



NOTICE TO INDUSTRY

From: Gayle Sturdivant, City Engineer/Deputy Public Works Director
Kevin Walker, Director of Planning
To: Interested Parties
Date: June 12, 2024, Updated October 29, 2024
Re: Assurances and Guarantees for Public and Private Improvements

Purpose

The purpose of this notice is to document the policy for when assurances and guarantees for all commercial, industrial, and residential development improvements, both public and private, are required prior to building permit issuance.

Reason for the Policy

The City has faced situations where developers have not posted financial assurances for the required improvement and have either abandoned or significantly delayed the completion of projects, while buildings have been occupied resulting in the City paying for the installation of the improvements.

Introduction

As per the UDC 7.4.306. A – Statement Required.

The approved Final Plat shall contain the following statement:

“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 (checks), 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.”

As per the UDC 7.4.306. B. 1. b:

The City Engineer may authorize the issuance of Building Permits before public street improvements are installed or completed, or before public street improvements are accepted by the City, provided that the permit applicant provides acceptable assurance guaranteeing the completion of the street improvements and agrees simultaneously to construct the street improvements with the buildings of 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 issued Probationary Acceptance for the public street improvements.

NOTE: The City Engineer does not intent to hold up Certificates of Occupancy if adequate progress is made toward completing required public improvements, financial assurance is in place for these improvements, and occupants and emergency responders can safely access area dwellings.

As per the UDC 7.4.306. B. 3. c:

All other public or private stormwater 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 stormwater improvements shall be accepted by the City, before the first Building Permit for the platted land is issued. The Stormwater Enterprise Manager may authorize the issuance of Building Permits before public or private stormwater improvements are installed or completed, or before public stormwater improvements are accepted by the City, provided that the permit applicant provides acceptable assurance guaranteeing the completion of the stormwater improvements and agrees simultaneously to construct the stormwater 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 Stormwater Enterprise Manager, until the City has issued Probationary Acceptance for the public stormwater improvements and all private stormwater improvements are installed or completed, based on documentation satisfactory to the Stormwater Enterprise Manager.

Policy

1. As stipulated above and in the UDC, **No Building Permits** shall be issued until the required public or private infrastructure improvements are either installed per the UDC or the posting of required assurances. This will be for both public and private infrastructure improvements that include but are not limited to drainage, Permanent Control Measures, channels, streets, and erosion control.
2. As stipulated above and in the UDC, **No Building Permits** shall be issued until private landscaping or private amenity improvements identified as required on the approved development plan or final plat either installed per the UDC or the posting of required assurances. Landscaping improvements or private amenity improvements that are identified as additional or extra improvements are not subject to this policy.
3. As stipulated in the UDC, an alternative to the posting of assurances or guarantees may be authorized in the form of a “Development Agreement” between the City and applicant. The agreement must be related to a development plan or final plan application and will ensure that the proposed development and its required improvements, amenities, conditions, or other matters are completed as required on the approved development plan or final plat, or as required by the UDC or other plans, policies, regulations of the City.

NOTE: The applicant may submit a one-time waiver to the policy noted above for the installation or posting of assurances for public or private improvements prior to building permit issuance if all the following unique situations exist:

- The requested building permit is for a modification of an existing facility;
- The property is used by one (1) owner/business; and
- The City reserves the right to withhold the Temporary Certificate of Occupancy, Certificate of Occupancy or Final Inspection if the work is not completed per the approved construction drawings before the final building (often referred to a certificate of occupancy) inspections. Alternatively, a financial assurance may be posted for any incomplete work to obtain occupancy.