building that may have the residential capacity for more than five adults, where meals and lodging are provided, and in which the costs of lodging and meals are shared among those adults without support or supervision from another organization, and that does not meet the definition of a Group Living Residence, Human Services Establishment, or Long Term Care Facility. This includes uses commonly known as a dormitory or sorority or fraternity house.

[1308] From Article 7, Part 15. (Grading Plans and Erosion and Stormwater Quality Control Plans)
[1309] From amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance adopted in Ordinance No. 21-05 in January 2021.
[1310] From amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance adopted in Ordinance No. 21-05 in January 2021.
[1311] This carries forward the definition of “Commercial Greenhouse” in Section 7.2.302H.4 of the existing zoning and subdivision ordinance, with text revised to reflect commercial nature of the use.
[1312] This is a new definition for a new use added in the Revised Public Draft in response to a comment suggesting clarification of the “Greenhouse” principal use.
[1313] New definition.
[1314] This is carried forward from Section 7.2.201 of the existing zoning and subdivision ordinance.
[1315] From Article 4, Part 3 (Landscaping Standards).
[1316] This carries forward the definition for “Dormitory, Fraternity or Sorority House” in Section 7.2.302A.4 of the existing zoning and subdivision ordinance, with the last sentence added for clarification in the Revised Public Draft.

Group Living Residence[1317]

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts. This use includes but is not limited to a Family Support Residence and a Domestic Violence Safe House.

Group Living Residence, Small

A facility designed for and occupied by no more than eight residents living together.

Group Living Residence, Medium

A facility designed for and occupied by nine to 15 residents living together.

Group Living Residence, Large

A facility designed for and occupied by 16 or more residents living together.

H

Heavy Industry[1318]

An establishment involved in the basic processing and manufacturing of products, predominately from raw materials, that may produce noticeable noise, odor, vibration, or air pollution effects across property lines, but with minimal or no use of hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials. This use includes but is not limited to meatpacking (the processing of meat products and byproducts directly from live animals or off of live animals). a brewery, winery, or distillery where production exceeds the limits for a Micro-brewery, Micro-winery, or Micro-distillery.

Heavy Vehicle and Equipment Sales and Rental[1319]

A facility consisting of buildings and yards used for the display, sales, or rental of heavy trucks, recreational vehicles, boats, trailers, tractors, construction equipment, agricultural implements, manufactured homes, or similar heavy equipment with a GVWR of more than 15,000 pounds including incidental storage, maintenance, and servicing. This use includes but is not limited to recreational, boat, and trailer dealerships, truck dealerships, construction equipment dealerships, and manufactured home sale establishments.

Heavy Vehicle and Equipment Repair[1320]

An establishment for the repair of heavy trucks, recreational vehicles, boats, tractors, construction equipment, agricultural implements, or similar heavy equipment with a GVWR of more than 15,000 pounds, including the sale, installation, maintenance, and servicing of equipment and parts and the accessory storage or parking of vehicles that are awaiting service or pick up, but excluding the storage of junk vehicles. This use includes truck repair garages, recreational vehicle and boat repair garages, tractor and farm implement repair services, machine shops, and tire recapping facilities, but excludes dismantling and salvage activities (which are included in the definition of Junkyard).

Heavy Vehicle and Equipment Storage[1321]

Any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of storing operable or impounded heavy trucks, tractors, construction equipment, agricultural implements, or similar heavy equipment with a GVWR of more than 15,000 pounds. This use does not include vehicle dismantling or junkyards.

[1317] New definition for new use covering group living uses for persons whose right to live together is not protected by the federal Fair Housing Act Amendments.
[1318] This is adapted from the definition in Section 7.302E.5.a of the existing zoning and subdivision ordinance, with the definition regarding the use of hazardous materials relocated to the new "Special Industry" use; it also incorporates the definition of "Meatpacking and Related Industries" in Section 7.302E.10.
[1319] This carries forward the definition in Section 7.2.302C.2.i of the existing zoning and subdivision ordinance.
[1320] This carries forward the definition in Section 7.2.302C.2.j of the existing zoning and subdivision ordinance.
[1321] This carries forward the definition in Section 7.2.302C.2.k of the existing zoning and subdivision ordinance.

High Water Use Turf[1322]

Turfgrass that requires 50 percent to 80 percent of reference evapotranspiration to maintain optimum appearance; or turfgrass that has an exceptionally high water requirement to prevent dormancy, typically 25 inches of supplemental irrigation during each annual growing season in Colorado Springs.

Historically Adapted Plant[1323]

A self-propagating species that is not indigenous to the regional native plant community it occupies, but was likely introduced by early settlers and is now so prevalent as to appear indigenous.

Historic Preservation Related Definitions[1324]

For purposes of designation, regulation, and approval of properties within the HP-O zone district or properties being considered for inclusion in the HP-O zone district, including without limitation the provisions of Sections 7.2.501 (HP-O: Historic Preservation Overlay), <7.5.524> (Historic Resource Alteration or Demolition), and <7.5.704> (Historic Preservation Zoning Designation), the following terms shall have the meanings indicated. The City may use different definitions for terms listed below when those terms are not used in connection with historic properties and/or the HP-O district.

Acquisition

The act or process of acquiring fee title or interest other than fee title of real property including the acquisition of development rights or remainder interest.

Alteration

Any act or process which changes one or more of the exterior architectural features of a structure in a historic preservation zone.

Demolition

Any act or process that destroys in part or in whole a structure in a historic preservation zone.

Design Guidelines

Written statements, explanatory material, graphic renderings, and/or photographs which are intended to inform property owners and the public of historic characteristics suitable for preservation, and techniques and materials appropriate to achieve that goal.

Design Standards

Written statements adopted by City Council resolution as criteria for use by the Historic Preservation Board in the consideration of an application for a report of acceptability for properties with historic preservation overlay zoning.

Historic, Historic Area, Landmark or District

Any City Council-designated site, structure, object, or improvement and its surrounding environs or a group of sites, structures, objects, or improvements, or both, and their surrounding environs:

A. That has a special character or special historic or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or

B. In which any event of major historic significance with a measurable effect upon society took place; or

C. That is closely identified with a person or group of persons who have had some measurable influence on society; or

[1322] From Article 4, Part 3 (Landscaping Standards).
[1323] From Article 4, Part 3 (Landscaping Standards).
[1324] From Section 7.5.1602 (Definitions) of the current zoning and subdivision ordinance; added since Module 1.

D. In which the broad cultural, political, economic, or social heritage of the community is exemplified; or

E. That faithfully portrays the environment of a group of people in an era of history characterized by a distinctive architectural style or that embodies those distinguishing characteristics of an architecturally recognized detail or that is the work of an architect or builder whose individual work has influenced the development of the city; or

F. That, because of being a part of or related to a park, square, or other distinctive area should be developed or preserved according to a plan based upon its historic, cultural, or architectural significance; or

G. That, due to the unique location or singular physical characteristic, represents an established, familiar, and significant visual feature of the neighborhood, community, or city; and

H. That is officially zoned historic preservation overlay pursuant to the provisions of this UDC.

Major Work

Any work that will alter any distinctive feature or improvement of the historic structure.

Minor Work

Any work that will not alter any distinctive feature or improvement of the historic structure.

National Historic Landmark

Buildings, historic districts, structures, sites, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States and as such are maintained by the Secretary of the Interior,

National Register

The National Register of Historic Places. It is a register of districts, sites, buildings, structures, and objects of national, State, or local significance in American history, architecture, archaeology, and culture that is expanded and maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 USC 461) and section 101(a)(1) of the National Historic Preservation Act implemented through 36 CFR part 60.[1325]

Preservation

The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. it may include initial stabilization work where necessary, as well as ongoing maintenance of the historic building materials.

Protection

The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from danger or injury. in the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment.

Reconstruction

The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

[1325] References to update schedule and publication schedule of the Register removed as likely to become inaccurate or dated in the future.

Rehabilitation

The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Repair and Maintenance

Work done on a structure or object in order to correct any deterioration, decay, or damage to any part thereof in order to restore the same, as nearly as practical, to its condition prior to such deterioration, decay, or damage.

Restoration

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Stabilization

The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

Structure

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Hookah Bar[1326]

An establishment providing for the sale of on-site consumption of smoked flavored tobacco or herbs.

Home Adult or Child Day Care, Accessory[1327]

A facility that is maintained for the whole or part of a day for the care of children under the age of 16 years, or for elderly adults, and that is located in a dwelling unit occupied by one or more of the operators of the facility, and that is accessory to the primary purpose of the structure as a dwelling unit. The facility shall be operated with or without compensation for such care, and with or without stated educational purposes, and shall hold a valid state license for the operating of an adult or child day care center. Regular overnight occupancy is not allowed, but occasional 24 hour emergency care may be provided. This use includes:

A. A facility licensed by the state to provide adult day care for adults; and

B. A facility licensed by the state to provide care and training for children for more than two full consecutive calendar days for seven or more hours each on a regular weekly basis.

There are two types of home day care uses:

Home Adult or Child Day Care, Accessory, Small

A facility for the care of not more than six full time and two part time children or adults.

Home Adult or Child Day Care, Accessory, Large

A facility for the care of more than six full time and two part time children or adults.

Home Occupation[1328]

An activity conducted for gain entirely within a residential primary or accessory building that is incidental and secondary to the use of such building for dwelling purposes and that does not change the essential residential character of such building. This use shall not include automobile repair, a barbershop or beauty salon that

[1326] This carries forward the definition in Section 7.2.302C.18 of the existing zoning and subdivision ordinance.
[1327] This is a new definition that builds upon the definition in Section 7.2.302D.6a of the existing zoning and subdivision ordinance.
[1328] This is a new definition.

serves more than one customer at a time, instruction to more than three persons at a time, paint shops using spray painting equipment, or a medical marijuana facility (to the extent it is not subject to the medical marijuana exception in Section 7.3.304L).

Hospice[1329]

An establishment licensed by the state composed of nine or more terminally ill persons with a life expectancy of less than six months, not including domestic, supervisory, or medical staff, which provides a centrally administered program of palliative, supportive, and interdisciplinary team that provides services of physical, psychological, spiritual, and sociological care for terminally ill individuals with a continuum of inpatient care available on a 24 hour basis.

Hospital[1330]

An institution providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, and other ailments, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

Hotel or Motel[1331]

An establishment that provides guestrooms or suites for the temporary occupancy of more than 15 individuals and in which the occupancy of individual rooms typically does not exceed 30 days. Accessory uses can include a restaurant and meeting facilities.

Human Services Establishment[1332]

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the use of citizens whose right to live together is protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado. This use includes establishments that provide temporary or permanent lodging, care, or treatment to persons who may be unrelated to each other, not including domestic, supervisory, or medical staff providing services on the premises and intended to provide the residents an opportunity to live in as normal a residential environment as possible. For purposes of these uses, the definitions of developmentally disabled, mental illness, and elderly are those established by C.R.S. § 31-23-303. The definition of physically disabled as a physical handicap is as established by 42 USC 3602 section 501. The definition of autism and drug and alcohol treatment as a physical or mental impairment is as established by 42 USC sections 3601 through 3619. This use includes but is not limited to a Drug and Alcohol Treatment Facility, Family Care Home, a Human Services Residence, Large Family Care Home, and a Residential Childcare Facility

Human Services Establishment, Small

A facility designed for and occupied by eight or fewer residents living together.

Human Services Establishment, Medium

A facility designed for and occupied by nine to 15 residents living together.

Human Services Establishment, Group Care Home, Large

A facility designed for and occupied by 16 or more residents living together.

[1329] This carries forward the definition in Section 7.2.302A.5.f of the existing zoning and subdivision ordinance.

[1330] This carries forward the definition in Section 7.2.302D.9 of the existing zoning and subdivision ordinance.

[1331] This carries forward the definition in Section 7.2.302C.19 of the existing zoning and subdivision ordinance. Typical time limitation added at staff's request in Revised Public Draft to avoid confusion between hotels and Multi-family Dwellings.

[1332] Revised definition including several uses formerly included in the Human Services Establishment use. This recategorization and related changes to the Use Table are intended to implement the City's goal to ensure that zoning regulations are not used for exclusionary purposes and to increase locational opportunities for critically needed residential care facilities. Existing intent statements regarding this use and the desire of the city to provide increased opportunities for these facilities and to avoid overcrowding of this use in some neighborhoods will be integrated into the purpose statements for the UDC as a whole.

Human Service Facility[1333]

A Colorado State licensed establishment composed of nine or more persons, not including domestic, supervisory, or medical staff, providing 24 hour lodging, care, and treatment on either a permanent or temporary basis. Human service facilities may provide for persons who are physically or developmentally disabled, mentally ill, elderly, youth or individuals in assisted living, short term convalescence, rehabilitative or long term care.

Human Service Residence[1334]

A Colorado State licensed establishment composed of six to eight persons, not including domestic, supervisory, or medical staff, providing services on premises, which provides 24 hour lodging, care, and treatment for persons under the age of 18 years of age or court appointed up to the age of 21 years of age with emotional, behavioral, or social problems who are determined to be dependent or neglected on either a permanent or temporary basis.

Human Service Shelter[1335]

A residential operation that provides temporary group lodging and supportive services to persons in need due to family medical circumstances, economic circumstances, or social difficulties. A human service shelter is generally not licensed by the State of Colorado. A shelter may include accessory support services, i.e., medical, dental, or psychological care, distribution of food or clothing, and hot meals to the clients of the facility. A temporary shelter operated by a religious institution within its principal facility is considered an accessory use of the principal religious institution.

Hydrozone[1336]

A portion of a landscape area having plants with similar water needs that are either not irrigated or irrigated by a circuit or circuits with the same schedule.

I

Impervious Surface[1337]

A surface on or in real property where the infiltration of stormwater into the earth is no longer permitted due to manmade improvements such as, but not limited to, buildings or other structures, streets, parking lots, driveways, patio areas, roofs, sidewalks, paving, and compacted surfaces.

Improvement[1338]

A. For purposes of regulation of airspace in connection with the AP-O zone district, any building, structure or other improvement, development, or object, including trees, shrubbery, or other vegetation.

B. For all other purposes, any building, structure, place, work of art, or other object constituting a physical feature of real property, or any part of the feature.

Industrial Hemp[1339]

Raw material derived from the cannabis plant that contains less than 0.3% tetrahydrocannabinol (THC) content. There are three uses included in the Industrial Hemp use category.

[1333] This carries forward the existing definition in Section 7.2.302A.5.j of the existing zoning and subdivision ordinance.
[1334] This carries forward the existing definition in Section 7.2.302A.5.c of the existing zoning and subdivision ordinance.
[1335] This carries forward the existing definition in Section 7.2.302A.5.l of the existing zoning and subdivision ordinance.
[1336] From Article 4, Part 3 (Landscaping Standards).
[1337] This carries forward the definition in Section 508E of the existing zoning and subdivision ordinance, revised by staff to reference prohibition (rather than reduction) of water infiltration and made generally applicable.
[1338] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance. General definition is new.
[1339] This carries forward the definition in the Memorandum with the subject "Industrial Hemp Processing and Manufacturing – Similar Use Determination" dated May 21, 2019 by Planning and Community Development. The uses are new in the Revised Public Draft and the definitions of uses are adapted from definitions of similar marijuana-related uses in this UDC.

Industrial Hemp Products Manufacturer (IHPM)

An establishment for the manufacture and storage of industrial hemp products. This use shall be classified by the Manager, in consultation with the City Fire Marshal, as either hazardous or nonhazardous, in compliance with the land use types described in the following two definitions.

Industrial Hemp Products Manufacturer – Nonhazardous (IHPM – NH)

Any IHPM location that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of an IHPM - HZ. Examples of IHPM - NH land use classifications may include, but are not limited to, the use of super/subcritical CO2 extraction processes, cooking, or baking facilities.

Industrial Hemp Products Manufacturer - Hazardous (IHPM - HZ)

Any IHPM location that presents fire and life safety risks by using oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of IHPM - HZ land use classifications may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

Industrial Hemp Premises Cultivation Operation

An establishment for the growth, cultivation, and storage of industrial hemp.

Introduced Plant[1340]

A plant that is not indigenous to Colorado Springs but is used in landscaping due to its adaptable qualities. It is generally a nursery trade cultivar or variety, or a native to the region, but does not naturally occur in the City limits.

Irrigation System[1341]

A permanent, artificial watering system designed to transport and distribute water to landscape plants.

J

Junk[1342]

Any manufactured goods, appliance, fixture, furniture, machinery, vehicle, personal property, or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, partially dismantled, dilapidated, or so worn and deteriorated that it would not be normally usable in its current state for its original manufactured use. This includes but is not limited to wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts.

Junkyard[1343]

A use involving sale, storage, display, dismantling, demolition, abandonment, or discarding of “Junk” as defined in this UDC, or any lot, plot, parcel of land, or contiguous parcels of land used for the purpose of dismantling used vehicles and the salvage and resale of used parts. This use shall not include scrap metal processing facilities, Automobile and Light Vehicle Storage uses, or Heavy Vehicle Storage uses.

K

Kitchen[1344]

An area used, or designated to be used, for the preparation of food.

[1340] From Article 4, Part 3 (Landscaping Standards).
[1341] From Article 4, Part 3 (Landscaping Standards).
[1342] This carries forward the definition in Section 7.2.201 of the existing zoning and subdivision ordinance.
[1343] This carries forward the definition in Section 7.2.302E.8 of the existing zoning and subdivision ordinance.
[1344] This is the recently-adopted definition in Ordinance No. 20-38.

L

Landfill[1345]

A site used as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency. Typical disposal material would include nonputrescible wastes such as ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile; vegetation; tree parts; agricultural wastes (garbage); and manure.

Landscape[1346]

Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as land and water forms, rock, stone, bark chips, or shavings; and structural features, including, but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences, or benches.

Landscape Buffer[1347]

Land area with landscape plantings and other components used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Landscape Plan[1348]

A plan drawn to scale that shows the layout of all landscape components and their specifications for a development site.

Landscape Policy Manual[1349]

A document containing policies, procedures, standards, maps, and plant lists necessary to implement the landscape standards and regulations of this UDC.

Landscape Setback[1350]

A required landscape planting area on private property that is adjacent to a street right-of-way, and includes the parkway; or that is adjacent to a non-street boundary of a zone district.

Licensed Architect[1351]

A person who is currently licensed by any state government of the United States to practice the profession of architecture.

Licensed Landscape Architect[1352]

A person who is currently licensed by any state government of the United States to practice the profession of landscape architecture.

Library, Museum, or Cultural Facility[1353]

A library, museum, planetarium, performing art venue, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

[1345] This consolidates the landfill definitions in Section 7.2.302I.4 of the existing zoning and subdivision ordinance.
[1346] From Article 4, Part 3 (Landscaping Standards).
[1347] From Article 4, Part 3 (Landscaping Standards).
[1348] From Article 4, Part 3 (Landscaping Standards).
[1349] From Article 4, Part 3 (Landscaping Standards).
[1350] From Article 4, Part 3 (Landscaping Standards).
[1351] From Article 4, Part 3 (Landscaping Standards).
[1352] From Article 4, Part 3 (Landscaping Standards).
[1353] This carries forward the definition of “Cultural Services” in Section 7.2.302D.5 of the existing zoning and subdivision ordinance.

Light Industry[1354]

An establishment engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. This use is characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics manufacturing, print shops, and publishing houses.

Light Vehicle Staging Area[1355]

A central facility for the dispatch, distribution, storage, staging, and loading of automobiles, SUVs, and larger commercial vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, peer-to-peer car sharing services, and taxi services. This use does not include a "Transportation Terminal."

Liquor Sales[1356]

Establishments engaged in retail sale for off-premises consumption of alcoholic liquors as defined in Chapter 2, Article 5, Part 1 of this Code. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.

Long-Term Care Facility[1357]

A residential facility other than a hotel where, for compensation either paid directly or indirectly, lodging and meals are provided for the persons over 60 years of age.

Lot[1358]

A parcel of land that:

A. Is shown as a lot on a recorded Final Plat;

B. Meets the requirements for issuance of a building permit to unplatted land;

C. Meets the requirements for issuance of a building permit to previously platted lands;

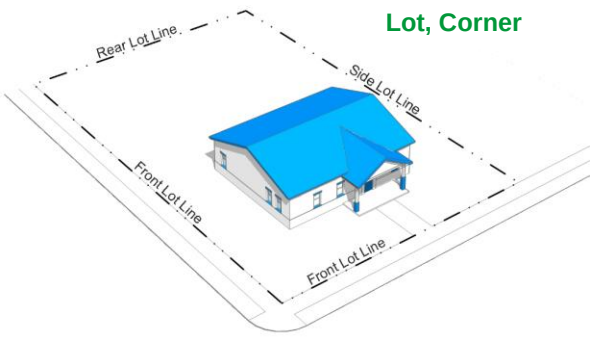
D. Has a property boundary adjustment approved and recorded by the Planning Department; or

E. Is considered a lot of record as the deed for the parcel was recorded in the public records of El Paso County, Colorado, on or before January 18, 1904.

[1354] This carries forward the definition in Section 7.2.302E.5.b of the existing zoning and subdivision ordinance.
[1355] This is a new definition for a new use; the definition is under continuing discussion with staff.
[1356] This carries forward the definition in Section 7.2.302C.21 of the existing zoning and subdivision ordinance.
[1357] This carries forward the definition for Retirement Home in Section 7.2.302A.9 of the existing zoning and subdivision ordinance. The clause prohibiting continuous medical or personal care was deleted to allow for emerging "continuum of care" residential facilities.
[1358] From Article 7, Part 1 (General Provisions).

Lot, Corner[1359]

A lot at the junction of and fronting on two or more intersecting streets.



Lot, Double Frontage or Through[1360]

A lot having frontage on two parallel or approximately parallel streets.

Lot, Flag[1361]

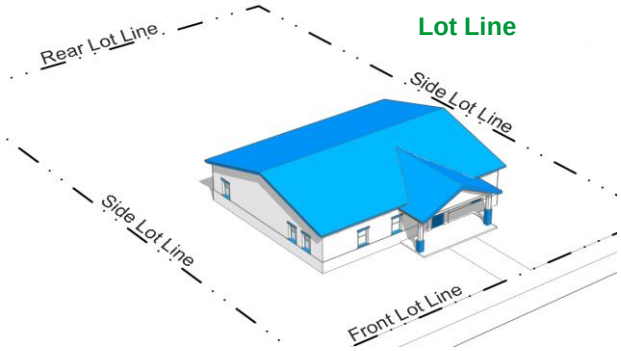
A lot for which the front lot line abuts one or more rear or side lot lines of adjacent lots. Primary access is by a private or privately shared drive leading to a public right-of-way.

Lot, Interior[1362]

A lot other than a corner lot.

Lot Line[1363]

The property lines bounding a lot as defined below:



Front Lot Line

Any property line separating a lot from any public street or private street, but not including alleys. In the case of corner lots, the primary front lot line is that property line most parallel to the street from which access is gained; the secondary front lot line is the other lot line with street frontage. In the case of a double frontage lot, there is one front lot line that is the property line most parallel to the street from which access is gained. For a flag lot, the front lot line is that property line not including the flag stem most parallel to the street from which access is gained.

Rear Lot Line

The lot line that is opposite and most distant from the front lot line. In the case of a corner lot, the owner shall select any lot line, other than one of the front lot lines, to be the rear lot line. In the case of a double frontage lot, the rear lot line shall be most opposite the front lot line along the street frontage from which access is not gained. The rear lot line of any irregularly shaped lot or triangular lot shall be a line within the lot which is 10 feet long and most parallel to and distant from the front lot line. For a triangular lot which is also a corner lot, there shall be no rear lot line.

Side Lot Line

A lot line that is not a front lot line or a rear lot line.

Lot of Record[1364]

A parcel of land in the City, the deed of which was recorded in the public records of El Paso County, Colorado, on or before February 13, 1951, or a parcel of land which was subsequently annexed to the City which was: a) a platted lot meeting the applicable subdivision requirements of El Paso County, b) a legal nonconforming lot in El Paso County, c) a parcel of land that was legally exempted by El Paso County from platting requirements, or d) a parcel of land in El Paso County created before September 1, 1972.

[1359] From Article 7, Part 1 (General Provisions).
[1360] From Article 7, Part 1 (General Provisions).
[1361] From Article 7, Part 1 (General Provisions).
[1362] From Article 7, Part 1 (General Provisions).
[1363] From Article 2, Part 2 (Definitions).
[1364] From Article 7, Part 1 (General Provisions).

Low-Water-Use Plants[1365]

Plants that require less than 30 percent of reference evapotranspiration to maintain optimum appearance.

M

Major Street[1366]

When used in the context of subdivision regulations, an actual or proposed street with a right-of-way width greater than 60 feet which provides for the rapid and relatively unimpeded movement of vehicular traffic between major activity centers in the City, while accommodating public transit and pedestrian movements on the City's arterial streets. Each major street in the City shall be classified as a:[1367]

A. Freeway;

B. Expressway;

C. Major arterial;

D. Minor arterial; or

E. TND parkway.[1368]

Manufactured Home[1369]

A single-family dwelling unit that is partially or entirely manufactured in a factory, is not less than 24 feet wide and 36 feet long, is installed on an engineered permanent foundation, has brick, wood, or cosmetically equivalent exterior siding, has a pitched roof, is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.

Manufactured Home Park[1370]

A lot or parcel of land held under single ownership or unified control upon which two or more manufactured homes, occupied for residential purposes, are located and for which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

Marijuana-Related Definitions

Extraction

For purposes of marijuana-related uses, extraction is…[TBD][1371]

Marijuana

See Section 9.7.206 of the City Code.

Marijuana, Home Cultivation[1372]

The accessory use of personal cultivation of a limited amount of marijuana and medical marijuana by persons 21 years of age or older, in compliance with Article XVIII, Sections 14 and 16 of the Colorado constitution.

[1365] From Article 4, Part 3 (Landscaping Standards).
[1366] From Article 7, Part 7 (Streets in Subdivisions).
[1367] Reference to TND Parkway was deleted as the TND zoning district was never used.
[1368] If no TND Parkways were ever designated, this term will be deleted in the Consolidated Draft..
[1369] This carries forward the definition in Section 7.2.302A.11.a of the existing zoning and subdivision ordinance.
[1370] This is adapted from the definition for Mobile Home Park in Section 7.2.302A.7 of the existing zoning and subdivision ordinance, with revisions for clarification and internal consistency.
[1371] This is a new definition being developed with staff in consultation with the Fire Department.
[1372] This definition is adapted from Section 7.3.105P of the existing zoning and subdivision ordinance.

Marijuana Concentrate

See Section 9.7.206 of the City Code.

Medical Marijuana Facility (MMJ Facility)[1373]

An establishment licensed by the City and state for the growth, cultivation, acquisition, manufacture, storage, dispensing, or sale of medical marijuana or medical marijuana infused products, including the Medical Marijuana Center, Medical Marijuana Infused Products Manufacturer, Medical Marijuana Infused Products Manufacturer – Nonhazardous, and Medical Marijuana Infused Products Manufacturer – Hazardous uses.

Medical Marijuana Center (MMC)

An establishment for the storage, dispensing and/or sale of medical marijuana or medical marijuana infused products.

Medical Marijuana Infused Products Manufacturer (MMIPM)[1374]

An establishment for the manufacture and storage of medical marijuana infused products. MMIPMs shall be classified by the Manager, in consultation with the City Fire Marshal, as either hazardous or nonhazardous, in compliance with the land use types described in the following two definitions.

Medical Marijuana Infused Products Manufacturer - Nonhazardous (MMIPM - NH)

Any MMIPM location that does not exceed reasonable fire and life safety risks, or does not otherwise meet the definition of a MMIPM - HZ. Examples of MMIPM - NH land use classifications may include, but are not limited to, the use of super/subcritical CO2 extraction processes, cooking, or baking facilities.

Medical Marijuana Infused Products Manufacturer - Hazardous (MMIPM - HZ)

Any MMIPM location that presents fire and life safety risks by using oil extraction processes through the use of pressurized flammable gas, flammable or combustible liquids, and other processes. Examples of MMIPM - HZ land use classifications may include, but are not limited to, the use of butane, propane, acetone, naphtha, alcohol, etc., during the manufacturing process.

Optional Premises Cultivation Operation (OPCO)[1375]

As used in the regulation of marijuana-related land uses and activities, an establishment for the growth, cultivation, and storage of medical marijuana.

Master Facilities Plan[1376]

The proposed system for the provision of public facilities to a development including, but not limited to, street cross sections, placement of utilities and drainage facilities, and easements.

Maximum Extent Practicable[1377]

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account, but shall not be the overriding factor determining whether the standard can be met in full.

[1373] This definition and the following definitions of marijuana-related uses carry forward the definitions in Section 7.2.302C.22 of the existing zoning and subdivision ordinance, include .a, .b(1), and .b(2). See also the definition of "Optional Premises Cultivation Operation (OPCO)."
[1374] Reference to industrial hemp that was previously added based on recent City policy guidance has been removed due to the addition of new industrial hemp uses in the Revised Public Draft
[1375] This carries forward the definition in Section 7.2.302C.22.c of the existing zoning and subdivision ordinance.
[1376] From Article 7, Part 1 (General Provisions).
[1377] This is a new definition.

Medical Office[1378]

Use of a site for facilities which provide medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. Available uses include substance treatment facilities, including but not limited to methadone clinics and opioid treatment facilities. Medical offices are operated by doctors, dentists, or other physical or mental healthcare practitioners licensed for practice by the State of Colorado and are characterized by a high proportion of vehicle trips attributable to visitors or clients in relation to employees.

Micro-Brewery, Micro-Winery, or Micro-Distillery[1379]

An establishment where malt liquors, wines, or other alcoholic drinks are manufactured and packaged on or off-premises, in which any revenue from food sales is smaller than the revenue from alcohol, and in which the annual amount of product manufacturing on the licensed premises is:

A. For a micro-brewery: more than 9,000, but less than 60,000 barrels of malt liquor;

B. For a micro-winery: not more than 100,000 gallons of wine; and

C. For a micro-distillery: not more than 45,000 liters of distilled alcohol products.

Microclimate[1380]

The climate of a specific place within a given area.

Mining and Mineral Extraction[1381]

A use involving activities conducted on the surface or underground (or both) for the exploration for, development of, or extraction of natural products including, but not limited to, sand, gravel, topsoil, limestone, and coal from their natural occurrences and the cleaning, concentrating, refining or other processing or preparation and loading for transit of crude natural products at or near the mine site.

Minor Street[1382]

When used in the context of subdivision regulations, an actual or proposed street with a right-of-way width of 60 feet or less which provides access to property in the City. Each minor street in the City shall be classified as a:

A. Collector street, major or minor;

B. Residential street;

C. Minor residential street;

D. Hillside minor residential street;

E. Local street;

F. Industrial street;

G. Frontage street; or

H. Alley.

[1378] This carries forward the definition in Section 7.2.302B.4 of the existing zoning and subdivision ordinance and adds reference to substance treatment facilities.
[1379] Production limits correspond to some licensing limits for smaller facilities under Colorado law. The distinction between bars, restaurants, and these establishments is under continuing discussion with staff.
[1380] From Article 4, Part 3 (Landscaping Standards).
[1381] This carries forward the definition in Section 7.2.302E.12 of the existing zoning and subdivision ordinance; the different classifications of mining operations have been relocated to use-specific standards.
[1382] From Article 7, Part 7 (Streets in Subdivisions).

Mobile Vending Truck, Temporary[1383]

Any wagon, truck, trailer, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food, flowers, arts, crafts, or similar items.

Mobile Home[1384]

A dwelling similar to a manufactured home that does not meet the standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended or the minimum dimensions in the definition of a Manufactured Home. Mobile Homes and Mobile Homes Parks are not permitted in the City.

Mulch[1385]

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture, and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots.

N

Native Plant[1386]

A species that is indigenous within the Colorado Springs City limits and naturally occurring in one or more plant communities.

Native Plant Community[1387]

A plant community that is indigenous within the Colorado Springs City limits.

Nits[1388]

A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming Use

A. In general, a use of land or a structure that was lawfully established and has been lawfully continued, but that no longer complies with the requirements of the UDC due to the actions of a governmental entity, and not due to the actions of the property owner.[1389]

B. For purposes of Section 7.2.503, AP-O: Airport Overlay only, any structure, tree, natural growth, or use of land existing on May 24, 2018, that is inconsistent with the provisions of the AP-O zone district.[1390]

Nonconforming Sign[1391]

A sign which was validly placed or constructed under laws or ordinances in effect at the time of its placement, but that conflicts with the current provisions of this UDC.

[1383] This is a new definition.
[1384] This is a new definition.
[1385] From Article 4, Part 3 (Landscaping Standards).
[1386] From Article 4, Part 3 (Landscaping Standards).
[1387] From Article 4, Part 3 (Landscaping Standards).
[1388] From Article 4, Part 4 (Signs).
[1389] This is a new definition.
[1390] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance with minor refinements for clarity. Reference to “original effective date” or airport safety regulations was replaced by the date to simplify administration.
[1391] From Article 4, Part 4 (Signs).

O

Office[1392]

Use of a site for business, professional, or administrative offices, which may also include research and development services, including social service centers that provide services such as medical, dental, or psychological care, distribution of food or clothing, hot meals, or some recreational activities (but not including overnight lodging) to persons in need. Typical uses include real estate, insurance, management, travel, or other similar business offices; data centers; organization and association offices; law, architectural, engineering, accounting, telemarketing, or other professional offices; communication services such as television studios, radio stations, or film and sound recording facilities; research and development services; and diagnostic services, training, administration, and other services to employees or visitors. This use does not include any activities that include hazardous materials or processes, or medical services included in the Medical Office use.

Ornamental Tree[1393]

A tree planted primarily for its decorative value or for screening and that typically does not exceed a height of 30 feet in Colorado Springs.

Outdoor Display of Goods, Accessory[1394]

The location of goods or stock in trade outside of the primary structure in which an establishment operates, when the placement of such goods or stock in trade is for sale, including but not limited to the display of vehicles, equipment, sheds, grills, lawn mowers, lawn furniture, produce, landscape plants, and materials.

Outdoor Seating or Dining, Accessory

Service facilities or seating areas accessory to a Restaurant, Bar, Micro-brewery, Micro-winery, Micro-distillery, or other establishment serving items to be consumed on-site. This definition shall not include facilities in the public right-of-way.

Outdoor Storage, Accessory[1395]

The storage of items used in connection with a primary use outside of an enclosed structure, including but not limited to the storage of goods in trade, bunks of lumber, pallets of material, unassembled products, baled cardboard, defective/old appliances, scrap material, or loose materials such as gravel, mulch or discarded materials, storage pods, trailers, sheds, and similar material.

P

Park[1396]

Land set aside as public recreation and public space. Parks may include playground equipment, athletic fields, sport courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation, or significant natural, cultural, or historic resources.

[1392] This carries forward the definition for "General Offices" in Section 7.2.302B.3 of the existing zoning and subdivision ordinance, and includes non-industrial research and development services. This also incorporates the uses included in "Communication Services" at Section 7.2.302C.10, with the exception of transmittal equipment, which is classified as separate principal or accessory uses; the "Data Center" use at Section 7.2.302C.14, the uses classified as "Research and Development Services," Section 7.302C.14, except for those activities that involve hazardous materials or processes (they are reclassified as "Special Industry"); and the "Social Service Center" use, Section 7.2.302D.16. In the Revised Public Draft, "Medical Office" uses have been excluded and reference to emergency treatment have been removed, from the Office definition.

[1393] From Article 4, Part 4 (Signs)

[1394] This definition is adapted from the standard for this use in Section 7.3.205O.2.c of the existing zoning and subdivision ordinance.

[1395] This definition is adapted from the standard for this use in Section 7.3.205O.2.a of the existing zoning and subdivision ordinance.

[1396] This definition is adapted from the description of the PK – Public Parks District in Section 7.3.402B of the zoning and subdivision ordinance.

Parking Lot[1397]

An enclosed or unenclosed area at ground level for the purpose of providing parking spaces for vehicles, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features.

Parking Structure[1398]

A multilevel structure or part of a structure, whether at or below or above ground level, for the purpose of providing parking spaces for vehicles, together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features.

Parking Space, Tandem[1399]

A tandem parking space is a parking space located so that it abuts a second parking space such that vehicular access to that second space can only be made through the abutting (tandem) space.

Parkway[1400]

That portion of the public street right-of-way typically located between the curb and private property line for which the adjacent property owner has a legal responsibility to maintain for the public good.

Person[1401]

When this UDC refers to actions or ownership by a person, that reference includes an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, administrator, executor, or guardian, or a similar representative of any of those types of organization.

Permanent Control Measures[1402]

When used in the context of grading, erosion, pollution control, and stormwater regulations, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. Permanent Control Measures also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage. They include structural and nonstructural controls.

Personal or Business Service[1403]

An establishment providing services to individuals or businesses for profit, including but not limited to services such as bail bond providers, beauty and barber shops, shoe repair, tailor/alterations shops, tattoo parlors, taxidermy services, electronic data processing, exterminators, appliance repair, watch or jewelry repair, health or physical fitness studios, dance studios, postal/mailing supply companies, and employment service; mailing, addressing, stenographic services; and specialty business service such as building maintenance, travel bureau, news service, exporter, importer, interpreter, appraiser, and film library. This use is divided into two categories based on the size of the establishment (not the size of the structure):

Personal and Business Service, Small

An establishment occupying not more than 15,000 square feet of gross floor area.

[1397] This carries forward the definition in Section 7.2.302F.1 of the existing zoning and subdivision ordinance. Revised to remove requirement for compliance with the UDC, because that applies to all uses,

[1398] This carries forward the definition in Section 7.2.302F.2 of the existing zoning and subdivision ordinance. Revised to remove requirement for parking at ground level, since some parking structures are entirely above or below ground and to remove requirement for compliance with the UDC, because that applies to all uses.

[1399] From Article 4, Part 2 (Off Street Parking Standards).

[1400] From Article 4, Part 3 (Landscaping Standards).

[1401] This carries forward the definition in Section 7.3.506B of the existing zoning and subdivision ordinance with minor refinements.

[1402] New in the Revised Public Draft, this carries forward the definition of BMPs in Section 7.7.1502 of the existing zoning and subdivision ordinance with a change of name based on comments from City staff. Replaces references to Stormwater Control Measures in earlier drafts. Definition may be subject to further editing by City staff.

[1403] This is a new definition for a new use.

Personal and Business Service, Large

An establishment occupying more than 15,000 square feet of gross floor area.

Phase[1404]

The portion of a Concept Plan, Development Plan, Preliminary Plat, Final Plat, or development that is developed as part of a sequence. Phasing is used to time provision of public facilities. Phasing may be specified in a sequential order (1, 2, 3, etc.) or by time period (2025, 2027, etc.).

Phasing Plan[1405]

A graphic and narrative document that displays the sequence and/or timing of intended development.

Planned Zone[1406]

A zone district as specified in the UDC, for which a Concept Plan or Development Plan shall be finally approved by the City prior to the final approval of a Final Plat or a building permit.

Plant Community[1407]

A natural association of vegetation that is dominated by one or more prominent species, or a characteristic physical attribute.

Plant List[1408]

The plant list located in Appendix B of the Landscape Policy Manual.

Playhouse[1409]

A playhouse is a small structure accessory to a dwelling unit designed and intended for use by children during play activities.

Plaza[1410]

A community gathering space, sometimes called a square, usually designed with seating areas, and with a variety of ground plane finishes such as hard surfaces, lawn, and landscaping. It is often designed as a focal point with an amenity such as a fountain, and it may be bounded on one or more sides by a civic or commercial use in the neighborhood or commercial center.

Practical Turf Areas[1411]

A landscape design and management concept promoting turf only in those areas of the landscape that are functional, and the efficient management of supplemental irrigation that is required in those areas.

Preliminary Plat[1412]

A map or a drawing showing the design of a proposed subdivision together with such information, supporting data, and other requirements as are necessary to comply with the provisions of Section 7.4.3 (Subdivision Standards).

[1404] From Article 7, Part 1 (General Provisions). Wording revised for clarity.
[1405] From Article 7, Part 1 (General Provisions).
[1406] From Article 7, Part 1 (General Provisions).
[1407] From Article 4, Part 3 (Landscaping Standards).
[1408] From Article 4, Part 3 (Landscaping Standards). This definition currently applies to “Selected Plans for Colorado Springs”, which is not a term used in the UDC.
[1409] This is a new definition.
[1410] From Article 7, Part 1 (General Provisions).
[1411] From Article 4, Part 3 (Landscaping Standards).
[1412] From Article 7, Part 1 (General Provisions).

Preservation Area[1413]

That portion or area of a lot(s) that is set aside, restricted, or designated for the purpose of retaining land or water in their natural state, scenic or open condition.

Private Street[1414]

A street that is not constructed within dedicated public right-of-way and that provides primary access to two or more lots. A private street may be identified as a tract or access easement. If shown as an easement on a lot, the private street area may not be used to satisfy any minimum lot area requirements of the UDC. Flag lots serving not more than four residential lots shall be considered a shared driveway and not a private street.

Property, Owner-Occupied[1415]

A property that is actually occupied by the property's owner for no less than 185 days per year.

Public Improvements[1416]

Those physical improvements to property which, after their construction or acceptance by the City, shall be maintained by the City or other public body. Public improvements include, but are not limited to, streets, facilities for the transmission and/or distribution of water, gas, electricity, and wastewater, stormwater improvements, and street lighting.

Public Notice[1417]

Provision of information regarding the proposed development action for a specific property shall consist of publication, posting, mailed public notification and neighborhood meetings which are referred to in Section <7.5.408> (Public Notice).

Public Safety Use[1418]

A facility that provides public safety and emergency services, together with incidental storage and maintenance of necessary vehicles, including but not limited to police and fire protection services and emergency medical and ambulance services.

Public Street[1419]

A street which is located and constructed within a dedicated public right-of-way.

Public Utility[1420]

Water, wastewater, electric, gas, and stormwater infrastructure maintained by Colorado Springs Utilities or Stormwater Enterprise.

R

Railroad Facility[1421]

Railroad yards, equipment servicing facilities, terminal facilities, and similar uses.

[1413] From Article 7, Part 1 (General Provisions). Revised for clarity.
[1414] From Article 7, Part 1 (General Provisions). The second sentence may be relocated to a consolidated list of measurement rules.
[1415] This carries forward the definition for "Owner Occupied" in Section 7.2.201 of the existing zoning and subdivision ordinance with minor refinements.
[1416] From Article 7, Part 1 (General Provisions).
[1417] From Article 7, Part 1 (General Provisions).
[1418] This is a new use that carries forward the definition of "Administrative and Safety Services" only as relates to public safety services in Section 7.2.302G.2 of the existing zoning and subdivision ordinance.
[1419] From Article 7, Part 1 (General Provisions).
[1420] New definition in the Revised Public Draft.
[1421] This carries forward in Section 7.2.302G.2 of the existing zoning and subdivision ordinance.

Recycling Collection Center[1422]

A facility for the collection of recyclable materials for reuse, including aluminum cans, paper, glass, plastic, and similar materials. There are two types of Recycling Collection Centers, based on their size and the type of materials collected.

Recycling Collection Center, Small

A facility occupying not more than 20,000 square feet of gross lot area, including but not limited to mobile recycling units, with accessory uses that may include compacting, baling, and paper or plastic shredding.

Recycling Collection Center, Large

A facility occupying more than 20,000 square feet of gross lot area, and including but not limited to those activities included in a Recycling Collection Center, Small and the collection of recyclable materials that have already been segregated at another location.

Recycling Processing Center[1423]

An intermediate-scale facility that processes recyclable materials from collectors and generators for the purpose of preparing material for recycling, including but not limited to construction and demolition debris recyclers, material recovery facilities, scrap metal yards, paper processors, and glass beneficiation plants. Processing techniques include baling, compacting, flattening, grinding, crushing, and shredding. Related definitions include the following:

Construction and Demolition Debris

A facility that processes material for recycling that is generated during the construction, remodeling, repair, or demolition of buildings, bridges, pavements, and other structures. Construction and demolition debris includes concrete, asphalt, lumber, steel girders, steel rods, wiring, drywall, carpets, window glass, metal and plastic piping, tree stumps, soil, and other miscellaneous items related to the activities listed above, and including debris from natural disaster.

Glass Beneficiation Plant

A glass processing facility where recovered glass cullet is cleaned of contaminants and processed into a form that is ready to be manufactured into a new product (mill ready).

Material Recovery Facility (MRF)

A facility where recyclables are sorted into specific categories and processed or transported to processors for remanufacturing.

Scrap Metal Processor

An intermediate operating facility where recovered metal is sorted, cleaned of contaminants, and processed into a form that is ready to be recycled, including but not limited to scrap metal yards and scrap metal dealers, but not including Junkyards, Automobile and Light Vehicle Storage uses, or Heavy Vehicle Storage uses.

Paper Processor

An intermediate-scale operating facility where recovered paper products and materials are sorted, cleaned of contaminants, and prepared for final recycling, including but not limited to paper stock dealers and paper packers.

[1422] This is significantly revised from the definition in Section 7.2.302E.13.a and .b of the existing zoning and subdivision ordinance and now includes size thresholds.
[1423] This carries forward the definition in Section 7.2.302E.13.c of the existing zoning and subdivision ordinance.

Reference Evapotranspiration[1424]

The evapotranspiration of a broad expanse of well-watered, four to six inch tall cool season grass.

Regional Building Code

The Pikes Peak Regional Building Code that applies to the City and is adopted by reference in Section 7.4.1404.

Regional Native Plant Community[1425]

Any plant community with a geographic distribution indigenous to all or part of the front range of the southern Rocky Mountains.

Registered Professional Engineer[1426]

A person who is currently registered by any state government of the United States as a professional engineer.

Reinspection-Related Definitions[1427]

These definitions apply to the general enforcement reinspection provisions in Section <7.5.907B> (Reinspection Fee).

Chronic Repeat Offender

The owner of a property who has been previously classified as a repeat offender.

First-Time Offender

The owner of a property who does not comply with the first notice and order issued for a specific violation nor with a subsequent failure to comply notice with an order to abate.

Owner of the Property

The owner of record as reflected in the records of the El Paso County Assessor at the time of notification of the violation. Also known as “property owner” or “owner.”

Reinspection

Any and all inspections at a specific property owned by a first-time offender, repeat offender, or chronic repeat offender, after issuance of the first notice and order to abate and subsequent failure to comply notice for a violation.

Repeat Offender

The owner of a property who has been previously classified as a first-time offender.

Religious Institution[1428]

An establishment for the conduct of religious activities, including but not limited to a church, temple, seminary, monastery, mosque, synagogue, and similar facilities. Accessory uses include but are not limited to housing and columbaria as accessory.

Replat[1429]

A change in a recorded plat, which involves any one or a combination of the following:

[1424] From Article 4, Part 3 (Landscaping Standards).
[1425] From Article 4, Part 3 (Landscaping Standards).
[1426] From Article 4, Part 3 (Landscaping Standards).
[1427] Adapted from Section 7.5.1008 of the existing zoning and subdivision ordinance.
[1428] This carries forward the definition in Section 7.2.302D.14 of the existing zoning and subdivision ordinance. The requirement for the columbarium to be shown on a Development Plan when accessory to a Religious Institution was not carried forward, because the City does not apply that requirement to other uses to which a columbarium may be accessory, and RLUIPA requires that Religious Institutions be regulated no more strictly than other institutions.
[1429] From Article 7, Part 1 (General Provisions).

A. Rearrangement of lot lines.
B. The addition of unplatted or vacant land.
C. Rearrangement or deletion of public streets and alleys subsequent to or concurrent with vacation of approved public streets and alleys by City Council.
D. Further subdivision of platted lots, provided no portion of a platted lot is deleted from the proposed legal description.

Residential Childcare Facility

Pursuant to C.R.S. § 26-6-102(8), a Colorado State licensed establishment that provides 24 hour care and treatment for five or more children, up to the age of 18 years of age or court appointed up to the age of 21 years of age and operated under private, public, or nonprofit sponsorship. A residential childcare facility may include community based residential childcare facilities, shelter facilities, and therapeutic residential childcare facilities as defined by the State of Colorado and psychiatric residential treatment facilities as defined in C.R.S. § 25.5-4-103(19.5).

Responsible Party[1430]

When used in the context of grading, erosion, and stormwater regulations, the owner of the property on which Permanent Control Measures have been constructed, and any other person or agent in control of the property (e.g., homeowners' association).

Restaurant[1431]

An establishment where food and drink are prepared, served, and consumed either on premises (inside or outside), taken out, or delivered. It may include the sale of alcoholic beverages when conducted as a secondary feature of the use and producing less than 50 percent of the establishment's gross income. The bar area is an area of the restaurant where the primary business is the sale and consumption of alcohol.[1432]

Restrictive Covenant[1433]

A limitation of the use of land usually described in the deed or other recorded instrument.

Retail Sales[1434]

A facility engaged in the sale, or rental with incidental service, of commonly used goods and merchandise for personal or household use but excluding any retail sales activities identified as separate uses in Table 7.3.2-A. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing, and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting, and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). A fuel dispensing station is not an included accessory use.

Retail Sales, Small

A facility with not more than 10,000 square feet of gross floor area.

[1430] From Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans). Reference to Best Management Practices changed to Stormwater Control Measures for internal consistency.
[1431] This carries forward the definition in Section 7.2.302C.32 of the existing zoning and subdivision ordinance. Drive-up is an accessory use that is allowed in certain districts pursuant to the use-specific standards in Section 7.3.304E, Drive-through, Accessory. The distinction between bars, restaurants, micro-breweries, micro-distilleries, and micro-wineries is under continuing discussion with staff.
[1432] The final sentence appears unnecessary and may be deleted, since measurements from bar areas no longer appear in the UDC.
[1433] From Article 4, Part 3 (Landscaping Standards).
[1434] This builds on the definition in Section 7.2.302C.31 of the existing zoning and subdivision ordinance, with minor refinements for clarity. The size categorizations for small and medium facilities are new.

Retail Sales, Medium

A facility with between 10,000 and 50,000 square feet of gross floor area.

Retail Sales, Large

A facility containing more than 50,000 square feet of gross floor area.

Right-of-Way or Street Right-Of-Way[1435]

The area of land designated for streets, sidewalks, utilities, and public use.

Riparian Habitat[1436]

The area adjacent to flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other, unless otherwise stated in this UDC or another City adopted regulation or manual.

Riparian Vegetation[1437]

Vegetation that requires the continuous presence of water, or conditions that are more moist than normally found in the area.

Road[1438]

See “Street.”

Rooming or Boarding House[1439]

A residential dwelling, other than a hotel, where, for compensation, lodging is provided and meals to lodgers may be provided for periods of time generally longer than 30 days for not more than 15 roomers in addition to members of the family and in which no continuous medical or personal care is provided by the operators of the home. This does not include the Bed and Breakfast use.

S

Safety Zone[1440]

When used in the context of wildfire risk reduction in the WP-O zone district, the area within 30 feet of the main structure or significant accessory structures, not to extend beyond the property line.

Sanitary Facilities[1441]

A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor level.

School, Elementary or Secondary[1442]

An educational institution that satisfies the compulsory education laws of the State of Colorado for students in the elementary grades, middle school grades, or high school grades. This definition includes public, private, non-profit, and charter non-boarding schools.

[1435] From Article 4, Part 3 (Landscaping Standards).
[1436] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision ordinance but adds a caveat that other regulations may use a different definition.
[1437] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision ordinance.
[1438] New definition in the Revised Public Draft.
[1439] This carries forward the definition in Section 7.2.302A.10 of the existing zoning and subdivision ordinance.
[1440] Definition incorporated from Title 8, Appendix K wildfire protection standards.
[1441] This is the recently adopted definition in Ordinance No. 20-38.
[1442] New definition to replace current definitions of Charter Schools, Non-Public Schools, and Charter Schools in Section 7.2.302D0.8 of the existing zoning and subdivision ordinance.

School, Higher Education[1443]

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization and under charter or license from the State of Colorado.

Screening[1444]

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, densely planted vegetation, or berms.

Seasonal Sales, Temporary[1445]

The temporary outdoor or indoor display and sale of goods or products associated with a particular season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce, and typically occurring at a location not devoted to such sales for the remainder of the year.

Self-Storage[1446]

A use with buildings designed primarily for the storage of household items and inventory of small commercial businesses where storage units are individually leased or rented, where access to storage units is infrequent, and where no utilities are provided except for the service of a manager's apartment and for lighting of individual storage units.

Semipublic Community Recreation[1447]

A recreational facility for use by residents and guests of a specific neighborhood, residential development, or residential component of a mixed-use development. This includes both indoor and outdoor facilities, and facilities must be located within or adjacent to such development.

Shade Tree[1448]

A deciduous (or, rarely, an evergreen) tree planted primarily for its high crown of foliage or overhead canopy. A major shade tree at maturity reaches a height of at least fifty feet.

Short-Term Rental Unit[1449]

A residential dwelling unit, or portion of such a unit, that is rented for less than 30 days at a time, with the exception of dwelling units owned by the federal government, the state, or the City, or any of their agencies, or facilities licensed by the state as health care facilities.

Shrub[1450]

A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 12 feet in height at its maturity. It may be evergreen or deciduous.

Sign[1451]

Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract the attention of passersby to a building or structure, and shall include all parts, portions, units, and materials composing the same, together with the frame, background,

[1443] This carries forward the definition of "College and University" in Section 7.2.302D.8.b of the existing zoning and subdivision ordinance.
[1444] From Article 4, Part 3 (Landscaping Standards).
[1445] This is a new definition.
[1446] This carries forward the definition of "Miniwarehouse" in Section 7.2.302C.23 of the existing zoning and subdivision ordinance.
[1447] This carries forward the definition in Section 7.2.302D.15 of the existing zoning and subdivision ordinance, modified to include mixed-use developments.
[1448] From Article 4, Part 3 (Landscaping Standards).
[1449] This carries forward the definition in Section 7.2.201 of the existing zoning and subdivision ordinance.
[1450] From Article 4, Part 3 (Landscaping Standards).
[1451] From Article 4, Part 4 (Signs).

and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign-Related Definitions[1452]

Abandoned Sign[1453]

Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed and is in disrepair and structurally unsound with potential to cause health, safety, and welfare issues.

Animated Sign[1454]

A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates, or visibly alters the appearance in a manner that is not permitted by these regulations.

Awning Sign[1455]

A sign painted on, attached to, or supported by a shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework (an awning).

Banner[1456]

A temporary sign having character, letters, illustrations, or ornamentations applied to cloth, paper, fabric, or other lightweight nonrigid material, with only such material for a backing, which projects from, hangs from, or is affixed to a building, private light pole, or a wire. The display surface shall not have blinking or flashing lights, nor be illuminated, animated, or constructed of reflective material. Banners include decals, painted imagery, cable hung banners, and wave banners.

Billboard[1457]

A sign which directs attention to a business, activity, commodity, service, entertainment, or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

Canopy Sign[1458]

A permanent sign attached to a canopy or affixed to the sides of a canopy structure. These signs may be below a projecting structure which extends over the pedestrian walkway.

Construction Sign[1459]

A temporary sign erected on premises under construction, during the period of construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the construction project.

[1452] Because sign regulations are not being updated as part of this RetoolCOS effort, sign definitions have not been updated.
[1453] From Article 4, Part 4 (Signs).
[1454] From Article 4, Part 4 (Signs)
[1455] From Article 4, Part 4 (Signs)
[1456] From Article 4, Part 4 (Signs)
[1457] From Article 4, Part 4 (Signs)
[1458] From Article 4, Part 4 (Signs)
[1459] From Article 4, Part 4 (Signs)

Coordinated Sign Plan (CSP)[1460]

A coordinated plan or program for all signs, including temporary signs for a business, or businesses located on a development site. The CSP shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles, and sign types of all signs to be installed on a site.

Corporate Flag[1461]

Any flags other than national, state, or City flags which have copy or logos.

Decorative Flag[1462]

Flags with no copy or logos.

Directional Sign[1463]

A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

Directory (Freestanding)[1464]

A sign directing users or patrons around a property or center. Examples include, but not limited to, office building directories, builder/developer directories, and commercial center directories.

Election Sign[1465]

A sign designed for the purpose of supporting or opposing a candidate, issue, proposition, or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

Electronic Message Center (EMC)[1466]

A sign that is capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

External Usage Sign[1467]

Signs for goods or services normally provided outside of the principal structure. Examples include drive-through lanes, automated teller machines, car wash, and gas station vacuums.

Flashing[1468]

A pattern of sudden alternation between a fully illuminated message and a message without illumination, or a message where the copy color and the background color alternate or reverse color schemes rapidly.

Freestanding Sign[1469]

A sign which is not attached to a building and is permanently affixed in or upon the ground on one or more structural supports. A freestanding sign shall include, but is not limited to, a pole, monument, or low profile type sign.

[1460] From Article 4, Part 4 (Signs)
[1461] From Article 4, Part 4 (Signs)
[1462] From Article 4, Part 4 (Signs)
[1463] From Article 4, Part 4 (Signs)
[1464] From Article 4, Part 4 (Signs)
[1465] From Article 4, Part 4 (Signs)
[1466] From Article 4, Part 4 (Signs)
[1467] From Article 4, Part 4 (Signs)
[1468] From Article 4, Part 4 (Signs)
[1469] From Article 4, Part 4 (Signs)

Gas Island Sign[1470]

Includes signs on the gas pump, pump topper, and additional signage on the island.

Governmental Sign[1471]

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

Human Sign[1472]

Signs that are being carried by people and do not block vehicular or pedestrian traffic.

Illegal Sign[1473]

A sign without proper approval or permits as required by this UDC at the time of sign placement. “Illegal sign” shall also mean a sign placed contrary to the terms or time limits of a permit and a nonconforming sign which has not been brought into compliance with any applicable provisions of this UDC.

Inflatable Display[1474]

A sign consisting of a flexible material envelope of nonporous material inflated or shaped from inserted air or other gas and used to promote special events, grand openings, sales, and business transitions. Inflatable displays include air or gas blown devices that wave, lightly or rapidly, in an irregular manner and portable inflatable billboards. Inflatable displays shall not be permitted to have a sound system. Inflatable displays do not include individual latex balloons under 18 inches in size.

Interpretive Sign[1475]

A sign that demonstrates or interprets the natural or historical surroundings of a place (a preserve, a national park, a scenic view, or historic place/monument) to its visitors.

Menu Board/Drive-Through[1476]

A sign, permanently mounted, that lists the products or services available at a drive-in or drive-through facility, and that is not legible from the right-of-way.

Message[1477]

For purposes of sign regulation, a complete, static display.

Message Hold Time[1478]

The time interval a static message must remain on the display before transitioning to another message.

Model Home Sign[1479]

A sign on or in front of a residential structure that is used as an exhibit, not a private residence or a property that has been used as a private residence, to advertise or market it or other houses.

[1470] From Article 4, Part 4 (Signs)
[1471] From Article 4, Part 4 (Signs)
[1472] From Article 4, Part 4 (Signs).
[1473] From Article 4, Part 4 (Signs).
[1474] From Article 4, Part 4 (Signs).
[1475] From Article 4, Part 4 (Signs).
[1476] From Article 4, Part 4 (Signs).
[1477] From Article 4, Part 4 (Signs). Reference to EMC was not carried forward, because the term is also used in other sign regulations.
[1478] From Article 4, Part 4 (Signs).
[1479] From Article 4, Part 4 (Signs).

Monument Sign[1480]

A sign identifying a particular area or development. A subdivision monument can pertain to a residential, office, industrial or commercial subdivision.

Motor Vehicle Sign[1481]

A sign affixed to an operating motor vehicle that is used as a part of the business operations.

Mural[1482]

A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business located on the premises.

Off Premises Sign[1483]

A sign normally used for promoting an interest other than that of a business, individual, product, or service available on the premises where the sign is located. This excludes tenant signage within a commercial center or signage established through a CSP and advertising businesses within the CSP area.

Official Legal Notice[1484]

Signs that are erected or issued by any governmental agency, court, public body, person, or officer in performance of a public duty or in giving any legal notice, including signs that are required to be posted to give notice of pending action pursuant to the UDC or this Code.

On Premises Sign[1485]

A sign used for promoting a business, individual, product, or service available on the premises where the sign is located or any sign promoting businesses within a Coordinated Sign Plan.

Portable A-Frame Sign[1486]

A movable sign not permanently attached to the ground or a building and easily removable by hand or using ordinary hand tools.

Private Notification Sign[1487]

A sign that regulates actions on private property. Examples include “No Trespassing,” “Beware Of Dog,” etc.

Projecting Sign[1488]

A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

Real Estate Sign[1489]

A nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, townhome, condominium and similar units, or apartments. Signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

[1480] From Article 4, Part 4 (Signs).
[1481] From Article 4, Part 4 (Signs).
[1482] From Article 4, Part 4 (Signs).
[1483] From Article 4, Part 4 (Signs).
[1484] From Article 4, Part 4 (Signs).
[1485] From Article 4, Part 4 (Signs).
[1486] From Article 4, Part 4 (Signs).
[1487] From Article 4, Part 4 (Signs).
[1488] From Article 4, Part 4 (Signs).
[1489] From Article 4, Part 4 (Signs). Lase clause inadvertently left out of prior draft included in Revised Public Draft.

Sign Area[1490]

An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Temporary Retail Sign[1491]

A sign constructed of cloth, canvas, fabric, plywood, or other light material permitted in conjunction with an approved temporary vendor use.

Temporary Sign[1492]

A sign constructed of cloth, canvas, fabric, plywood, or other light material and displayed for a short period of time as described in Section 7.4.13 (Signs).

Transition Duration[1493]

The time interval it takes the display to change from one complete static message to another complete static message.

Transition Method[1494]

A visual effect applied to a message to transition from one message to the next. Transition methods include:

A. Dissolve – A frame effect accomplished by varying the light intensity or pattern, in which the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.

B. Fade – A frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e., fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

Wall Sign[1495]

A sign attached to or painted on the wall of building or structure in a plane parallel or approximately parallel to the plane of the wall.

Window Sign[1496]

A sign viewable through and/or affixed in a manner to a window or exterior glass door so that it is intended to be viewable from the exterior of the building (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the exterior of the building.

Work of Art[1497]

Art that in no way identifies a product, business, or enterprise and that is not displayed in conjunction with the commercial enterprise on the property.

Yard or Wall Sign[1498]

A sign displayed in a yard or attached to a building face that communicates a noncommercial message.

[1490] From Article 4, Part 4 (Signs).
[1491] From Article 4, Part 4 (Signs).
[1492] From Article 4, Part 4 (Signs).
[1493] From Article 4, Part 4 (Signs).
[1494] From Article 4, Part 4 (Signs).
[1495] From Article 4, Part 4 (Signs).
[1496] From Article 4, Part 4 (Signs).
[1497] From Article 4, Part 4 (Signs).
[1498] From Article 4, Part 4 (Signs).

Signature Landscapes[1499]

Landscape development consistent with local climatic and soil conditions and that evokes the aesthetic and ecological qualities of regional native plant communities.

Significant Natural Features[1500]

Ridgelines, bluffs, rock outcroppings, foothills, mountain backdrops, unique vegetation, floodplains, streams, surface water, natural drainageways, and wildlife habitats that contribute to the attractiveness of the community.

Significant Vegetation[1501]

A plant or plants recommended for retention by the City Forester because of size, indigenous character, species type(s), unique environmental benefits, or because it is difficult to provide comparable replacement vegetation.

Site Plan[1502]

A two-dimensional representation, drawn to scale, of the total area of a development project, including building footprints, roadways, and parking areas.

Small Animal Clinic[1503]

A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases in which the animals are limited to dogs, cats, and other comparable household pets and in which the overnight care of such animals is permitted when necessary for medical treatment. The facility may include a crematorium for small animals as an accessory use.

Soil Amendment[1504]

Organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration rates.

Solar Collector, Accessory[1505]

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

Specified Anatomical Areas[1506]

A. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.

B. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities[1507]

Acts, simulated acts, exhibitions, representations, depictions, or descriptions of:

A. Human genitals in a state of sexual stimulation or arousal.

B. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

[1499] From Article 4, Part 3 (Landscaping Standards).
[1500] This carries forward the definition in Section 7.2.201 of the existing zoning and subdivision ordinance with reference to “view corridors” removed in the Revised Public Draft.
[1501] From Article 4, Part 3 (Landscaping Standards).
[1502] From Article 4, Part 3 (Landscaping Standards).
[1503] New definition for a new use.
[1504] From Article 4, Part 3 (Landscaping Standards).
[1505] New definition.
[1506] This carries forward the definition in Section 7.5.1302 of the existing zoning and subdivision ordinance.
[1507] This carries forward the definition in Section 7.5.1302 of the existing zoning and subdivision ordinance.

C. Intrusion, however slight, actual, or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body.

D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated.

E. Flagellation, mutilation, or torture, actual or simulated, in a sexual context.

Special Industry[1508]

An establishment involved in the basic research, development, processing, and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines, and engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

Stable[1509]

A. When a primary use of land, a structure for the keeping of horses, mules, ponies, donkeys, goats, sheep, llamas, alpacas, or similar animals or any combination of those animals that are hired, bred, boarded, or shown on a commercial basis.

B. When an accessory use of land, an accessory structure, shelter, or fenced corral enclosure for the keeping of not more than a total of four horses, mules, ponies, donkeys, goats, sheep, llamas, alpacas, potbellied pigs, or other similar animals or any combination of those animals for the use of the occupant of the principal residential structure, and not kept for remuneration, hire, or sale.

Stadium or auditorium[1510]

A structure that accommodates large numbers of people at sporting, entertainment, or educational events, in which attendees are generally spectators but may also be participants in some of the activities, and including but not limited to civic or community auditoriums, sports arenas or stadiums, convention facilities, fairgrounds, event centers, and exhibition facilities.

State Waters[1511]

When used in the context of grading, erosion, and stormwater regulations, any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

Stockyard[1512]

The temporary keeping of livestock for slaughter, market, or shipping. Other typical uses include animal auction yards.

Stormwater[1513]

When used in the context of grading, erosion, and stormwater regulations, precipitation induced surface runoff and drainage.

[1508] This is adapted from the definition of "Heavy Industry" in Section 7.302E.5.a of the existing zoning and subdivision ordinance and includes those heavy industry uses that incorporate hazardous materials including uses classified as "Research and Development Services," Section 7.302C.14.
[1509] The first definition carries forward the definition in Section 7.2.302H.5 of the existing zoning and subdivision ordinance .The second definition carries forward the definition in Section 7.2.302H.6 of the existing zoning and subdivision ordinance.
[1510] This expands on the definition of "Public Assembly" in Section 7.2.302D.12 of the existing zoning and subdivision ordinance.
[1511] From Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans).
[1512] This carries forward the definition in Section 7.2.302E.15 of the existing zoning and subdivision ordinance with refinements.
[1513] From Article 7, Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans).

Stormwater Enterprise[1514]

The enterprise of the City established pursuant to Chapter 14, Article 8 of the City Code.

Stormwater Enterprise Manager[1515]

The Stormwater Enterprise Manager as set forth in chapter 14, article 8 of the City Code.

Streamside Buffer[1516]

Areas of land within a specified distance of the toe of the channel bank of a stream. Areas have been identified as significant based upon their typical size, natural and vegetative characteristics, wildlife habitat suitability, open space and recreational opportunities, and permitted and/or prohibited land use potential.

Street[1517]

The entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel; or the entire width of every way declared to be a public street or highway by any law of the state.

Street Tree[1518]

A tree planted in the street right-of-way (parkway) between the curb or edge of road and the adjoining property line to provide shade, spatial definition, and human scale, and to enhance the street environment.

Streetscape[1519]

The landscape treatment of a street edge, including vegetation, sidewalks, streetlights, fencing, signs, utilities, etc.

Subdivider[1520]

The owner of property, or the owner's agent, who subdivides property, or who proposes the subdivision of property as set forth in Section 7.4.3 (Subdivision Standards).

Subdivision[1521]

The division of a parcel of land into two or more lots or parcels less than 35 acres in area for the purpose of transfer of ownership or building development, or the building development or platting of a single unplatted parcel of land, or if a new street is involved, excepting at the instance of the City, any division of a parcel of land; provided that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes and not involving a new street, or the rearrangement of property boundaries shall not be deemed a subdivision.

Swimming Pool, Accessory[1522]

Any confined body of water exceeding 100 square feet in water surface area, or 18 inches in depth, designed, used, or intended to be used for swimming or bathing purposes that is accessory to another structure or use.

[1514] From amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance adopted in Ordinance No. 21-05 in January 2021.
[1515] From amendments to Article 7, Part 15 of the existing zoning and subdivision ordinance adopted in Ordinance No. 21-05 in January 2021.
[1516] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision ordinance.
[1517] New definition, adapted from Section 10.1.202 of the City Code and added in the Revised Public Draft, with minor edits for internal consistency.
[1518] From Article 4, Part 3 (Landscaping Standards).
[1519] From Article 4, Part 3 (Landscaping Standards).
[1520] From Article 7, Part 1 (General Provisions).
[1521] From Article 7, Part 1 (General Provisions).
[1522] This is a new definition for an existing use.

T

Temporary Festival and Amusement[1523]

A fair, carnival, circus, menagerie, or set of amusement park activities such as rides that is established for a temporary period of time, generally no more than two weeks, and may include the ancillary sale of food and retail goods.

Temporary Real Estate Sales or Business Office[1524]

A facility or area used as a temporary place of business to sell land, buildings, or dwelling units within a specified project, development, or subdivision, or a temporary business office for a contractor working on a specified project, development, or subdivision.

Temporary Vendor on Commercial Retail Center[1525]

A person or entity engaged in the sales of goods on a temporary basis from a vehicle, stand, or enclosure other than a structure located on a property containing more than one principal commercial use.

Tiny House[1526]

A single-family dwelling unit containing less than 500 square feet of gross floor area, that is installed on an engineered permanent foundation and complies with either the City's adopted building code or is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., as amended, and is built for the Colorado climate and snow loads pursuant to Department of Housing and Urban Development standards established under the provisions of 42 USC 5401 et seq.

Tiny House Park[1527]

A lot or parcel of land held under single ownership or unified control upon which two or more Tiny Houses, occupied for residential purposes, are located and for which a which a charge is made for such accommodations, and including any structures used or intended for use as a part of such park to provide amenities or services to its residents.

Toe of the Channel Bank[1528]

When used in the context of flood control, erosion, or stormwater management, refers to the point where the sloping bank becomes level or nearly level to the channel bed (or water level), or the point where bank vegetation terminates with channel substrate (sand, gravel, cobble, boulder, or bedrock). Some streams within the City (i.e., Fountain Creek, Monument Creek, Templeton Gap Floodway) have very wide channels that are typically only partially used by flowing water; the water flow meanders within the channelized area and is subject to significant fluctuations from year to year.

Tract[1529]

A parcel of land which is created for purposes of common ownership and use by two or more property owners, an association, or government entity.

[1523] This is a new definition for a use that is a renaming of the "Amusement Enterprises" use at Section 7.5.1403I.6 of the existing zoning and subdivision ordinance. The existing use references "Carnival, circus, or menagerie as defined in chapter 2, article 2 of this Code, and amusement rides as defined in chapter 2, article 2 of this Code;" however, chapter 2, article 2 of the Code does not include those definitions.
[1524] New definition.
[1525] New definition.
[1526] New definition.
[1527] New definition.
[1528] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision ordinance with refinements.
[1529] From Article 7, Part 1 (General Provisions).

Transit Shelter, Accessory[1530]

Improvements and facilities located on private property at selected points along transit routes for passenger pick up, drop off, and waiting. Facilities and improvements may include shelters, benches, signs, structures, and other improvements to provide security, protection from the weather, and access to nearby services.

Transit Station[1531]

A facility located along a fixed public transit route, other than a transportation terminal, where passengers load and unload from the transit mode and where passengers may change to another transportation mode. A transit station may include accessory uses such as convenience retail and personal services, public park or plaza spaces, or park and ride facilities.

Transportation Terminal[1532]

A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including airport terminals, bus terminals, railroad stations, public transit facilities, and taxicab services, but not including a Transit Station.

Tree[1533]

A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

Truck Terminal[1534]

A facility or area of land where truck freight is transferred from collection vehicles or railroad cars to distribution vehicles or freight haulers, and vice versa, and where routine daily service and maintenance including but not limited to fueling, oil changes, tune ups, engine lubrication, tire changing and repair, and muffler repair, but not including removing engines or transmissions, painting, or bodywork may be performed on trucks as an accessory use.

Turf/Turfgrass[1535]

Continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

U

Urban Agriculture[1536]

The use of a parcel of land not exceeding five acres in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. This use may include the production or sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations, but does not include cultivation of marijuana.

Utilities Executive Director[1537]

The Utilities Director of Colorado Springs Utilities employed by the Utilities Board pursuant to City Charter section 6-10.

[1530] This carries forward the definition in Section 7.2.302G.4 of the existing zoning and subdivision ordinance.
[1531] This carries forward the definition in Section 7.2.302G.5 of the existing zoning and subdivision ordinance.
[1532] This carries forward the definition in Section 7.2.302G.3 of the existing zoning and subdivision ordinance.
[1533] From Article 4, Part 3 (Landscaping Standards).
[1534] This carries forward the definition in Section 7.2.302E.17 of the existing zoning and subdivision ordinance.
[1535] From Article 4, Part 3 (Landscaping Standards).
[1536] This builds upon the definition of "Community Gardens" in Section 7.2.302H.7 of the existing zoning and subdivision ordinance. Revisions allow the sale of and production of food products from food grown on the premises.
[1537] New definition in Revised Public Draft, adapted from Section 1.1.106 of the City Code.

Utility, Major[1538]

A facility providing an important regional or citywide utility service, such as water, sewer, gas, stormwater drainage, or electricity, that normally entail construction of relatively large new buildings or structures, and that typically have employees on the site. Examples include but are not limited to water treatment plants; sewage treatment plants; reservoirs; regional Permanent Control Measures; electric power lines and substations; and other similar facilities.

Utility, Minor[1539]

Equipment necessary to support and distribute utility services, often from major utility facilities, to development within the immediate vicinity, and that generally involves only minor accessory structures. Employees typically are not located at the site. Examples include but are not limited to electric transformer stations, service boxes and distribution lines; sewer collection lines, gas regulator stations and distribution lines, stormwater lines and appurtenances, telephone service boxes and lines, well, water, and sewer pumping stations, and related underground and aboveground pipes and wires related to any of the listed services.

Utility Service Plan[1540]

A plan showing the routing of utility service lines and required easements for individual structures or dwelling units or lots.

V

Vacation of Right-of-Way[1541]

The process by which recorded public right-of-way is transferred from the City to adjacent property owner(s) for private ownership and use, or the reversion to metes and bounds description of property for which a recorded Final Plat exists.

Vegetation[1542]

Plants in general or the sum total of plant life in an area.

Vocational or Skills Education[1543]

An establishment that provides specialized training and education beyond the high school level, principally in the business, commercial, or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate rather than a two or four year college degree and that not meet the definition of a Higher Education School.

W

Warehousing and Wholesaling[1544]

An enclosed building used primarily for the storage and dispatching of goods and materials. Typical uses include wholesaling, wholesale distributors, distribution and fulfillment centers, storage warehouses, and moving and storage companies.

[1538] This builds upon the existing definition in Section 7.2.302D.17 of the existing zoning and subdivision ordinance with revisions to provide more examples.
[1539] This builds upon the existing definition in Section 7.2.302D.17 of the existing zoning and subdivision ordinance with revisions to provide more examples. Reference to stormwater lines and appurtenances added in Revised Public Draft.
[1540] From Article 7, Part 1 (General Provisions).
[1541] From Article 7, Part 1 (General Provisions).
[1542] From Article 4, Part 3 (Landscaping Standards).
[1543] New definition for a new use.
[1544] This carries forward the definition in Section 7.2.302E.20 of the existing zoning and subdivision ordinance but adds references to distribution and fulfillment centers.

Waste Transfer Station[1545]

A collection and transportation facility used to deposit solid waste collected off-site into larger transfer vehicles for transport to disposal site, and that may also include recycling facilities.

Wetland[1546]

Those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wind Energy System, Accessory[1547]

A wind energy conversion system, mounted to the ground or to building, that has a rated capacity of 100 KW or less that is accessory to another primary use of the property, and that primarily supports the energy needs of the principal use on the site.

Wireless Communication Facility Definitions[1548]

Accessory Equipment

Any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, fences, or other structures.

Alternative Tower Structure

Man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and that camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to 7.3.303J.1 (Wireless Communication Facility). This term also includes any antenna or antenna array attached to an Alternative Tower Structure. A stand-alone Monopole (including a Replacement Pole) in the public right-of-way that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the WCF stealth and concealment standards.

Antenna[1549]

Any device used to transmit and/or receive radio or electromagnetic waves such as but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Base Station

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower or any equipment associated with a Tower including Accessory Equipment. Base Station does include, without limitation:

A. Equipment associated with wireless communications services such as private broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this UDC and has been reviewed and approved under the applicable zoning

[1545] This carries forward the definition in Section 7.2.302E.16 of the existing zoning and subdivision ordinance.
[1546] This carries forward the definition in Section 7.3.508B of the existing zoning and subdivision ordinance.
[1547] This is a new definition for a new use.
[1548] This carries forward the definitions in Ordinance No. 20-27.
[1549] This carries forward the definition in Ordinance No. 20-27 and codified at Section 7.4.603 of the existing zoning and subdivision ordinance.

or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and

B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

Cell on Wheels

A mobile cell site that consists of an antenna tower and electronic radio transceiver equipment on a truck or trailer that is designed to boost reception as part of a larger cellular network and is temporary in nature.

Collocation

The mounting or installation of transmission equipment on an existing WCF or an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Collocation Letter

A letter from the applicant, stating in detail why the proposed new WCF could not be collocated on another structure within 600 feet of the proposed site. If another structure is located within 600 feet of the proposed site but collocation is technically infeasible, the collocation letter shall be signed and certified by a qualified engineer. The collocation letter shall also specify whether the proposed WCF can accept a collocation.

Eligible Facilities Request

Any request for modification of an Existing Tower or Existing Base Station that is not a Substantial Change, and involves: (i) Collocation of Transmission Equipment, (ii) removal of Transmission Equipment, or (iii) replacement of Transmission Equipment.

Eligible Support Structure

Any Tower or Base Station as defined in this UDC, provided that it is Existing at the time the application is filed with the City under this Section.

Existing[1550]

For purposes of Section <7.5.510> (WCF Eligible Facilities Requests), a constructed Tower or Base Station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition so long as the Tower has maintained the requirements of legal, nonconforming status pursuant to this UDC.

Freestanding Facility

A WCF that consists of a stand-alone structure and antennas, together with associated Accessory Equipment that may be housed in a separate storage structure. Freestanding facilities include, but are not limited to, wooden poles, steel monopoles, lattice towers, and similar structure.

Micro Cell Facility

A small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than 11 inches in length.

[1550] Clarifies existing definition in Ordinance No. 20-27 (Section 7.4.702 of the existing zoning and subdivision ordinance) with revisions at the direction of the City Attorney.

Monopole

A single, freestanding pole-type structure supporting one or more antennas.

Radio Frequency Emissions Letter

A letter from the applicant, signed by a qualified radio frequency engineer certifying all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions. As part of, or attached to the Radio Frequency Emissions Letter, an applicant shall include complete copies of any filings made at the FCC to demonstrate compliance with the federal standards, or if the applicant believes that the WCFs subject to the application are exempt from making such FCC filings, a complete description of the basis for such claimed exemption.

Replacement Pole

A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of similar proportions and of similar height to the pre-existing pole or structure in order to support a WCF or Small Cell Facility or to accommodate collocation and remove the pre-existing pole or structure.

Roof Mounted Facility

A WCF where the antennas are mounted to the roof of an existing building (including rooftop appurtenances). Related Accessory Equipment may be located within the building, on the roof, or on the ground.

Signal Non-Interference Letter

A letter from the applicant signed by a qualitied radio frequency engineer certifying that all WCFs that are the subject of the application shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

Site

For purposes of Section <7.5.510> (WCF Eligible Facilities Requests), for Towers other than towers in the public rights-of-way, the area in proximity to the Structure and to other Transmission Equipment already deployed on the ground.

Small Cell Facility

A WCF where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosure, grounding equipment, power transfer switch, and cut-off switch. For the avoidance of doubt, Small Cell Facilities may be attached to Alternate Tower Structures, Monopoles, and Support Structures.

Stealth Design Techniques or Concealment Elements

The use of design and siting to camouflage or conceal a WCF with the intent to minimize or eliminate the visual impact of the WCF on surrounding uses. A WCF site utilizes Stealth Design Techniques when it:

A. Uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree placed near real trees of similar size); or

B. Is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to blend in) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Stealth Freestanding Facility

A Freestanding Facility that uses Stealth Design Techniques.

Substantial Change

For purposes of Section <7.5.510> (WCF Eligible Facilities Requests), a modification that substantially changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

A. For Towers, other than Towers in the right-of-way, it increases the height of the Tower by more than 10 percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;

B. For Towers, other than Towers in the right-of-way, it involves adding an appurtenance to the body of the Tower that would protrude from the Tower more than 20 feet, or more than the width of the Tower Structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;

C. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for Towers in the right-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

D. For any Eligible Support Structure, it entails any excavation or deployment outside the current Site;

E. For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure. For the purposes of this Subsection, a change which undermines the concealment elements of an Eligible Support Structure will be considered to defeat the concealment elements; or

F. For any Eligible Support Structure, it does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subdivisions A, B, and C of this definition. For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or Base Station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Support Structure

A structure designed to support Small Cell Facilities including, but not limited to, Monopoles, Alternative Tower Structures, Replacement Poles, and other freestanding self-supporting pole structures.

Toll And Tolling

To delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower

Any structure that is built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wall Mounted Facility

A WCF where the antennas are mounted to the face (or walls) of an existing building. Related Accessory Equipment may be located within the building or on the roof or ground.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 USC section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an Antenna or Antennas, Accessory Equipment, Alternative Tower Structures, and Towers. WCF does not include the Support Structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use, including light poles and utility poles owned by the City. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the Wireless Community Facility definitions.

X

Xeriscape[1551]

A water efficient landscape adapted to the local environment.

Xeriscape Principles[1552]

Methods of professional landscaping that include planning and design, soil analysis, efficient irrigation, appropriate plant selection, practical turf areas, use of mulches, and proper maintenance.

Y

Yard[1553]

See definitions related to “Setback.”

[1551] From Article 4, Part 3 (Landscaping Standards).
[1552] From Article 4, Part 3 (Landscaping Standards).
[1553] From Article 2, Part 2 (Definitions).