

ORDINANCE NO. 21-02

AN ORDINANCE AMENDING SECTION 504 (HS - HILLSIDE 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 504 (HS - Hillside 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:

7.3.504: HS - HILLSIDE AREA OVERLAY:

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D. * * *

2. * * *

c. **Grading and Erosion Control (GEC) Permitting:** ~~Plan, Erosion And Stormwater Quality Control Plan, Reclamation And Maintenance~~ **A GEC Permit or Associate GEC Permit shall be obtained if required pursuant to 7.7.1503 of this chapter.:**

~~(1) Objective: The primary objectives of the grading, erosion, stormwater quality control and reclamation plans are to minimize terrain disturbance, provide erosion and stormwater quality control measures and to restore and stabilize those areas which are disturbed.~~

~~(2) When Required: Plans for grading, erosion and stormwater quality control shall be submitted by the applicant with the development plan, development plan amendment, plat or~~

replat, whichever is applicable, in any designated hillside area. When deemed appropriate, the Manager may allow a hillside grading plan to be submitted, reviewed and approved in conjunction with the review of a concept plan for a hillside zoned project. Grading approved in conjunction with concept plan applications is limited to the grading necessary to install streets and/or utilities. No land so designated shall be subdivided, graded, or otherwise disturbed for purposes of development, or any other purpose until the plans for grading, erosion and stormwater quality control are approved by the Manager and the City Engineer.

(3) — Requirements: The grading plan shall meet all the requirements of the Subdivision Code. In addition, the grading plan shall show all areas to be disturbed by excavation and fill and shall show proposed final contours for these areas. The contour interval shall be two feet (2') and the horizontal scale one inch equals fifty feet (1" = 50') unless otherwise approved by the City Engineer. Street grades and elevations shown shall be in conformance with the preliminary street profiles.

The erosion and stormwater quality control plan shall state in detail the measures to control erosion and the quality of stormwater runoff due to any land disturbance. The erosion and stormwater quality control plan shall meet all the requirements of section 7.7.1504 of this chapter and the "Drainage Criteria Manual, Volume II: Stormwater Quality Policies, Procedures And Best Management Practices". No cleared, graded or otherwise disturbed land may be left without temporary protective stabilizing cover longer than sixty (60) days or without permanent cover longer than one year from the date of disturbance as described in the erosion and stormwater quality control plan. All necessary erosion control measures shall remain in place and be maintained until effective stabilization is achieved. The reclamation plan or program shall state in detail how each type of restoration situation will be dealt with, recognizing that different combinations of slope and material may require varied stabilization methods.

All grading plans prepared and submitted under this subsection shall include plans for limiting ecological damage through restrictions on the use of construction equipment and placement of supply and equipment storage areas and

~~measures for drainage and erosion control to be employed during construction. Whenever possible and wherever appropriate, erosion control and restoration shall incorporate the use of live native plant materials. Criteria for treatment shall include visual compatibility with the surrounding landscape, sustained survivability under arid conditions and effectiveness in prevention of soil erosion and slope failure.~~

~~(4) — Obligation To Maintain: All facilities, vegetation and other items required by the approved grading, erosion and stormwater quality control and reclamation plans shall be properly maintained by the owners of the property. Such maintenance shall include, but not be limited to, keeping all erosion control facilities in good order and functional, repairing any erosion damage that occurs, keeping all vegetation healthy and in growing condition and replacing any dead vegetation as soon as practical. This obligation to maintain shall not apply to individual lots except as the individual lots may be subject to maintenance obligations incurred under the approved grading, erosion and stormwater quality control and reclamation plans and except for obligations incurred on an approved hillside site plan/lot grading plan.~~

~~(5) — Revisions: Any proposed revisions to approved grading plans and erosion and stormwater quality control plans shall be submitted to the Community Development Department for review and shall be acted upon by the Manager and the City Engineer within ten (10) working days of receipt. These revisions shall be in compliance with the development plan.~~

~~(6) — Assurances: A letter of credit or surety bond shall be required to assure restoration of areas disturbed during grading of the overall development to install the roads, utilities, drainage facilities/detention ponds/stormwater quality control facilities, etc. Restoration shall be in accord with the approved erosion and stormwater quality control and reclamation plans. Submittal of this letter of credit or bond is not required for final plat approval but is required prior to any land and/or vegetation disturbance or prior to issuance of any building permit, whichever occurs first.~~

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G. * * *

3. **A GEC Permit or Associate GEC Permit has been obtained if required according to section 7.7.1503 of this chapter**~~Appropriate financial securities have been posted with the City Engineer to assure implementation of the approved grading, erosion and stormwater quality control and reclamation plans; and~~

* * *

H. Review Of Hillside Site Plans/Lot Grading Plans: No construction activity, including grading or removal of vegetation, shall occur on lots or parcels subject to the hillside overlay zone until a hillside site plan/lot grading plan has been approved by the Community Development Department. **The requirement for a hillside site plan/lot grading plan may be waived by the manager if the change is determined to be a minor disturbance with no grading or removal of vegetation.**

1. Content Requirements: The content requirements for a hillside site plan/lot grading plan shall be as set forth in the hillside design manual. **The hillside site plan/lot grading plan shall be signed and bear the seal of a registered professional engineer licensed by the State of Colorado.**

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I. **Illegal Land Disturbance, Grading And Vegetation Removal:**

1. Compliance Required: All grading and vegetation removal, erosion and stormwater quality control, restoration and maintenance within the hillside area overlay shall be accomplished in accord with the City approved **GEC Plan, if required by section 7.7.1503 of this chapter**, ~~grading, erosion and stormwater quality control and reclamation plans~~ and/or hillside site plan/lot grading plan and the provisions of this section.

2. ~~Noncompliance With Approved Grading, Erosion And Stormwater Quality Control, And Reclamation Plans:~~ Any overlot, street, drainage, utility grading or other land disturbance performed which is not in compliance with the approved hillside grading, **GEC Plan**, ~~erosion and stormwater quality control, and reclamation plans~~ and the provisions of this section shall be deemed to be a violation of part 15 of the Subdivision Code of this chapter. Any violation shall be enforced in accord with the procedures set forth in part 15 of the Subdivision Code of this chapter. ~~If the City Engineer determines there is either imminent or existing erosion damage, drainage damage, dust pollution or other hazardous conditions for which immediate action is necessary, the City Engineer may cause corrective procedures to be undertaken at the full expense of the property owner and may take~~

~~other enforcement actions deemed necessary as outlined in section 7.7.1509 of this chapter.~~

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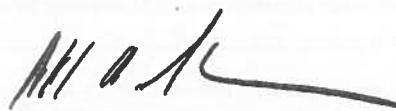
J. Appeals: Except as provided in article 5, part 1 of this chapter, appeals of any administrative action under the provision of this section shall be made in accord with article 5, part 9 of this chapter; provided that whenever the ~~City Engineer~~ **Stormwater Enterprise Manager or his/her designated representative** initiates abatement of violations under this section, and pursuant to part 15 of the Subdivision Code of this chapter, this section shall not apply. Appeals of those matters shall proceed in accord with part 15 of the Subdivision Code of this chapter and any appeal in process under this section pertaining to these matters shall terminate until the appeal has been completed.

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 12th day of January, 2021.

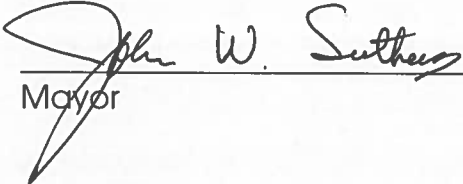
Finally passed: January 26th 2021



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:



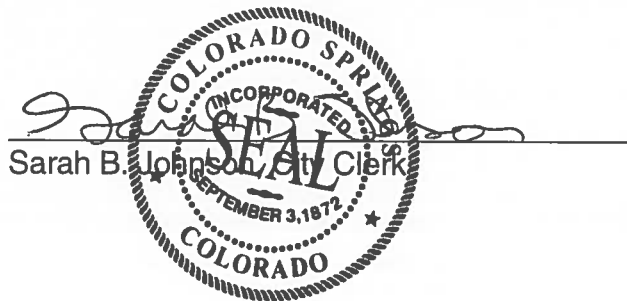
Sarah B. Johnson, City Clerk



CAO: TJF
COS: _____

I HEREBY CERTIFY, that the foregoing ordinance entitled “AN ORDINANCE AMENDING SECTION 504 (HS – HILLSIDE 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 12th, 2021; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 26th 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 15th and the Gazette on February 1st, 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 28th day of January 2021.



1st Publication Date: January 15th, 2021
2nd Publication Date: February 1st, 2021

Effective Date: February 6th, 2021

Initial: SBS
City Clerk