



Legislation Details (With Text)

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Type: Planning Case **Status:** Mayor's Office

File created: 2/26/2018 **In control:** City Council

On agenda: 5/8/2018 **Final action:** 5/8/2018

Title: Ordinance No. 18-37 amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Screening and Fencing.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Sponsors:

Indexes: Code Amendment

Code sections:

Attachments: 1. Ordinance_ScreeningAndFencing_4-17-18, 2. FIGURE 1_Temporary Fences Pic Packet, 3. Signed Ordinance 18-37

Date	Ver.	Action By	Action	Result
5/8/2018	2	City Council	finally passed	Pass
4/24/2018	2	City Council	approved on first reading	Pass
4/9/2018	2	City Council Work Session	referred	
3/15/2018	1	City Planning Commission	referred	Pass

Ordinance No. 18-37 amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Screening and Fencing.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Summary:

The proposed ordinance modifies City Code Section 7.4.102.B (Site Development Standards) by renaming Section B, Screening, to Screening and Fence Materials and adding a subsection number 2 describing that tarps, plastic sheeting, polypropylene and other similar materials are prohibited from being used as permanent screening and fencing when visible off of the property. The full language of the ordinance is attached as the Ordinance and highlighted in the Background section of this memo.

Previous Council Action:

Staff presented the details of the proposal to City Council at the work session on April 9th and was directed to add this to the consent calendar for the April 24th public hearing.

On April 24, 2018, this Ordinance was approved on first reading on the Consent Calendar.

Background:

This amendment is brought forward by city planning staff with support from the Neighborhood Services Division. There have been several code enforcement complaints in neighborhoods related to temporary fencing being utilized as screening for extended periods of time becoming deteriorated, unattractive and a nuisance. This “fencing” is most frequently constructed of flexible material that starts to fall down over time. These types of fences typically consist of construction fencing, tarps and silt fencing NOT being utilized as part of an active construction site.

Typical uses as seen in neighborhoods include demarcation of areas where permanent fences have blown down and/or need replaced as well as for landscape barriers at lot lines and in front-yard areas. Code does not currently provide adequate enforcement measures to compel responsible parties to remediate these blighting conditions when complaints are received by the Neighborhood Services Division. Current enforcement efforts are easily thwarted with either a declaration that it is in fact a fence, or replacement of the damaged or deteriorated materials or installation.

The specific language added reads:

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.

Staff recommends that this type of added language will enable Neighborhood Services to address any complaints and give the city a tool to engage with residents related to appropriate fencing solutions. Enactment of this amendment provides the City with means to more clearly and effectively explain to responsible parties how the conditions violate the City Code and compel them to remediate these blighting conditions that exist in our City’s neighborhoods and along thoroughfares. This language will allow Neighborhood Services to more efficiently and effectively respond to constituent concerns and help make our city as beautiful as our environment.

Financial Implications:

N/A

Board/Commission Recommendation:

At its March 15, 2018 meeting, the City Planning Commission unanimously voted to recommend approval of the ordinance to the City Council (Commissioners McDonald and Raughton excused). A detail of the hearing is outlined in the hearing minutes.

Stakeholder Process:

Since this is a zoning code text amendment applicable city-wide, direct property owner notification and posting is not required. This amendment, however, was discussed at the Code Scrub Committee Meeting on February 28, 2018 and supported by all members present. The Committee agreed that this type of language is appropriate to further the goal of maintaining the beautification of our city neighborhoods. The group suggested clarifying language to ensure the intent is clear; that perimeter screening should be more permanent in nature. The suggested language was incorporated into the final recommended ordinance as attached to this memo.

Alternatives:

1. Approve this ordinance amendment;
2. Deny this ordinance amendment;
3. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:

Adopt an Ordinance Amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Screening and Fencing, based on the finding that it complies with City Code Sections 7.5.602 and 7.5.603.

Summary of Ordinance Language

An Ordinance Amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Screening and Fencing.