



March 22, 2023

**RE: Unified Development Code (UDC) Implementation Policy**

On February 14, 2023, the City Council adopted the new Unified Development Code (UDC) as part of the RetoolCOS project. The UDC, effective as of June 5, 2023, repeals and replaces the current Chapter 7 Planning, Development and Building Code of the Code of the City of Colorado Springs 2001, as amended. Prior to the June 5, 2023 effective date, current Chapter 7 remains in effect.

Between now and the UDC's effective date, an applicant may choose to have the UDC apply to their application(s) rather than current Chapter 7, subject to the following:

1. Applications utilizing this policy will not be accepted until the March 7, 2023, review cycle deadline.
2. If applicable, applications reviewed utilizing this UDC policy prior to the effective date will be scheduled for Planning Commission no earlier than the June 14, 2023, Planning Commission meeting.
  - a) Administrative Applications reviewed and approved prior to the effective date will be stamped "approved as of June 5, 2023" and building permits will be issued no earlier than June 5, 2023.
  - b) If standards differ, Administrative Applications for properties that are part of the City-initiated re-zoning/renaming (for example, C-5 to MX-M) may not be approved until after the effective date of the ordinance approving the RetoolCOS project-associated re-zoning/renaming, which will be effective on June 5, 2023, with the UDC.
3. Applications that have completed any round of review under Chapter 7 must be withdrawn and resubmitted to elect to use the new UDC.
4. Applicants must submit a letter with their application stating that they understand that they can choose to have either the UDC or the currently effective Chapter 7 apply to their application. Utilizing this policy requires total compliance with the provisions and processes in the UDC.
5. Applicants must acknowledge that, due to complexity of implementing and training Planning Staff on the UDC, additional comments may be added by Planning Staff and review agencies during subsequent reviews.
6. Related applications, such as a Development Plan and associated plat, and phased developments must come into full compliance, ex – one phase may not benefit from the UDC while another Chapter 7 in a back-and-forth manner. Older phases would be reviewed under Chapter 7, but if they choose to utilize the UDC prior to the effective date, all subsequent applications must also comply with the UDC.
7. Fees have not yet been established and applications are not yet built into Accela for processes newly created in the UDC. Until the applications and fees have been set the following will apply:
  - a) Land Use Plans will be processed and charged as Master Plans; and
  - b) Development Criteria Adjustments and Non-Use Variances will be processed in the same manner, thus resulting in the same application fees, and public notice

fees collected. The fee for each of these application types will be the same as the Conditional Use fee.

8. Due to review cycle requirements, May 16 will be the final submittal date for applicants to utilize the current Chapter 7. After this date, the review cycle would carry out beyond the UDC effective date and therefore, applications will be evaluated under the new UDC.

Confirmation of the above shall be acknowledged through signing the "Unified Development Code (UDC) Opt-In" form available through Planning Staff.

Please note that if a use no longer requires a permit through the UDC but the use is regulated by the State, the State regulations should be adhered to prior to the June 5, 2023, UDC effective date.

This policy shall be effective immediately and is set to expire on June 5, 2023. If fees associated with Item 7 are not approved by the City Council prior to the effective date, the portion of the policy related to fees shall remain in effect until those fees are adopted.

Signed,



Peter Wysocki, AICP  
Planning & Community Development Director