



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

7.2.610: HS-O: HILLSIDE OVERLAY

Review Criteria

A. Purpose: The purpose of the HS-O district is to ensure that hillside areas retain their unique character, to safeguard the natural heritage of the City, and to protect the public health, welfare, and safety. Review of development proposals for property within the overlay should recognize the various City Code requirements and the need to balance their application with the physical attributes of the property. The HS-O district may be used with any zone district in the City to meet the following objectives:

1. To conserve the unique natural features and aesthetic qualities of the hillside areas;
2. To provide safe and convenient access to hillside areas;
3. To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet development needs;
4. To ensure that new development is compatible with the natural systems, the terrain, and the geologic character of hillside areas;
5. To encourage innovative design solutions that meet the purpose of the HS-O district; and
6. To preserve wildlife habitat and wetland areas that provide wildlife migration corridors.

B. Applicability:

1. General:

- a. In case of a conflict between the provisions of the HS-O district and the WUI-O district, the provisions of the WUI-O district shall apply.
- b. The standards in the HS-O district apply on a lot-by-lot basis to single-family residential dwellings, and on a development-wide basis to other types of applications.
- c. No building or structure may be erected, reconstructed, or structurally altered on land in the HS-O district, and land in this overlay district may not be subdivided, graded, or otherwise disturbed for development, subdivision, or any other purpose, unless such construction, subdivision, disturbance, or development complies with the provisions of this Section 7.2.610.
- d. In the HS-O district, no Building Permits shall be issued and no grading, land disturbance, removal of vegetation, or construction activity may occur on any lot or parcel until:
 - (1) A Development Plan for the site is approved;
 - (2) A Hillside Site and Grading Plan for the site is approved; and
 - (3) The Final Plat is recorded.



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

2. Exemption: The provisions of this Section 7.2.610 shall not apply to:

a. Land that is removed from the HS-O district through rezoning pursuant to the procedure in Section 7.5.703 (Zoning Map Amendment (Rezoning)).

b. Property that is the subject of an application for a Building Permit, Development Plan, or Subdivision Plat and that the Manager, upon consultation with the City Engineer, the Stormwater Enterprise, Fire Code Official, Traffic Engineering, and Utilities, determines is not characteristic of the hillside area landscape features this Section 7.2.610 is intended to protect and that the exemption will not compromise the ability of the HS-O district to achieve its intended purposes.

c. Lots created prior to the original adoption of these hillside regulations on June 6, 1996, and the Manager determines cannot reasonably comply with some of the standards in this Section 7.2.610, in which case the Manager may adjust or exempt the lot from the requirement of compliance with that standard at the time of Building Permit issuance.

C. Land Suitability Analysis:

1. Purpose: Land Suitability Analysis provides information about the physical characteristics and features of a site to assess impact of proposed development and determine buildable areas. This analysis further determines if preservation areas should be identified to better preserve unique hillside characteristics.

2. Standards: Each new Land Use Plan, Major Modification to a Land Use Plan, and Hillside Development Plan for any proposed development shall include a Land Suitability Analysis. If the applicant submits a written request for waiver of exceptions to elements of required Land Suitability Analysis, the Manager may waive those elements or approve those exceptions that are not necessary to achieve the purposes of the HS-O district. The Manager may also require additional analysis based on unique location, character, or potential impacts of development on the property.

3. Components of Land Suitability Analysis: In addition to technical requirements listed on the City's website, the Land Suitability Analysis shall include the following components:

a. Slope Analysis: Identification of slope ranges for parcels in order to assess the potential number of sites and preservation areas. The evaluation for this Section should consider the intensity of the development, the ability to provide infrastructure and emergency services access. Slope analysis shall be provided in the following increments and use a contour interval of two (2) feet:

(1) Zero (0) to eight (8) percent generally suitable for development;

(2) Eight (8) to twelve (12) percent increased potential for engineering difficulties; moderate potential for activating site hazards;

(3) Twelve (12) to fifteen (15) percent increased potential for engineering difficulties; moderately high potential for activating site hazards;

(4) Fifteen (15) to twenty-five (25) percent high potential for activating hazard potential; and

(5) Twenty-five (25) and over percent very high potential for development difficulty and severe hazard potential. Development on slopes over twenty-five (25) percent will not be supported.



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

b. Vegetation and Wildlife: Grasslands, scrub oak and similar shrubs, and coniferous tree cover are major components of hillside areas. Analysis shall show the physical location of vegetation and the following items:

(1) Identify major vegetation in native ecosystems;

(a) Scrub Oak (Gambrel Oak);

(b) Deciduous and evergreen trees between four (4) inches and twelve (12) inches or greater caliper size depending on density of trees onsite; and

(c) Native grass, ground cover, and shrub massing.

(2) Assessment of the WUI-O district, if applicable; and

(3) Interface of development and native wildlife habitat and migration corridors.

c. Geology Analysis: Development shall comply with regulations pursuant to Part 7.4.5 Geological Hazards.

d. Analysis Package: Composite map with the various components of the Land Suitability Analysis overlaid on a map to show a composite of opportunities and constraints, along with a written analysis of the existing site features and constraints and how the development of the site will occur in a manner which considers both the opportunities and constraints. The analysis shall also include mitigation for the site's physical constraints and hazards.

D. Hillside Development Plan: In addition to the normal Development Plan submittal requirements, applications for Development Plans in the HS-O district shall also include a Hillside Development Plan showing the following information in compliance with the submission and technical requirements located on the City's website.

1. Building Lots: The location of building lots and building envelopes on each lot shall comply with the following:

a. Development on slopes greater than twenty-five (25) percent in building envelopes shall be avoided;

b. Preserve significant vegetation and features in preservation easements;

c. Allow variation in front and side yard setbacks along the street frontage where significant vegetation, geologic hazard concerns, or slopes over twenty-five (25) percent exist on the site. Approval of a Non-Use Variance pursuant to Section 7.5.525 (Non-Use Variance) is required to allow setback variation; and

d. Only use retaining walls where necessary. Retaining walls are to be limited to four (4) feet in height with no more than two (2) piers separated by four (4) to six(6) feet.

2. Street Type and Placement: Streets and driveways must provide adequate vehicular access to each individual building lot. Adequate access will be evaluated based upon compliance with the following standards to the maximum extent feasible:

a. Driveways should follow the natural contour of the land and should generally minimize the need for cut and/or fill for driveway construction. Cut and fill slopes should be limited to four (4) feet in height and no more than two (2) four- (4) foot tiers in total;



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

b. Where retaining walls are used, there should be a minimum horizontal separation of four (4) feet between each tier and the face of the retaining wall shall be screened by vegetation. However, a taller single wall of up to seven (7) feet may be approved when necessary to reduce vegetation removal;

c. Individual driveways should have a maximum slope of twenty (20) percent and shared driveways should have a maximum slope of fifteen (15) percent. When the driveway serves a required Fire Department access, the width shall be a minimum of twelve (12) feet and the maximum grade shall be twelve (12) percent;

d. The amount of significant vegetation proposed to be removed should be minimized;

e. Driveway locations shall facilitate emergency service response. On streets with less than twenty-eight (28) foot mat widths, driveways should be offset to facilitate emergency response; and

f. The inclusion of shared driveways where possible to reduce grading, paving, and site disturbance.

3. Individual Utility Service Lines: Service lines should be located to minimize the need for grading and for disturbance of significant vegetation and natural features. The retention of the significant vegetation will be the main factor in the evaluation of the utility service line location. A proposed lot may not be approved if a satisfactory utility service line location cannot be agreed upon.

4. Retention of the Significant Vegetation on Individual Building Lots: On lots with significant existing vegetation the placement of the home should use existing vegetation, particularly in the front yard and streetscape areas, to soften structural mass and maintain vegetation.

5. Hillside Development Plan Review Criteria: In addition to the criteria in Section 7.5.515 (Development Plan), a Development Plan in the HS-O district shall comply with the following review criteria:

a. The plan is consistent with the spirit and intent of the Hillside Design Manual;

b. The streetscape will retain a hillside character after the street is constructed, including but not limited to retaining existing vegetation and rock features;

c. Disturbance of the existing terrain is minimized;

d. The visual impacts upon offsite areas been reduced or mitigated;

e. Significant ridgelines and other prominent sites within the City have been preserved;

f. Additional measures to mitigate environmental and visual impacts of the development have been included as necessary, based on the nature and location of the development:

(1) Alternate siting of structures to include increased setbacks from ridgelines;

(2) Use of significant vegetation to soften structural mass when building sites are located in highly visible areas;

(3) Designation of special height restrictions;

(4) Use of native vegetative cover and retaining walls faced with stone or earth-colored materials as stabilization measures for cuts and fills; and



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

(5) Alternate street placement to reduce visibility of structures.

g. Significant natural features and the significant vegetation been placed in preservation area easements and any impacts of necessary utility easements through the preservation areas been mitigated to the maximum extent feasible. Because of the terrain in hillside areas, it is recognized that utilities and some drainage improvements may have to be located within an easement. The review will consider the necessity of locating these facilities within the preservation area easement with least amount of disturbance and impact;

h. Geologic, soil, and other natural hazards been identified and mitigated to the maximum extent feasible; and

i. The results of any geologic hazards study required by Part 7.4.5 (Geological Hazards) have been reflected in the plan through avoidance of, or mitigation of impacts related to, those hazards.

E. Hillside Site and Grading Plan:

1. No construction activity, including grading or removal of vegetation, shall occur on lots or parcels within the HS-O district until a Hillside Site and Grading Plan has been approved by the Manager. The requirement for a Hillside Site and 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.

2. The Hillside Site and Grading Plan shall contain the content required by the Hillside Design Manual and the approved Development Plan and shall be consistent with the following site design review criteria:

a. The Plan complies with the development standards of the applicable zone district or Development Plan;

b. Terrain disturbance has been minimized by minimizing cut and fill, retaining natural land forms, including visually compatible cut and fill stabilization measures, and the incorporation of existing slopes and rock formations into the site design, to the maximum extent feasible. If cut and fill occurs, make every effort to limit the retaining walls to four (4) feet in height with four (4) feet horizontal separation;

c. Natural vegetation has been preserved and incorporated into the project design, with particular emphasis on preserving healthy and significant stands of scrub oak and pine trees and scrub oak and pine trees in front yard areas; and

d. Visual impacts upon off-site areas been avoided or reasonably mitigated by locating structures to avoid ridgelines and preserve a mountain or hillside backdrop, and by preserving existing vegetation and/or incorporating supplementary native landscaping to soften the structural mass of buildings located in highly visible areas.

F. Illegal Land Disturbance, Grading, and Vegetation Removal:

1. No grading or removal of vegetation shall occur on properties subject to the HS-O district unless authorized by a City approved Hillside Site and Grading Plan.

2. In addition to any other remedies provided for in this UDC, the Manager may issue a stop work order pursuant to Subsection 7.5.904C (Stop Work Order for Hillside Site and Grading Plan) for violations of this Subsection F.

G. Wildfire Risk Mitigation:

1. Requirement:



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

a. Within the HS-O district, development shall comply with the following provisions for reduction of wildfire risks when located within the WUI-O district.

b. Wildfire risk reduction techniques may include measures such as monitored smoke alarm systems and sprinkler systems for all residential occupancies, a minimum Class B on all other occupancies, and fuels management measures within the Safety Zone of applicable new building construction.

2. Disclosure Statements: All Development Plans and Subdivision Plats within the WUI-O district approved on or after April 1, 1993, and Wildland Urban Interface Site Plan/Lot Grading Plans shall contain the following disclosure statements referencing Appendix K of the City of Colorado Springs Fire Prevention Code and Standards:

"Residing in or near wildland interface or intermix areas involves increased fire risks that may not apply in urban or more urbanized types of developed communities."; and

"All lots within this development are subject to fuels management requirements. It is the responsibility of the builder to implement the fuels management procedures as defined in Chapter 8 of the City Code for each lot. Approval inspection must be obtained from the Planning Department prior to Final inspection by the Building Department and allowing occupancy of the residence. The initial fuels management inspection must be requested from the Planning Department prior to framing inspection with subsequent approval obtained prior to building final."

3. Roof Materials: A Class A roof covering (excluding solid wood roofing products) shall be installed on all residential occupancies and a minimum Class B roof covering shall be installed on all remaining occupancies (not to replace Class A where already required by the Regional Building Code) at the time a permitted roofing or reroofing application is completed.

H. Hillside Building Height: Within the HS-O district permitted heights are as follows:

1. Maximum building height shall be determined at the time of zoning and Development Plan review and may be reduced based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.

2. For multi-family uses, height shall be determined at the time of zoning and Development Plan review. Maximum building height will be based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.

3. For nonresidential uses, maximum structure height is as permitted in the underlying zone, subject to final determination at the time of Development Plan review. Maximum building height may be reduced based upon consideration of site factors including visual analysis, topography, and proposed height relative to existing vegetation.

4. Existing single-family zoned lots with approved, unexpired Development Plans or Subdivision Plats approved prior to the original adoption of these building height regulations on June 6, 1996, shall have a maximum permitted height of thirty-five (35) feet. In the event an approved Development Plan restricts building height to less than thirty (30) feet, the maximum height required by the Development Plan shall apply.

