

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, REPEALING AND REENACTING SECTION 17.04.060 OF MANITOU SPRINGS MUNICIPAL CODE REGARDING HISTORIC DISTRICT INCENTIVES, AMENDING SECTIONS 18.64.020.e, 18.64.020.f, AND 18.64.020.o OF THE MANITOU SPRINGS MUNICIPAL CODE REGARDING SETBACK AND BUILDING HEIGHT RELIEF IN THE HISTORIC DISTRICT, AND AMENDING SECTION 12.20.070.E OF MANITOU SPRINGS CODE REGARDING COLOR SIDEWALK REIMBURSEMENT IN THE HISTORIC DISTRICT.

WHEREAS, the City imposed a moratorium on the acceptance of applications for incentive awards for properties within the City’s Historic District, the purpose of which was to allow the Historic Preservation Commission an opportunity to study the matter of incentive awards and make recommendations to City Council for revisions to the City’s Historic District incentive award program;

WHEREAS, the Historic Preservation Commission has made recommendations to the City Council regarding the types of incentives available from the City to property owners; and

WHEREAS, the City Council has determined these revisions are in the best interests of the City and its residents and desires to enact the proposed incentives and to lift the moratorium on requesting incentives established by Ordinance 0416.

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

Section 1: Section 17.04.060 “Incentives Awards”, of the Manitou Springs Municipal Code is hereby repealed, renamed, and reenacted as follows:

17.04.060 – Historic District Incentives.

The purpose of this Section is to provide economic and other incentives to encourage and support the preservation, maintenance and appropriate rehabilitation of property and structures within the City’s Historic District. The incentives and awards outlined this Section may be available to property within the City’s Historic District.

- A. Reimbursement for colored concrete sidewalks per Section 12.20.070.E of this Code.
- B. The following incentives and assistance may be granted by the Historic Preservation Commission when associated with a request for MCAC approval:
 - 1. Height restriction relief per Sections 18.64.020.e and 18.64.020.f of the Manitou Springs Zoning Regulations for new construction or alterations to an existing building.
 - 2. Side setback relief per Sections 18.64.020.o of the Manitou Springs Zoning Regulations for new construction or alteration to an existing building.

3. Financial award under the “*Vicky Bunsen Doucette Memorial Mini-Grant for Maintenance of Historic Properties*” subject to the provisions of the program and availability of annual funding.
 4. Issuance of a letter of support by the Planning Department for waiver or amendment of building code requirements not affecting the safety of a building. The letter may be issued when application of the building code would detrimentally impact the historic and architectural integrity of a Contributing Resource in the Historic District.
- C. When a MCAC approved by the Commission has been completed and passed final inspection by the City staff, the owner of the improved property shall be eligible to apply for the following incentive awards so long as said property is included in the Historic District:
1. Value Added Incentive Award.
 - a. An owner who constructs approved improvements to an existing Contributing Resource within an Historic District shall be entitled to claim an incentive award in an amount equal to one hundred percent (100%) of the City's share of income from ad valorem taxes so paid by said owner upon increased assessed valuation resulting from the improvements for the first five calendar years following reassessment of the property.
 - b. The amount of this claim shall be determined by applying the City mill rate levied in the year of the improvements to the difference between the assessed value before and after the improvements.
 - c. Said owner, or subsequent owner if the property is sold within the five-year period following improvements, may make annual claims for this award in the same amount in each of the five years immediately following the year in which the assessor has increased the assessed value of the improvements.
 - d. The annual claim shall be made on a form to be designed by the Finance Director and accompanied by the County Treasurer's tax bill for the year before and after the improvements.
 2. Use Tax Refund Incentive Award.

Any person who constructs an approved structure or improvements to an existing building within an Historic District shall be eligible to apply for an award of fifty percent (50%) of the base use tax amount, excluding in late fees or charges, collected on the actual price paid for building materials and fixtures incorporated in the improvements. The term "actual price" is defined as the net result of reconciling the estimated use tax paid upon issuance of the building permit with the actual use tax paid upon completion of the improvements. An application for such an award shall be filed with the Finance Department.
 3. Other Incentive Awards

Owners of property who qualify for incentive awards authorized in subsections (1) and/or (2) of this section are also eligible to apply for waiver of the following fees and charges specified elsewhere in the Municipal Code:

- a. Up to fifty percent (50%) of Historic Preservation Commission fees and charges (excluding those associated with demolition review).

Section 2: Sections 18.64.020.e and 18.64.020.f of the Manitou Springs Municipal Code is amended to read as follows:

- e. Height of structures shall be thirty feet as calculated in the Building Height definition, subject to the exemption in this subsection. Properties within the Historic District applying for a Material Change of Appearance Certification that incorporates steep roof pitches may obtain approval from the Historic Preservation Commission of a building height up to 35 feet if that proposed height is compliant with the Historic District Design Guidelines.
- f. As calculated in the Building Height definition unless the property is subject to the exemption in subsection (e) above.

Section 3: Section 18.64.020.o of the Manitou Springs Municipal Code is amended to read as follows:

- o. Within the Historic District, subject to the Historic District Design Guidelines, a setback of less than seven and one-half feet may be approved, conditionally approved, or denied by the Historic Preservation Commission if the reduced setback is compatible with the surrounding properties and will not adversely impact neighboring properties. At no time without variance approval, shall the side setback be less than five feet or result in less than a six feet separation from neighboring buildings/structures including across property lines.

Section 4: Section 12.20.070.E of the Manitou Springs Municipal Code is amended to read as follows:

- E. Color. Color shall be added to all new or replaced sidewalks within the boundaries of either the Local Preservation District or the National District. This requirement is not applicable to areas of concrete less than two square feet. This requirement is also applicable to all city sidewalk projects. The color and proportion of the color shall be in accordance with the current city commercial or residential design guidelines handbook or as approved by the historic preservation commission. The city shall reimburse the owner for the cost of the color addition to the concrete in the amount of up to twenty-five percent of the total cost of the concrete materials used for the sidewalk, subject to available funds.

Section 5: The moratorium on requesting the current incentives in the Historic District Regulations shall terminate upon the effective date of this ordinance.

Section 6: 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 7: 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 8: This ordinance is necessary for the protection of the health, welfare and safety of the community.

Section 9: This ordinance shall take effect five (5) days after final approval on second reading and publication.

Passed on first reading and ordered published this 18th day of October, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the November 1, 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: October 20, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 1st day of November, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: November 3, 2016 (in full)
City's Official Website and City Hall