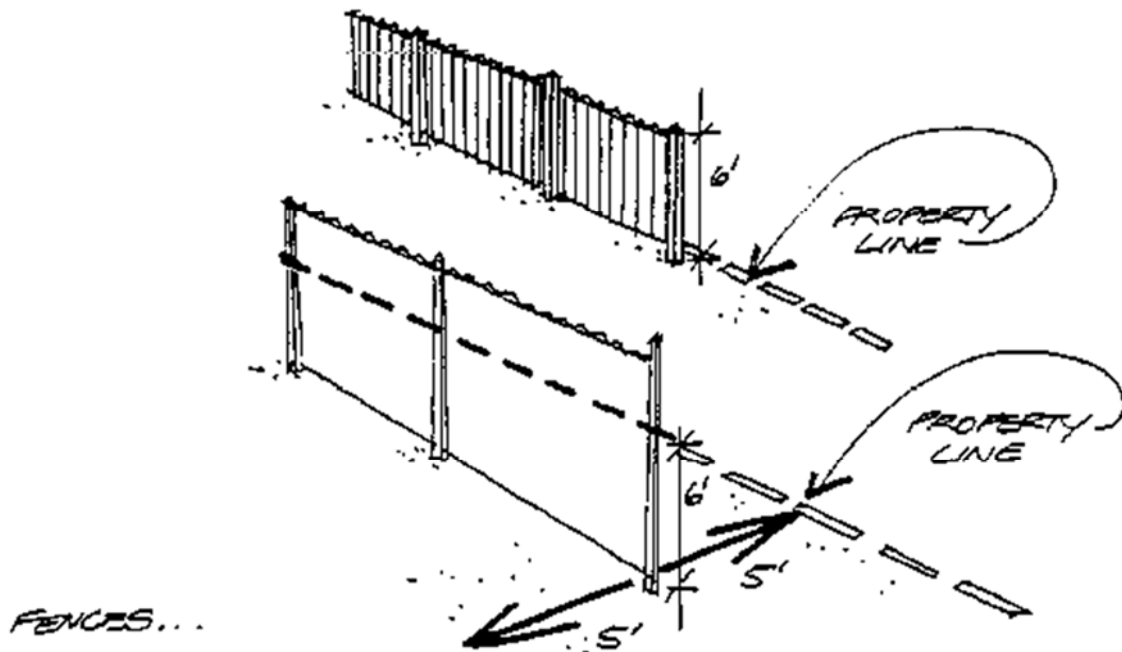


### 7.4.102: GENERAL STANDARDS:

These standards shall apply to all new construction or modifications to an existing structure which is fifty percent (50%) or more of the existing floor area. No permit shall be approved unless it conforms to all of the applicable standards listed in this section.

A. Fences Or Walls: Except in a TND and HS Overlay Zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback and height requirements identified in subsection [7.3.105A](#) of this chapter. Fence height shall be measured from the top of the fence including fence poles, posts, and finials to the finished grade on both sides of the fence.

1. If the height of the two (2) sides varies, then the larger of the two (2) measurements shall be used in determining the height of the fence.
2. If the fence is located within three feet (3') 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 twelve inches (12") of height is permitted for fence posts, poles, and finials when spaced eight feet (8') or more from each other.



Contact the Utility Notification Center of Colorado (UNCC), "Call Before You Dig", at 1-800-922-1987 or contact the UNCC online at [www.uncc.org](http://www.uncc.org). Call before you design to determine the existence of utility facilities or utility easements, Colorado Springs Utilities at 719-668-7221.

#### B. Screening And Fence Materials:

1. In various sections of this Code, opaque screening is required to improve compatibility between land uses and minimize visual impacts of outdoor storage. Opaque screening may include masonry walls, solid wood fencing, chainlink fencing with permahedge inserts, chainlink fencing with opaque slats or a limited use of solid evergreen plantings. The specific type of screening materials shall be determined in conjunction with the review of a development plan where one is required.
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.

#### C. Height Exceptions:

1. Place Of Public Assembly: When located in a residential zone, hospitals, churches, schools, and other places of public assembly may exceed the height limitations if the side and rear building setback requirements are increased by an additional foot more than that which is required for each foot that the height of such building exceeds the maximum height requirements.
2. Ornamental Features: Church spires, church towers, cupolas, flagpoles, chimneys, flues, vents, cooling towers, elevator and mechanical penthouses, accessory water tanks, parapet walls or cornices for ornamentation or any other structures not used as floor space or for human occupancy, which are an integral part and architecturally compatible with the building and roof signs, may exceed the height limitation of the base zone up to five feet (5'). Cupolas that exceed the maximum height of the base zone shall be thirty six (36) square feet or less in size with no cupola side to exceed nine feet (9').
3. Antennas, Satellite Dishes: TV antennas, CB radio antennas, satellite dishes, and lightning protection systems, are excepted from the height limitations of this Zoning Code.

D. Lighting: All exterior lighting for multi-family, office, commercial, industrial, institutional and public facility uses shall be arranged to reflect away from any adjoining premises and any public right-of-way, and shall be shielded to contain all direct rays on the site. See article 3, part 9 of this chapter for specific lighting standards within the TND Zone. Alternate requirements for lighting may be included as a part of an FBZ regulating plan.

#### E. Prohibited Activities In Preservation Areas:

1. Minor Amendments: The Manager of the Community Development Department may approve changes to the location of preservation area boundaries shown on an approved plan or final plat for three (3) lots or less in any zone provided the unique and significant natural features and aesthetic qualities of the property are retained in their natural state, scenic or open condition. All affected parties will be notified of changes to preservation areas.

Requests for minor changes to the location of preservation area boundaries shall be submitted for administrative review as an individual lot hillside grading plan in accord with the Hillside Area Overlay regulations in this Zoning Code. If the lot is platted and recorded, a certified property survey showing the amended preservation area boundary must be submitted and recorded in accord with (platting procedures) the Subdivision Code.

Appeals of any administrative action of the provisions of this section shall be made in accord with article 5, part 9 of this chapter.

2. Major Amendments: The City Planning Commission may grant and approve changes to the location of preservation area boundaries shown on an approved concept plan, development plan, preliminary and final plat involving four (4) lots or more provided all of the following criteria can be satisfied:

- a. The proposed revisions to the preservation area will not have adverse impacts upon surrounding properties nor be inconsistent with any plans adopted by the City.
- b. The property exhibits extraordinary and exceptional physical development constraints and hazards which restrict a reasonable use of the property outside of the current preservation area designation and boundary.
- c. The significant and unique natural features and aesthetic qualities of the property can be retained in their natural state, scenic or open condition without the need of the preservation area through demonstrated alternative site mitigation measures. Such site mitigation measures may include, but are not limited to:
  - (1) Alternative siting of structures which conserve the significant natural features and the aesthetic qualities of the site and enhance both on site and off site visual characteristics.
  - (2) Use of existing natural vegetation as well as supplementary native landscaping to the maximum possible extent to soften structural mass.
  - (3) Extensive reductions in all land disturbance activities on the property, especially in or near the site's sensitive and unique natural and aesthetic features.
  - (4) Designation of special development restrictions and techniques, i.e., building height, size, design, construction, etc., which can appropriately reduce and mitigate the impacts of the development.

A revised or amended concept plan, development plan or preliminary/final plat, whichever is applicable, shall be submitted to the City Planning Commission for consideration in accord with the requirements as specified by the zone of the property, by article 5, part 5 of this chapter, or by platting procedures listed in the Subdivision Code. If the property or lots are platted and recorded, a certified property survey showing the amended preservation area boundary must be submitted and recorded in accord with the Subdivision Code.

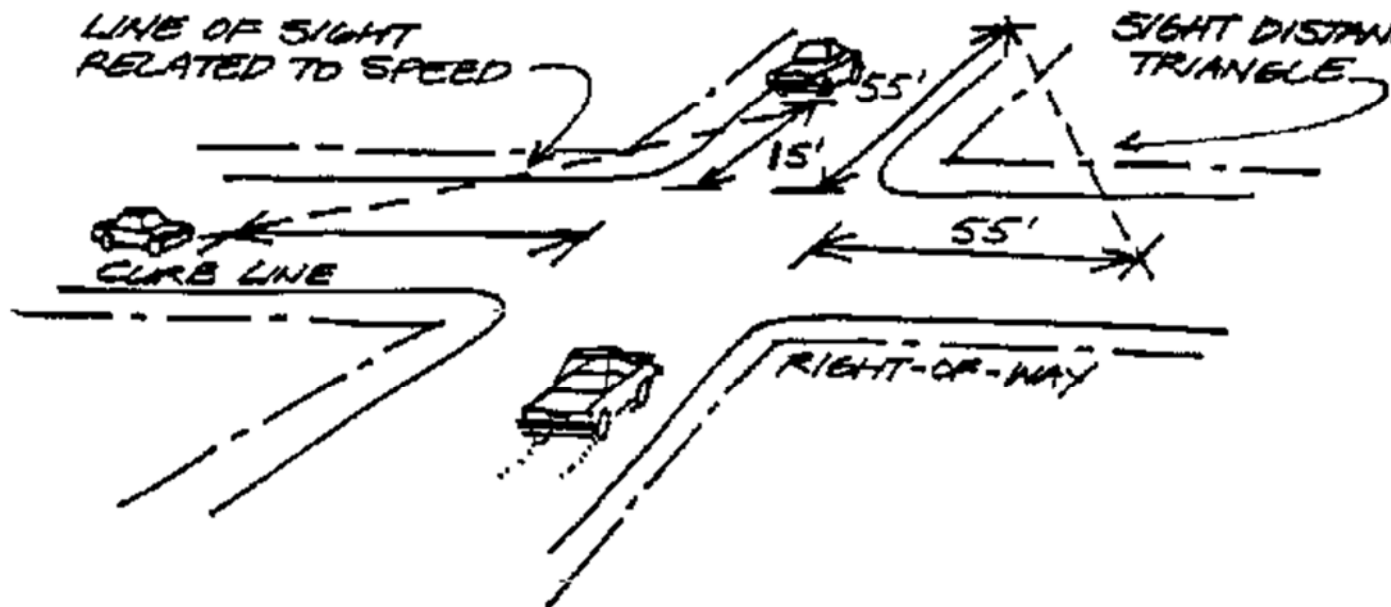
Appeals of City Planning Commission actions under the provisions of this section shall be made in accord with article 5, part 9 of this chapter.

F. Projections Into Setbacks:

1. Architectural Features: Cornice, eaves, belt course, sill, canopy or other similar architectural features, not including bay window or vertical projection, may extend or project into a required front, side or rear building setback four inches (4") for each foot of width of such setback but may not extend or project into the required front, side or rear setback more than a total of thirty inches (30").
2. Chimneys: Chimneys, seven feet (7') or less in width, may project into a required front, side or rear setback up to two feet (2') if the width of the setback is not reduced to less than three feet (3').
3. Fire Escape, Stairway, Access Ramp: A fire escape, open stairway or handicap access ramp may extend or project into any front, side or rear setback if the width and/or depth of the setback is not reduced to less than three feet (3').
4. Porches, Decks, Balconies: Covered porches, decks and balconies may not extend or project into required front, side or rear setbacks. Uncovered decks and patios which do not exceed eighteen inches (18") in height measured from the finished floor to any adjacent point of the finished grade may extend into required front, side or rear setbacks. Decks over eighteen inches (18") in height, from the finished grade, must meet the same setbacks as the principal use.
5. Stoops: A stoop, twenty (20) square feet or less, may project into a required front or rear setback.
6. Parking Lot Light Poles: Parking lot light poles may be located within any front, rear or side yard setback unless when adjacent to a single- or two-family residential zone district.
7. Flagpoles: Flagpoles limited to not more than a total of three (3) may be located within a front yard setback.

- G. Traffic Standards; Corner Visibility: In any zone, except in an MU Zone, no fence, walls, buildings, pillars, landscaping, sign, or any other obstruction to vision between the heights of three feet (3') and ten feet (10') above street level shall be permitted within the triangular area as described in the City's Subdivision Policy Manual and Public Works Design Manual. In addition to the triangle, there shall be a greater line of sight required at all intersections as measured from the vehicle a distance of fifteen feet (15') back from the intersecting street, a line distance directly related to the design speed of the intersecting street. These provisions may be adjusted by the Traffic Engineer where traffic control devices or other circumstances must be considered to provide for adequate safe sight distance.

# Corner Visibility Triangle



## H. ADA Site Accessibility:

1. Notice And Warning: 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. Note Added To Development Plans And Preliminary Plats: 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 responsibility for compliance with Federal and State accessibility laws lies with the property owner.
3. Provisions Illustrated: 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. (Ord. 94-107; Ord. 01-42; Ord. 02-153; Ord. 03-122; Ord. 03-157; Ord. 09-50; Ord. 09-74; Ord. 09-75; Ord. 09-80; Ord. 12-76; Ord. 16-19; Ord. 17-38; Ord. 18-37)