

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 18.08.050 AND 18.64.020 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING RESIDENTIAL DENSITY IN DEVELOPMENT IN THE DOWNTOWN ZONE DISTRICT AND DEVELOPMENT STANDARDS TABLE.

WHEREAS, based upon the current restrictions on residential density in the Downtown Zone District, the City has approved numerous variances to allow for a wide array of different densities;

WHEREAS, to alleviate the obligation of property owners to obtain a variance for certain residential densities but still provide for a mechanism by which the City may review these uses and ensure the best interests of the citizens of the City are protected, the City Council finds that it is appropriate to amend the residential density zoning restrictions for the Downtown Zone District;

WHEREAS, on April 8, 2015, the Manitou Springs Planning Commission conducted a public hearing for purpose of discussing and taking public comment on proposed amendments to Sections 18.08.050 and 18.64.020;

WHEREAS, after reviewing the recommendations of the Planning Department and considering public comment, the Manitou Springs Planning Commission recommended approval of the amendments to Sections 18.08.050 and 18.64.020;

WHEREAS, the City Council finds that the proposed amendments clarify residential density allowances in the Downtown Zone District and establish new review procedures for such uses; and

WHEREAS, these amendments conform the purposes and goals of the City's Comprehensive Plan and are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Section 18.08.050(B)(40) is hereby amended to read as follows:

40. Residential uses above the first floor, or on the ground floor if the residential use is at the rear of the commercial space and above the one hundred-year flood elevation. Residential uses not exceeding 15 dwelling units per acre are permitted by right subject to development review. Residential uses with between 15 and 28 dwelling units per acre are subject to the conditional use review process. Under no circumstances may residential density exceed 28 dwelling units per acre.

Section 2: Section 18.64.020 – Development Standards is hereby amended to read in its entirety as follows:

Table 2. Development Standards

STANDARD S	HDR	GR	LDR	HLDR	DWTN	C	OS	PK	PF
Minimum lot size	N/A (Determined by # of du's)	4,400 sq. ft. ^m	8,700 sq. ft. ^l	See HLDR Table	N/A	N/A	^c	^d	^d
Residential density ⁿ	15 du/ac	10 du/ac	5 du/ac	See HLDR Table	See Section 18.08.050(B)(40)	15 du/ac	N/A	N/A	N/A
Minimum lot frontage	50 ft.	45 ft.	85 ft.	85' platted 100 ft. unplatted	25 ft.	50 ft.	N/A	N/A	N/A
Maximum building height; sup\sup	30 ft. ^e	25 ft. ^f	25 ft. ^f	25 ft. ^g	40 ft.	35 ft. ^a	15 ft.	25 ft.	30 ft. ^e
Maximum lot coverage	75%	50%	35%	20/10% ^j	100%	75%	N/A	N/A	75%
Minimum setbacks				^h		^{sup\sup} ;			
Front — Permanent	15 ft.	10 ft. 15 ft. to garage (attached or detached) or any permanent accessory structure	20 ft. ^k	25 ft. platted/ 35 ft. unplatted	0 ft.	10 ft.	N/A	N/A	10 ft.
Front — Temporary	N/A	15'	N/A	N/A	N/A	N/A			N/A
Side — Permanent	10 ft.	7.5 ft. ^o	10 ft.	10 ft. platted/ 20 ft. unplatted	0 ft.	5 ft.	N/A	N/A	5 ft.

Side — Temporary	N/A	3 ^q	N/A	N/A	N/A	N/A			N/A
Rear — Permanent	15 ft.	15 ft. ^p	25 ft.	25 ft. platted/ 25 ft. unplatted	0 ft.	10 ft.	N/A	N/A	10 ft.
Rear - Temporary	N/A	3 ^q	N/A	N/A	N/A	N/A			N/A
Maximum Front Setbacks	N/A	N/A	N/A	50 ft. platted/ 100 ft. unplatted	N/A	N/A	N/A	N/A	N/A

Section 3: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4: The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and Ordered Published this 2nd day of June, 2015.

/s/Donna Kast
City Clerk

A Public Hearing on this ordinance will be held at the June 16, 2015 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: June 4, 2015 (in full)
City's Official Website and in City Hall

Passed on Second Reading and Ordered Published this 16th day of June, 2015.

Approved: /s/ Marc A. Snyder
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk

Ordinance Published: June 18, 2015 (in full)
City's Official Website and City Hall