

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING TITLE 18 OF THE MANITOU SPRINGS MUNICIPAL CODE TO INCLUDE PROVISIONS FOR A REDEVELOPMENT OVERLAY DISTRICT WITHIN THE URBAN RENEWAL AUTHORITY (URA) BOUNDARIES OF THE COMMERCIAL ZONING DISTRICT; ADDING DEFINITIONS TO SECTION 18.60.010; AMENDING SECTION 18.08.060(B) PERMITTED USES IN THE COMMERCIAL ZONE AND AMENDING SECTION 18.64.020 DEVELOPMENT STANDARDS TABLE 2.**

**WHEREAS,** In an effort to facilitate redevelopment in the defined Manitou Springs Urban Renewal Area, the Planning Commission in conjunction with the URA find changes and flexibility within the Zoning Code necessary and have recommended the following changes; and

**WHEREAS,** The Manitou Land Use Model (LUM) developed for the Urban Renewal Authority envisions a mix of land uses, primarily to include commercial lodging, multi-family housing within mixed use developments, and commercial uses, such as retail, office, restaurants, public facilities and parking. The Model also anticipates higher densities, varied building heights, and opportunities for shared parking, streetscape improvements, and enhancements along the Fountain Creek; and

**WHEREAS,** All land within the URA is currently zoned Commercial. The purpose of this Code revision is to tailor the permitted uses and development standards to the vision and objectives of the URA; and

**WHEREAS,** the City Council desires to amend Title 18 of the Code to provide flexibility to the Zoning Code to stimulate redevelopment within the Urban Renewal Authority boundaries.

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

**Section 1:** Section 18.08.060(B) Permitted Uses in the Commercial Zone of the Manitou Springs Municipal Code is hereby amended by the addition of the following terms, which shall appear alphabetically in the existing text of this section:

1. Assisted Living Facility
2. Brewery/Brewpub

**Section 2:** Section 18.60.010 of the Manitou Springs Municipal Code is hereby amended by the addition of the following terms, which shall appear alphabetically in the existing text of this section:

**18.60.010 - Definitions.**

“Brewery/Brewpub” means an eating establishment that sells 25% or more of its beer on site and no more than 75% of its beer off-site.

**Section 3:** Section 18.08.065 Redevelopment Overlay Zoning Designation is hereby added to Title 18 of the Manitou Springs Municipal Code, and shall provide as follows:

**18.08.065 Redevelopment Overlay (RO).**

**A. PURPOSE**

The purpose of the Redevelopment Overlay is to provide greater flexibility in the Commercial Zone standards to facilitate redevelopment in the defined Manitou Springs Urban Renewal Area (URA) while simultaneously advancing the development and design objectives set out in Section 4.3 of the Manitou Springs East Corridor Urban Renewal Plan, November 2006. The Land Use Model developed for the Urban Renewal Authority envisions a mix of land

uses, primarily to include commercial lodging, multi-family housing within mixed use developments, and commercial uses, such as retail, office, restaurants, public facilities and parking. The Model also anticipates higher densities, varied building heights, and opportunities for shared parking, streetscape improvements, and enhancements along the Fountain Creek.

Development and design objectives of the Corridor include;

- Encouraging pedestrian friendly mixed-uses
- Provision of affordable housing
- Improving public access to the creek
- Enhancing connections to the Midland Trail
- Flood mitigation in Fountain Creek
- Provision of public areas and public art
- Streetscape enhancements
- Limit the dominance of parking on the streetscape
- Retaining historic structures
- Provision of landscaping above the City's standard requirements
- Building to LEED certification standards

#### B. PERMITTED USES IN THE REDEVELOPMENT OVERLAY

The following specific uses shall be allowed in the Redevelopment Overlay Zone without requiring review by the Planning Commission and approval of City Council:

1. All uses allowed as permitted uses in the Downtown Zone.
2. All uses allowed as permitted uses in the Commercial Zone.
3. Assisted Living Facility.

#### C. APPROVAL STANDARDS IN THE REDEVELOPMENT OVERLAY ZONE

Refer to Chapter **18.64** Development and Parking Standards Matrix. In addition, the following exceptions will be made to encourage development that complies with the URA development and design objectives stated above:

1. A project can qualify for a Development Standard Incentive Award as defined below. A project must address two of the URA objectives for each Development Standard Incentive Award requested. The Manitou Springs Urban Renewal Authority will determine if the project meets this requirement and will advise the Planning Commission accordingly.
  - Residential Density Incentive Award: An increase in density up to a maximum of 20 du/ac.
  - Building Height Incentive Award: A 5' increase in maximum building height.
  - Front Setback Incentive Award: A 5' reduction in the front setback.
  - Side Setback Incentive Award: A reduction in the side setback to 0 feet on internal lot lines to facilitate redevelopment of multiple parcels.
  - Rear Setback Incentive Award: Encroachment into the rear set back up to a maximum of 5' for decks and patios only.
2. For mixed-use developments, shared parking will be encouraged provided that:
  - A Parking Demand Analysis is submitted on a case by case basis, which adequately demonstrates that the mix of uses justifies the proposed reduction in parking.
  - The reduction in the total parking requirement does not exceed 20%.
  - Parking Management Guidelines are submitted to address issues such as the non- assignment of parking spaces.

**Section 4:** Section 18.64.020 is hereby amended to Title 18 of the Manitou Springs Municipal Code, and shall provide as follows:

<b>Table 2: Development Standards</b>	
<b>STANDARDS</b>	<b>RO</b>
Minimum lot size	N/A
Residential density	15 du/a n
Minimum lot frontage	50 ft.
Maximum building height	35 ft. a/n
Maximum lot coverage	75%
Minimum setbacks	
Front	10 ft. n
Side	5 ft. n
Rear	10 ft. n
Maximum front setbacks	N/A

n - In the Commercial Redevelopment Overlay Zone, Development Standard Incentive Awards are available for projects that address two or more of the development and design goals of the Manitou Springs Urban Renewal Area, in accordance with the requirements of Section 18.08.060A.C.1 of this Zoning Ordinance.

**Section 5:** 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 6:** 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 7:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 8:** This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on First Reading and Ordered Published this 17<sup>th</sup> day of November, 2015.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance will be held at the December 1, 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: November 19, 2015 (in full)  
*City's Official Website and City Hall*

Passed on Second Reading and Ordered Published this 1<sup>st</sup> day of December, 2015.

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

Attest: /s/ Donna Kast  
City Clerk

Ordinance Published: December 3, 2015 (in full)  
*City's Official Website and City Hall*