



***Planning for Hazards* pilot project**

Overview of proposed first draft changes to Title 16, Subdivisions and Title 18, Zoning

Prepared by Manitou Springs Planning staff

This first draft of code updates prepared through the *Planning for Hazards* project includes proposed changes to the City's Subdivision code (Title 16 of the municipal code) and Zoning code (Title 18 of the municipal code). Staff prepared this document to summarize the proposed updates, to clarify how existing code provisions could change, and to identify the most significant changes in standards and procedures. This summary also identifies how the changes will reduce and mitigate specific types of hazard risk, and where the changes will promote more flexibility in the development process.

Background

Much of the City of Manitou Springs was built before subdivision and zoning code requirements to reduce hazard risk were put in place. The City has since adopted some standards and processes to address impacts from flooding, geologic hazards, and wildfire, but these are not sufficient – the City is still experiencing substantial impacts from natural hazards that cause damage to people, property, and infrastructure. The City has extensive floodplain area and significant and pervasive geologic hazards, and most areas within the City are vulnerable to the impacts of a high intensity wildfire. If these code deficiencies are not addressed, the City will continue to increase its vulnerability to natural hazard risk. Because Manitou Springs is mostly built-out (not much vacant land is available), not all aspects of risk can be addressed through the zoning and subdivision regulations – we'll need to apply other approaches. The purpose of these code updates is to hone in on and address specific impacts through the development review process and standards, where feasible. The *Planning for Hazards* project team has incorporated approaches to reduce hazard risk to both new development and redevelopment. Over time, this will help to reduce our hazard vulnerability. These code updates also support environmental objectives by reducing erosion along stream banks and steep slopes.

Project approach

The project team was guided by input from a working group and followed this general approach:

- Introduce new tools to address hazard risk
- Modify existing procedures to address hazard risk, where appropriate
- Modify existing standards to simplify procedures and add flexibility

A brief overview of the proposed code changes is presented below. For both the subdivision and zoning code, we have posted a clean version of the proposed recommendations, as well as a “tracked” version that shows the changes from the current code.

Title 16: Subdivisions

Subdivision standards include the submittal requirements, standards, and approval procedures for creating new lots and providing necessary infrastructure to these lots.

Proposed code updates:

Eliminated Master Plan procedure: The purpose of the existing Master Plan procedure is to ensure the applicant plans for infrastructure to serve phased development. However, this step is not widely used and is proposed to be removed, with the submittal requirements and approval criteria incorporated into the preliminary plat process. This may save time and cost for the applicant.

Strengthened Preliminary Plat process: Several changes were made to this process, namely:

- Strengthen approval criteria to include mitigating hazards.
- Incorporate submittal requirements that were moved from the former master plan procedure
- Propose that Planning Commission should provide approval for preliminary plats, not City Council. This may save time and cost for the applicant.
- Language was added that submission of a Fire Protection Plan may be required at the discretion of the Planning Director or Fire Department (this is one element of the Wildland Urban Interface Code, which was identified as a priority tool by the working group).
 - Plan components include water supply, access, building ignition and fire resistance factors, fire protection systems and equipment, and vegetation maintenance. The Fire Department would conduct a site assessment to evaluate specific wildfire risk and apply standards based on the 2015 International Fire Code and 2015 International Building Code (IBC).
 - The Fire Department currently requires fire protection systems for single-family homes with limited access.
 - The site plan must address wildfire standards for defensible space and vegetation maintenance – these are some of the best tools at our disposal and are further spelled out in Zoning, 18.10., Sensitive Lands Protection.
 - Building ignition and fire-resistance factors - *The City is in the process of adopting the 2015 International Building Code (IBC), which addresses some of these factors. The Fire Department will review the code to clarify what factors the City might consider.*

Developed approval criteria for Final Plats: The existing code does not include approval criteria for the Planning Commission and City Council to use to evaluate final plats: three approval criteria are proposed.

Developed Sensitive Lands Protection standards: These new provisions in the Zoning code (Section 18.10) would apply to both zoning and subdivision applications. The standards require applicants to limit disturbances on sensitive lands (especially as they relate to natural and geologic hazards), and also authorize Planning or Fire Department staff to conduct a site assessment of the

proposed development area to identify natural hazards. Based on the site assessment, a flood plain or geologic hazard report may be required. Where hazards are present, the applicant must meet site plan criteria to mitigate potential hazard impact. Site assessments provide maximum flexibility for site-specific recommendations for new development and redevelopment, rather than relying on a one-size-fits all approach to mitigation (see the Zoning section for a more detailed description, below).

Strengthened minor subdivision process: A geologic hazards report and plan requirement is proposed for minor subdivisions (four or fewer lots). The existing code does not include approval criteria for the Planning Director or Planning Commission to evaluate minor subdivisions: five approval criteria are proposed.

Clarified waiver provisions for unusual conditions: The proposed draft clarifies that a waiver shall not be granted for approval procedures, access roads to subdivisions, or mitigation requirements associated with natural hazards or geologic hazards.

Expanded input on land dedications: Added a provision for the Open Space Advisory Committee to provide a recommendation on open space dedication, and that dedication should be consistent with *Parks, Open Space and Trails Master Plan* and requires City Council approval.

Clarified required improvements: Clarified requirements for water supply and pressure and flow rate for sprinklers. This supports fire suppression.

Strengthened access and circulation requirements: Added a new requirement for a minimum of two vehicular access points to and from external streets for major subdivisions (five or more lots) to facilitate emergency access and evacuation.

Clarified drainage plans and reports: Provision is modified to clarify that the *City of Colorado Springs Drainage Criteria Manual* will be used to evaluate drainage plans and reports – this is consistent with current procedure.

Consolidated definitions: The definitions for Title 16 were combined and reconciled with Title 18 definitions to avoid inconsistencies and overlap.

Title 18: Zoning Code

The Zoning code includes the use requirements and development standards for each zoning district. It also includes submittal requirements and review procedures for development applications, such as: minor and major development plans; rezoning; conditional use; variances; home occupations; grading permit; long-term occupancy lodging; and other requests. It includes requirements for public notice, hearings and appeals, and procedures for enforcement of zoning code violations,

Proposed code updates:

Developed new approval criteria: The draft includes new criteria to address avoidance and/or mitigation of natural hazards that the decision-making authority (Planning Commission and/or City Council) will use to evaluate the development application (rezoning, major development plan, variances, conditional use, etc.).

Added flexibility through “maximum extent practicable” concept: This concept is incorporated into several procedures and development standards to allow the applicant a little flexibility to comply with the intent of the standards when site constraints and other factors may make this difficult to do. This will help promote hazard mitigation objectives but also not discourage redevelopment.

Strengthened floodplain standards: The working group initially recommended that the City adopt a streamside buffer tool for development review. However, this tool would have required additional analysis that was not feasible within the scope of this project. The approach was revised to address priorities, such as:

- Alert City staff of all floodplain development requests before the application is forwarded to the Regional Floodplain Administrator for a floodplain permit.
- Ability to request structural plans and engineering review for structures such as bridges and walkways that do not require a building permit.
- Revised existing floodplain review standard with clear standards for City staff to apply to review impacts to floodplain from proposed development activity

Revised Hillside Low Density Residential (HLDR) district standards: The HLDR district provides standards for development in the areas of the City with steep slopes. Updates include:

- Simplified “Minimum Lot Size Calculation by Slope” table.
- Included requirement for a geologic hazards plan and compliance with Chapter 18.10, Sensitive Lands Protection standards (requirements may be waived).

Clarified incentive in Redevelopment Overlay district: Clarified that five-foot allowance to encroach into rear setback is not allowed within the Fountain Creek floodway.

Developed new Sensitive Lands Protection standards: This new set of development standards is the heart of the proposed approach to reduce and mitigate hazard risk. The working group initially recommended that the project should include a hazard overlay tool; however, that approach would require parcel-specific mapping for each natural hazard. With this revised approach, the applicant would meet with staff on-site prior to application submittal to consider potential hazards and mitigation opportunities. The applicant would be advised whether a site assessment, geologic hazards or other report is required. Fire Department staff would apply guidance they are developing to conduct site-specific wildfire evaluations and provide wildfire mitigation recommendations. Other components:

- A “limits of disturbance” standard is provided with criteria for establishing the area of development on a site to minimize impacts to environmental features and reduce impacts from natural hazards.
- Standards are provided for development in floodplain and geologic hazard areas (geologic hazard plan requirements are relocated from Chapters 18.72 and 18.76).
- New minimal wildfire mitigation standards are provided to address defensible space and vegetation maintenance.
- Requirements would apply to development requiring a grading permit, building permit, or an addition or alteration of a defined minimum square footage - *Identified as a topic for discussion with working group*

Made concept plan procedure optional: Clarified this is an informal process that the applicant may use to share a concept plan to get feedback from staff and Planning Commission prior to

submittal of a Major Development Plan. Evaluation criteria are included. Proposed to include only one meeting with the Planning Commission (removed step for City Council action).

Relaxed minor modifications thresholds: The thresholds that delineate major and minor modifications are adjusted upward to provide more flexibility to the applicant and to facilitate infill and redevelopment activity.

Strengthened requirements for retaining walls: Added a requirement that retaining walls over four feet in height require engineer-approved plans and a Regional building permit.

Clarified procedures: Made updates to development procedures to improve clarity, including decision-making responsibilities; included additional discretionary authority for staff (Planning Director); and improved submittal information and approval criteria.

Strengthened grading permit procedures: The draft includes the following additions -

- Purpose statement addressing need to minimize adverse impacts to adjacent properties.
- Grading permit is required for excavation or fill in a mapped floodplain or geologic hazard area.
- Planning Director may require a geologic hazard plan in conjunction with a grading permit.

Revised landscape plan requirements: Updates were made to the landscape plan requirements to reflect *Plan Manitou* policies for xeriscaping and to help mitigate wildfire risk. The draft includes a revised purpose statement and standards to:

- Require integration of native, drought-tolerant plants into landscape plans and building site plans.
- Apply landscaping to support natural hazard mitigation objectives, including requirement for five-foot defensible space around structure and cross-reference to more specific wildfire mitigation standards in Section 18.10.
- Allows for alternative landscape plan to address diverse circumstances and promote higher quality landscaping on infill and redevelopment sites.

Consolidated Definitions: Consolidated definitions from subdivisions and zoning into one section and moved it to the end of Title 18.

Next steps

Clarion Associates, Department of Local Affairs, and Planning staff will review the draft updates with the Planning Commission in a work session on April 25, 2018 at 6:00 pm.

We welcome your feedback! Upcoming opportunities to provide feedback include:

- Visit the project webpage for updates:
<http://www.manitouspringsgov.com/government/departments/planning/planning-for-hazards>
- Community Open House - date to be determined
- Contact Karen Berchtold with Manitou Springs Planning staff at 719-685-2559 or visit planmanitou.com to submit questions or to sign up for updates