

ORDINANCE

AN ORDINANCE AMENDING SECTION 18.60.010 OF THE MUNICIPAL CODE OF THE CITY OF MANITOU SPRINGS, COLORADO, REGARDING THE DEFINITION OF TEMPORARY AND PERMANENT ACCESSORY STRUCTURES IN RESIDENTIAL AND COMMERCIAL ZONES AND SECTION 18.64.020 REGARDING SETBACKS FOR TEMPORARY ACCESSORY STRUCTURES.

WHEREAS, the Manitou Springs Planning Department has recommended updates and clarification to the Zoning Code relating to the definitions and setbacks for accessory structures in all residential and commercial zoning district to coordinate with changes in the recently adopted International Building Code; and

WHEREAS, the City Council, after reviewing the recommendations of the Planning Department and Planning Commission, has determined it is in the public interest to enact the proposed amendments to provide for greater public understanding and to further the intent of the regulations.

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

Section 1: Section 18.60.010 of the Manitou Springs Municipal Code is revised by the deletions of the definitions of temporary accessory structure and permanent accessory structure.

Section 2: Section 18.60.010 of the Manitou Springs Municipal Code is revised by amendments to the following definitions:

"Accessory use or structure" means a use or detached structure subordinate to the principal use or structure, and located on the same lot or parcel, or an adjacent lot or parcel with easement or deed restriction, serving a purpose that is incidental to the principal use or structure. Accessory uses or structures may include, without limitation, storage sheds, garages and parking areas, children's play equipment, and antennas.

"Administrative review" means the Planning Staff generally will review the following types of development, which have no significant visual or topographic impacts. Developments which otherwise qualify for staff review, but do have visual or topographic impacts will be processed as Minor Developments. Administrative Review generally includes:

1. One single-family dwelling;
2. Up to two, multifamily dwellings;
3. Expansion of existing, nonresidential development fifteen percent or less;
4. Accessory structures pursuant to Section 18.12.010.

Section 3: Chapter 18.12 of the Manitou Springs Municipal Code is repealed and reenacted to read as follows:

18.12 – Supplemental Regulations

18.12.010 - Accessory Structures

- A. All accessory structures require administrative review and approval by the City pursuant to Chapter 18.16. Accessory structures that are more than 12’ in height, greater than 120 square feet on commercial properties or greater than 200 square feet on residential properties, or on a permanent foundation must comply with the development standards for permanent structures and must also obtain a building permit through Pikes Peak Regional Building Department (PPRBD). Accessory structures which do not require a permit from PPRBD shall comply with the development standards for temporary structures.
- B. Accessory structures shall meet the height requirement for the zone district they are located in.
- C. Accessory uses or structures for rental or associated with unlicensed business activity are not permitted.
- D. Accessory structures may not include any sanitary or kitchen facilities.

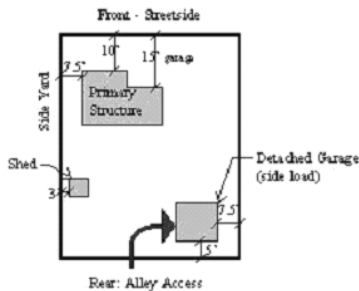
Section 4: Section 18.64.020 “Development Standards” Table 2 of the Manitou Springs Municipal Code shall be revised to read as follows:

The following standards shall apply to all structures, including accessory structures, within the City:

Table 2. Development Standards

STANDARDS	HDR	GR	LDR	HLDR	DWTN	C	OS	PK	PF	RO
Minimum lot size	N/A (Determined by # of du's)	4,400 sq. ft. ^m	8,700 sq. ft. ¹	See HLDR Table	N/A	N/A	^c	^d	^d	N/A
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	15 du/a ⁿ
Minimum lot frontage	50 ft.	45 ft.	85 ft.	85' platted 100 ft. unplatted	25 ft.	50 ft.	N/A	N/A	N/A	50 ft.
Maximum building height ⁱ	30 ft. ^e	25 ft. ^f	25 ft. ^f	25 ft. ^g	40 ft.	35 ft. ^a	15 ft.	25 ft.	30 ft. ^e	35 ft. ^{a/n}
Maximum lot coverage	75%	50%	35%	20/10% ^j	100%	75%	N/A	N/A	75%	75%
Minimum setbacks				^h		^b				

Front — Permanent	15 ft.	10 ft. or 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.	10 ft. ⁿ
Front — Temporary	15 ft.	15 ft.	20 ft. ^k	25 ft. platted/ 35 ft. unplatted	0 ft.	10 ft.	N/A	N/A	10 ft.	10 ft.
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.	5 ft. ⁿ
Side — Temporary	3 ft. ^q	3 ft. ^q	3 ft. ^q	3 ft. ^q	0 ft.	5 ft.	N/A	N/A	5 ft.	
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.	10 ft. ⁿ
Rear — Temporary	3 ft. ^q	3 ft. ^q	3 ft. ^q	3 ft. ^q	0 ft.	0 ft.	N/A	N/A	10 ft.	10 ft.
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	N/A



Examples of Building Setbacks in the General Residential Zone District

- a. If in compliance with an approved stepped facade or roof line, building height may be up to forty feet in the Commercial zone and forty-five feet in the Downtown zone, with new facades adjacent to lower buildings "stepped" to provide a gradual height transition from adjacent buildings and from public pedestrian ROW.

In the absence of "stepped" provisions, the maximum height as measured from the sidewalk elevation shall be as stated in the above table. The minimum requirement to meet a "stepped" provision is twenty-five percent of the length of the roofline elevation.

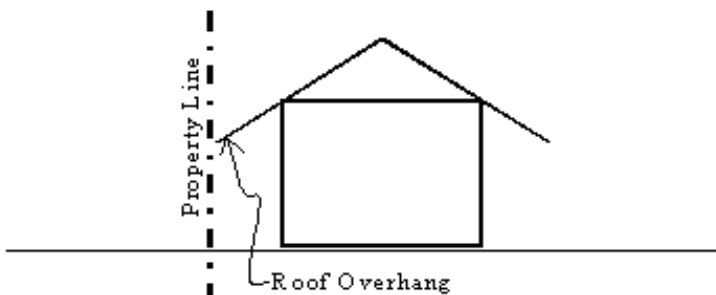
- b. When adjacent to Residential zone districts, greater setbacks may be required and determined upon Rezoning or Minor/Major Development Plan.
- c. Development standards shall be established by the Open Space Management Plan, as established by a Development Plan as approved by City Council.
- d. Development standards are determined by the review of the concept or development plan at the time the zone is established, or as amended.
- e. Heights of structures shall be thirty feet as calculated in the Building Height definition, unless a property is located within the Historic District and receives a material Change of Appearance Certification incorporating steep roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty-five feet.
- f. As calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep, roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed thirty feet.
- g. Building height shall be twenty feet if the closest point of the structure is within one hundred feet of a ridgeline.
- h. Setbacks in the HLDR zone may be established by a platted building envelope as determined at time of subdivision.
- i. In all cases, the height of the building shall be compatible, and in character with, the surrounding neighborhood.
- j. Total lot coverage by structures, including attached or detached accessory structures, shall not exceed twenty percent on lots averaging twenty percent slope or below; and ten percent lot coverage on lots with slopes of greater than twenty percent.
- k. The minimum street yard setback requirement shall not apply to Crystal Hills Estates Filing Number 3; instead, the minimum street yard setback shall be fifteen feet from the property line.
- l. The minimum lot size in existing subdivisions, where lot(s) platted in the current filing of the subdivision (as of September 25, 1996) are being replatted, shall be no less than eighty percent of the average lot size of the current subdivision. In no case shall the minimum lot size of the replatted lot(s) be less than eight thousand seven hundred square feet.
- m. The maximum lot size in existing subdivisions, where lot(s) platted in the current filing of the (as of September 25, 1996) are being replatted, shall be no more than one hundred twenty percent of the average lot size of the current subdivision.
- n. The maximum density is not guaranteed and relies on the availability of services, topography, preservation of environmental and/or historic features, available access, and surrounding neighborhood character for appropriate density.
- o. Within the Historic District, subject to the Historic District Design Guidelines, a setback of less than seven and one-half feet may be reviewed and approved, conditionally approved, or denied by the Historic Preservation Commission. At no time without variance approval, shall the side setback be less than five feet or less than a six feet separation from neighboring buildings/structures including across property lines.
- p. The stated rear setback includes garages accessed from the front. Alley accessed, detached garages may have a rear yard setback of ten feet for rear-loaded and five feet for side-loaded buildings.
- q. Not less than a six feet separation to neighboring buildings/structures, including across property lines.



Examples of "stepped" building rooflines.

The following structural features or elements shall be allowed, as defined, to project into the required setbacks in any zone without processing of a Variance application. The above improvements, in variance form or not, shall not extend over any property boundary unless otherwise noted:

1. Architectural Features. Cornice, belt course, sill, canopy or other similar architectural features, not including bay window or vertical projection, may extend or project into a required front, side or rear building setback four inches for each foot of width of such setback but may not extend or project into the required front, side or rear setback more than a total of thirty inches. In no case shall the setback be less than six feet from neighboring buildings/structures including across property lines.
2. Chimneys. Chimneys may project into a required front, side or rear setback up to two feet if the width of the setback is not reduced to less than three feet. In no case shall the setback be less than six feet from neighboring buildings/structures including across property lines.
3. Fire Escape, Stairway, Access Ramp. A fire escape, open stairway or handicap access ramp may extend or project into any front, side or rear setback if the width and/or depth of the setback is not reduced to less than three feet.
4. Porches, Decks, Balconies. Covered porches, permanent decks and balconies may not extend or project into required front, side or rear setbacks and must meet the same setbacks as the principal structure. Uncovered temporary decks and patios may extend into required front, side or rear setbacks, per the definitions for such.
5. Stoops. A stoop, twenty square feet or less, may project into a required front, side, or rear setback if the width and/or depth of the setback is not reduced to less than three feet.
6. Eaves and Overhangs. May project up to three feet into the side setback but may not extend beyond the property line.
7. Retaining Walls. Retaining walls of any height may be constructed without setbacks. With prior permission, retaining walls may also be constructed, as may be necessary, within public rights-of-way and across property lines to connect to other retaining walls. (See definition for more information.)
8. Fences. Fences of six feet or less may be constructed without setbacks within the property boundaries providing that such construction does not interfere with traffic site lines or the visibility of cars exiting driveways. Fences over six feet in height may require setbacks for the preservation of light, air and/or views to adjacent buildings. (See definition for more information.)



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.

Passed on first reading and ordered published this 6th day of December, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the December 20, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: December 8, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published by City Council this 20th day of December, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: December 22, 2016 (in full)
City's Official Website and City Hall