

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, AMENDING SECTIONS 17.04.050 AND 18.26.070 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING EXPIRATION OF MATERIAL CHANGE OF APPEARANCE APPROVALS AND DEADLINES FOR COMMENCING MINOR AND MAJOR DEVELOPMENTS

WHEREAS, Section 18.26.070 of the Manitou Springs Municipal Code (the “Code”) currently requires the commencement of development within one-year after approval of a minor or major development, and provides for an extension of six months upon a showing of good cause;

WHEREAS, Section 17.04.050 of the Code provides that a Material Change of Appearance Certification (“MCAC”) expires within one year from the date of issuance;

WHEREAS, the City Council finds that these deadlines are overly restrictive and result in frequent extension requests and duplicative reviews of projects; and

WHEREAS, the City Council desires to provide more time for owners of property to commence development activity on their property after a minor or major development application has been approved or after a MCAC has been issued, yet the City Council still desires to maintain a deadline to encourage commencement of projects that have gone through the development process and to discourage speculative projects that consume City time and resources.

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

Section 1: Section 18.26.070 of the Manitou Springs Municipal Code is hereby amended to read as follows

18.26.070 - Failure to start major or minor development.

- A. If no building permit is issued on a Major Development within twelve months after planning permission has been granted by the City Council then that permission will lapse, unless good cause can be shown to the City Planning Director that the permission should not lapse. In the event that good cause is shown, the permission may be extended by the City Planning Director for up to one, twelve-month period.
- B. If no building permit is issued on a Minor Development within twelve months after planning permission has been granted by the City Planning Commission then that permission will lapse, unless good cause can be shown to the City Planning Director that the permission should not lapse.

In the event that good cause is shown, the permission may be extended by the City Planning Director or the Planning Director's designee for up to one, twelve-month period.

- C. "Good cause" for purposes of this Section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the development with due diligence.
- D. The deadlines for issuance of a building permit set forth in this Section may be modified in a development agreement approved and executed by the City and the applicant. Although minor developments are approved by the Planning Commission, development agreements for both minor and major developments require review and approval by the City Council.

Section 2: Section 17.04.050(B)(7) is hereby amended to read as follows:

- a. The Regional Building Department, the Planning Department, or any other local authorities shall not issue a regulated permit which authorizes an Alteration to a Resource within a Historic District until an MCAC has been approved. Such approvals are valid for one year from the date of issuance, and failure to obtain a building permit to undertake the Alteration within one year shall result in the expiration of the approval. In the event that good cause is shown, the MCAC approval may be extended by the City Planning Director or the Planning Director's designee for up to one, twelve-month period.
- b. "Good cause" for purposes of this Section shall mean justifiable and reasonable reasons why a building permit was not issued by the deadline. Examples of good cause include delays in building permit review by the reviewing agency, inability to secure financing in a timely manner, unforeseen conditions at the property such as soils or drainage problems, and similar causes not solely the result of the applicant's failure to pursue the Alteration with due diligence.

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: 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 1st day of November, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the November 15, 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: November 3, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 15th day of November, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: November 17, 2016 (in full)
City's Official Website and City Hall