

ORDINANCE NO. 21-03

AN ORDINANCE AMENDING SECTION 508 (SS – STREAMSIDE AREA OVERLAY) OF PART 5 (OVERLAY DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO GRADING AND EROSION CONTROL

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 508 (SS – Streamside Area Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.508: SS – STREAMSIDE AREA OVERLAY:

\* \* \*

B. Definitions:

~~BEST MANAGEMENT PRACTICES (BMPs): See section 7.7.1502 of this chapter.~~

\* \* \*

**CONTROL MEASURE: See section 7.7.1502 of this chapter.**

\* \* \*

~~PRUDENT LINE: Defines a buffer zone for erosion and flooding potential within which development would not be considered prudent if the channel were to remain in a natural state.~~

\* \* \*

C. \* \* \*

8. \* \* \*

c. Incorporate all stormwater ~~BMPs~~**control measures** required by City Engineering ~~the Stormwater Enterprise~~ throughout the developed

site and adjacent to the buffer to encourage on site filtration of stormwater and protect water quality?

E. \* \* \*

1. \* \* \*

f. ~~Grading And Erosion Control Plan Approval Required~~**(GEC) Permitting:** No grading of any land which is designated on the zoning map of the City as being within the streamside overlay zone shall be undertaken unless a ~~grading and erosion control and revegetation plan has been approved by both City Engineering and the Community Development Department. The grading plan shall comply with the requirements of article 7, part 15 of this chapter. Grading and erosion control plans must be submitted concurrent with the development plan. The grading and erosion control plan must act to implement and be consistent with the design of the associated streamside development plan. No grading shall be permitted outside of the limit of disturbance as defined on the approved streamside development plan and the approved grading and erosion control plan.~~**GEC Permit or Associate GEC Permit has been obtained if required according to section 7.7.1503 of this chapter.** Grading is subject to the limitations noted in the streamside protection standards of this section.

2. \* \* \*

a. \* \* \*

(2) \* \* \*

(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~~**City Engineering**. Wetland areas which 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, stormwater **BMPscontrol 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.

(C) \* \* \*

Width			Vegetation			Uses			
	Channel	Inner	Outer	Channel	Inner	Outer	Channel	Inner	Outer
Type 1	Less than 25'	20'	50'	Little to no vegetation; riparian where present	Riparian vegetation corresponding to appendix B; 1 tree per 20' of stream frontage	Riparian or upland vegetation; 1 tree per 30' of stream frontage	Stabilization, restoration, and flood control only	Riparian area; flood control, stormwater <b>BMPscontrol measures</b> , landscaping, and recreational uses; no impervious surfaces	Upland area; all uses permitted within the underlying zoning and complying with subsection E2a(2)(C) of this section
Type 2	25 - 75'	30'	60'						
Type 3	More than 75'	40'	80'						

b. \* \* \*

(4) \* \* \*

(A) Approved "water quality capture volume" (WQCV) detention which is acceptable to ~~City Engineering~~ **the Stormwater Enterprise** under its municipal stormwater discharge permit **BMPControl Measure** requirements. Types of facilities allowed and design criteria will be determined by ~~City Engineering~~ **the Stormwater Enterprise**. The WQCV and detention period determinations shall be provided by the applicant and must be prepared by a professional engineer licensed in the State of Colorado and shall be included as a component of the drainage report. To qualify for this partial relief of the imperviousness requirements, the detention area must fall outside of the 100-year floodplain, as amended and as it exists prior to any grading, filling and development activity.

Determination of qualification under this part shall be made by ~~City Engineering~~ **the Stormwater Enterprise**; or

(B) Provide streamside improvements that exceed drainage basin planning study requirements or other development standards and are acceptable to ~~City Engineering~~ **the Stormwater Enterprise** and the Community Development Department. Improvements that will be considered include, but are not limited to, stream bank stabilization and grade control, replacing concrete stream channels with bioengineering or other stabilization techniques that allow more infiltration yet provide economical maintenance, ecological restoration activities including invasive species removal, riparian habitat restoration and other significant ecological improvements. Designs under this option must be approved by ~~City Engineering~~ **the Stormwater Enterprise** and the Community Development Department.

d. \* \* \*

(2) Conditional Uses: Due to the potential for negative impacts to the streamside overlay area, the following uses shall be processed as conditional uses as described in article 5, part 7 of this chapter on any streamside overlay zoned properties. Site features such as existing or future trail systems shall be considered when evaluating a conditional use request. Approval of the following uses may require additional **BMPscontrol measures** and/or additional mitigation as part of the conditional use and streamside development plan review and approval. Exclusion from this list does not guarantee that additional **BMPscontrol measures** and/or mitigation will not be required as part of the development plan approval process.

f. \* \* \*Grading Requirements: Grading within the streamside overlay is subject to the following requirements:

~~(3) Revegetation Plan: All grading plans for streamside zoned areas must include a revegetation plan that addresses short and long term erosion and slope stability concerns.~~

~~(4) Protective Measures: All land use proposals within the overlay which require grading and soil erosion control plan~~

approval from City Engineering and the Community Development Department must implement protective measures such as fencing or flagging along the outer boundary of the inner buffer zone to ensure that prohibited activities, storage of construction related materials or equipment, or destruction of any type, are excluded from the inner buffer zone.

F. \* \* \*

~~4. Prudent Line Setback: Streamside Overlay Zone sites with an active prudent line setback adopted prior to November 12, 2002, are exempt from all Streamside Overlay regulations of this section. Streamside sites with a prudent line setback adopted after November 12, 2002, are exempt provided that the process of determination and adoption of the setback by City Engineering involves a review by the Community Development Department of the proposed prudent line for compliance with the objectives and requirements of this section. Pursuant to this exemption, a plan (master, concept or development) shall be filed with and approved by the Community Development Department prior to obtaining final approval of a prudent line setback request.~~

~~54. Public Facilities: Work to install, replace, repair, rehabilitate or maintain public facilities, including, but not limited to, utilities, stormwater and drainage facilities, trails and parks, is subject to partial exemptions to the Streamside Overlay Zone regulations as follows:~~

~~a. Grading for the purpose of installing, **newreplacing, or maintaining** public utilities, public drainage improvements, trails or park amenities or for the purpose of constructing stream stabilization measures, as required by the City of Colorado Springs Utilities, may be accomplished upon grading plan and erosion control plan approval by both the Community Development Department and City Engineering **may be accomplished upon acquisition of a GEC Permit or Associate GEC Permit if required by section 7.7.1503 of this chapter.**~~

~~b. For emergency repair of public facilities within the Streamside Overlay Zone, approval of a grading plan and erosion control plan is not required prior to commencing work. Emergency situations include water and wastewater pipeline breaks, down power lines, gas line breaks, severe bridge damage, severe channel and roadway damage or other related work requiring immediate attention to protect the public health, safety and welfare.~~

~~(1) The Community Development Department and City Engineering shall be notified the next workday following commencement of the emergency repair work.~~

~~(2) The execution of emergency repairs shall minimize impacts to the stream environment, particularly wetlands and wildlife habitat.~~

~~(3) The disturbed area will be restored to preemergency conditions as soon as possible following completion of repairs.~~

~~(4) For administration and planning of these activities, including BMPs during the repair operation and restoration of the disturbed area, the Community Development Department may enter into agreements with other City departments or Colorado Springs Utilities. Any emergency repairs which extend significantly beyond that contemplated within these agreements shall be addressed by joint review and approval of an amendment to the subject agreement.~~

~~c. The routine replacement, restoration, rehabilitation or maintenance of public facilities may be accomplished through either:~~

~~(1) A site specific grading plan and erosion control plan approved by both the Community Development Department and City Engineering prior to commencement of the work; or~~

~~(2) A prenotification that the work will be performed in accord with BMPs stipulated through an agreement between the Community Development Department and other City departments or Colorado Springs Utilities.~~

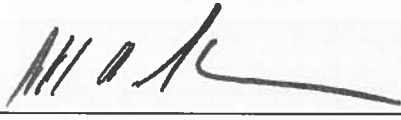
65. \* \* \*

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 12<sup>th</sup> day of January, 2021.

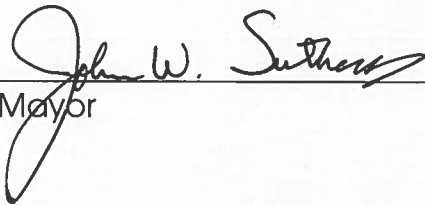
**Finally passed:** January 26<sup>th</sup> 2021

  
\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on January 28, 2021.
- Disapproved on \_\_\_\_\_, based on the following objections:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


  
\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

  
\_\_\_\_\_  
Sarah B. Johnson, City Clerk



TJF

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING SECTION 508 (SS – STREAMSIDE AREA OVERLAY) OF PART 5 (OVERLAY DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO GRADING AND EROSION CONTROL” was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on January 12<sup>th</sup>, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26<sup>th</sup> day of January 2021, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript on January 15<sup>th</sup> and the Gazette on February 1<sup>st</sup>, both newspapers published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 28<sup>th</sup> day of January 2021.



1<sup>st</sup> Publication Date: January 15<sup>th</sup>, 2021  
2<sup>nd</sup> Publication Date: February 1<sup>st</sup>, 2021

Effective Date: February 6<sup>th</sup>, 2021

Initial: SBJ  
City Clerk